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## Pastor pledges return to abortion clinic

By [John Simerman](#)  
[Contra Costa Times](#)

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Thin and weary after 18 days in jail, anti-abortion activist the Rev. Walter Hoye said he plans to return outside an Oakland clinic where he spent his Tuesday mornings trying to steer women away. And according to a memo from a city official, police won't stop him, despite an Alameda County judge's order for Hoye to keep his distance.

Hoye, 52, of Union City was convicted in January on two misdemeanor counts under Oakland's year-old "bubble law," which bans approaching within eight feet of people entering abortion clinics. He chose jail time instead of community service to avoid a 3-year probation order to keep 100 yards from the Family Planning Specialists Medical Group clinic near Jack London Square.

But Superior Court Judge Stuart Hing ordered the probation anyway — a decision Hoye has appealed.

In a two-sentence e-mail this week to one of Hoye's lawyers, Deputy City Attorney Vicki Laden wrote that the Oakland police department "is not planning to arrest Hoye for merely being present at the clinic. If he violates the ordinance, he will be arrested." Laden could not be reached for an explanation.

Hoye called the memo "good news," though he had planned, after some rest to return to the clinic anyway.

"I never agreed to the probation. I've signed absolutely nothing," said Hoye, released Tuesday from Santa Rita Jail. "It was always my intention to go back. It looks like it'll be easy for me to go back."

A jury

convicted Hoye of breaking the year-old ordinance on two days last spring. His conviction and the probation order has galvanized a group of anti-abortion activists, who have held several protest vigils outside the clinic. Clinic director Jackie Barbic did not respond Friday to a request for comment.

City attorney spokesman Alex Katz shied away from the memo Friday.

"If Hoye or anybody else in Oakland breaks the law or violates their probation in some way, they are subject to arrest by the police," said Katz.

Hoye, executive elder of the Progressive Missionary Baptist Church in Berkeley, who has filed a legal challenge to the constitutionality of the law, claims he followed it and merely sought consent from women to speak with them. In jail, he said, he fasted, fell ill and lost more than 10 pounds.

"It took quite a bit out of me. I'm going to take some time off to let my health recover," he said.

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Outside the Cathedral of Christ the Light in Oakland on Friday, the new leader of the Diocese of Oakland, Bishop Salvatore Cordileone, said he visited Hoye in jail on Saturday "as a gesture of solidarity, of support for him" and said there was "a question about justice ... with what really happened to get him arrested."

Hoye insists he never intended to create a big political stir.

"I wish I could tell you that was part of the grand strategy," he said. "I was there just because we wanted to reach out to the unborn child and that mother entering the clinic, and one thing led to another."

Oakland police spokesman Jeff Thomason said police officials have not discussed any strategy regarding Hoye.

"This is not one of the things we're talking about," he said. "There are more serious issues facing our community to discuss."

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