



California **Civil Rights** Foundation

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**Mission Statement**

The California **Civil Rights** Foundation is committed to protecting both the civil and human rights of the pre-born child by recognizing the inherent dignity and inalienable rights of all members of the human family.

“The care of human life and happiness and not their destruction is the first and only legitimate object of good government.”

**Thomas Jefferson**  
To the Citizens of Washington County,  
Maryland, March 3rd, 1809

## **MEDIA ADVISORY**

### **For Immediate Release**

San Francisco, California (Monday, October 11th, 2010) – **The Ninth Circuit Panel Openly Skeptical of Oakland’s Abortion-Friendly Law**

The lawyers for the City of Oakland encountered tough questioning from Ninth Circuit justices Marsha Berzon and Stephen Reinhardt during oral argument on Walter Hoye’s challenge to the constitutionality of the City’s “Mother May I” law restricting sidewalk counseling. According to Mr. Hoye the City of Oakland’s forthright admission that the City interpreted the law as not applying to clinic escorts “facilitating access” to abortion clinics

was met with raised eyebrows. However, it was the City of Oakland’s further suggestion that the law didn’t apply to anything but speech intended to discourage women from having abortions that brought sharp rebukes from the justices.

Life Legal Defense Foundation’s Legal Director Katie Short and volunteer attorney Michael Millen filed suit on Walter Hoye’s behalf immediately after the law’s passage in December 2007. The lawsuit challenged several aspects of the ordinance as unconstitutional, including its preference for pro-abortion speech over pro-life speech. The suit also alleged that the active interference and blocking by clinic escorts turned the law’s 8-foot “buffer” around patients into an insurmountable barrier to communication.

In August 2009, federal district judge Charles Breyer granted summary judgment for the City of Oakland and dismissed the case. The Life Legal Defense Foundation appealed to the Ninth Circuit Court of Appeals, and in an hour-long hearing on Friday, October 8<sup>th</sup>, 2010, the court heard arguments from both sides. Please use this link (<http://bit.ly/cBDoO4>) to listen to and/or download an audio-recording of the arguments.

“Katie Short did a great job of presenting our case,” said Millen, “but it was the City’s own admission of its true intentions that should make the justices’ jobs very

easy. Under the guise of ‘facilitating access’, the City of Oakland gave carte blanche to any speech that encourages women to go into abortion clinics, while punishing speech that merely suggested alternatives to abortion.”

The City of Oakland went so far as to say that even leaflets that were distributed outside the clinic would need to be reviewed by police to determine if the law was being violated or not. “You just won’t find a clearer textbook example of forbidden content-based discrimination than that,” added Millen.

Walter Hoye, who is Founder and President of both the California Civil Rights Foundation and the Issues4Life Foundation has this to say: “This case is extremely important to every citizen of the United States of America as our constitutionally guaranteed First Amendment right to freedom of speech is being threatened.” Hoye goes on to say, “I would also imagine that every Pastor and Priest is very concerned about the outcome of this case. After all, how effective would the ministry of the Body of Christ be under the burden of laws that promote and protect both viewpoint-based and content-based discrimination?”

A written decision from the Court of Appeals is expected in a matter of months.

The **California Civil Rights Foundation** is a 501(c)(4) organization. For more information or press inquiries, please contact Media Relations at: 510.225.4056 or visit our website at: <http://www.civilrightsfoundation.org>.