

# *Letters from a California Courtroom*

*by Walter B. Hoye II*



## **It's Do Time**

*"And it came to pass, when the time was come that He should be received up, He steadfastly set his face to go to Jerusalem."*

*Luke 9:51*

*This passage marks the beginning of Jesus' journey to the cross. His face is set "to go to Jerusalem." The time for bible study is over. The time for prayer meetings is over. The time for performing miracles is over. At this point in Jesus' ministry, He has already done these things. It is not that He will not do them again or that such was a waste of time. It is however, now time to do what His Father in Heaven sent him here to do.*

*His face is set "to go to Jerusalem." It is now time for Jesus to make His way to the cross and be crucified for the sins of all mankind. It is time now for Jesus to go to Jerusalem where He will die for your sins and mine.*

*Bible study is fine. There is nothing wrong with bible study. Please do not stop studying your bible. The bible teaches us to study to show ourselves approved to be workmen that*

*need not be ashamed. Prayer meetings are fine. The bible teaches us to always pray.*

*Still the challenge before us today is the same challenge that Jesus faced in His day. Namely, when are we going to do what our Father in Heaven has sent us here to do? When are we going to be about our Father's business? When are we going to set our face "to go to Jerusalem?"*

*Ever wonder why your spiritual growth is so slow? Ever wonder why the Church seems so powerless? Ever wonder why our families are faltering? Ever wonder why our jails are full? Ever wonder why the abortion rate in the African-American community is so high and why our church attendance is so low?*

*It is really a small wonder. The world can see our walk does not match our talk. There is a clear difference between what we say and what we do. And the difference is in the doing!*

*If we as Christians are going to overcome evil as opposed to learning how to live with evil, it is time for us to set our face "to go to Jerusalem." It's "do time!"*

***On Thursday, January 15, 2009, the Rev. Walter Hoye II, an African-American pastor from Berkeley, California, was found guilty of unlawfully approaching abortion clinic clients at a clinic in nearby Oakland. He is also the plaintiff in a lawsuit challenging the constitutionality of the ordinance under which he was prosecuted.***

Walter is an African-American pastor who feels a special calling to work for the end of the genocide-by-abortion that has been taking place in the African-American community.

As part of his pro-life ministry, he stands in front of an abortion clinic in Oakland with information offering alternatives to abortion and carrying a sign reading, "Jesus loves you and your baby. Let us help." On May 13, 2008, he was arrested for allegedly violating the newly enacted law.

On the day in question, he was confronted by an escort from the clinic, who later accused him of approaching her in a hostile, intimidating manner. Fortunately, a video was being taken at the same time that disproved her account and confirmed his. Nevertheless, he was convicted, and faces a fine of \$6,000 and a possible three years in jail at a sentencing hearing on February 19th.

The Life Legal Foundation is handling his defense. We invite all those who love life to join in praying for a good outcome at his sentencing hearing, and to join hands and voices in protesting this gross miscarriage of justice to the highest levels of government, including the White House.

You may add your voice to this effort by sending your message of support to:  
[mba4life@aol.com](mailto:mba4life@aol.com) or  
[life@issues4life.org](mailto:life@issues4life.org)

*Following is his moving account of these events:*

## ***The Silence is Killing Us!***

**By Walter B. Hoye II**

The silence in the black American Church regarding the evil of abortion is killing us. The numbers reflecting the impact of abortion in the black American community are horrifying.

From 1882 until 1968, 3,446 black Americans were lynched in the U.S. over a period of 86 years. Today, that many black babies have their lives terminated by abortion every three days. That is 5,500 times as many black Americans as were lynched in 86 years!

Today, 69% of pregnancies among black women are unintended, but the abortion rate for black women is almost five times that for white women. Indeed, a black baby is aborted every 72 seconds in America.

The fertility rate for black Americans is currently 1.9, which is below the replacement level of 2.1 according to the U.S. Census Bureau. This means that black Americans are no longer replacing themselves.

It has been reported that the abortion rate for black women is 543 abortions for every 1,000 births. In other words, a black baby has less than a 50:50 chance of being born alive. Yet black American political leaders continue to support the pro-choice movement.

*Why?*

*Why did ninety-six percent (96%) of black America vote for our new President Barack Obama, a man who supports abortion, the very action that is taking such a huge toll of the black population? The total number of black abortions has reached 19 million since 1970. That is more than six times the black population of New York State.*

*How can that be in the best interests of the black community in America?*

*Why are black American leaders afraid to acknowledge how dangerous the President's support of abortion is?*

*Are black leaders too uninformed to be outraged that for years he has been supporting and is being supported by the Planned Parenthood Federation of America, Inc.*

*Planned Parenthood is the leading provider of surgical abortions in the United States and, therefore, the leading terminator of the lives of black Americans.*

*Is it possible that black Americans really believe the product of a human father and a human mother can be anything other than a human being?*

*Do black Americans really believe a man or a woman has the right to kill their child?*

*Can it be true that black Americans really believe it is best to allow our babies to be physically dismembered and sucked out of their mother's womb into biohazardous waste bags because their parents income is below the federal poverty level?*

*Do black Americans really believe that the reason a black woman kills her child is because she understands the value of an education, the benefits of a job, and the responsibilities of parenthood and family life?*

*Do black Americans really believe that if a black woman does not have the love and support of a man, she should consider terminating the life of her baby?*

*Do black Americans really believe there is a "time and place" to suspend the constitutional rights of our offspring?*

**The statistics of abortion would say "yes" to all of the above, As a black American pastor, I am ashamed of the black Church's unwillingness to openly, publicly and forthrightly challenge the morally reprehensible impact of abortion on the black community.**

**According to Day Gardner, President of the National black Pro-Life Union, abortion is the number one killer of black Americans.**

**Abortion kills more black people than cancer, heart attacks, stroke, HIV-AIDS, accidents, and violent crime combined.**

**Yet our pulpits, if not supporting pro-choice leaders, have been criminally silent on the issue of abortion.**

**They have been negligent in providing tangible and practical help such as Post Abortion Counseling and Education (PACE) programs. They have neglected preventive education for young people to prepare them for the challenges of young adulthood. Men, women and families have been deceived by the lies of a pro-death society and hurt by a rabid abortion industry. The right to know has taken second place to the "right to choose."**

*Sadly, they are not alone in this. A great many other Christian and Catholic churches share this scandalous reticence to speak truth to power on this most important issue.*

**Yet, God has ordained every man of God to serve the spiritual needs of the present age. The Lord has given him the power to speak truth to the hearts of their people.**

**In the black community no one has more influence than the Pastor; and yet, brothers, we have willfully allowed ourselves to be deceived by our own self-interests. Abortion is clearly a moral issue. The Word of God requires us to stand up and speak against it.**

**In 1963, Dr. Martin Luther King, Jr., in his "Letter from Birmingham Jail," wrote:**

**"Whenever the early Christians entered a town, the power structure got disturbed and immediately sought to convict them for being 'disturbers of the peace' and 'outside agitators.' But they went on with the conviction that they were 'a colony of heaven,' and had to obey God rather than man. They were small in number but big in commitment. They were too God-intoxicated to be 'astronomically intimidated.' They brought an end to such ancient evils as infanticide and gladiatorial contests in which the end was death."**

**Let us face this new year without fear.**

**Let us humble ourselves and seek God's face.**

Let us repent of our sins and ask God to forgive us.

Let us, like the early Christians, boldly choose to obey God rather than man and bring an end to abortion wherever it exists.

\* \* \*

**January 6, 2009**

*Greetings Everyone...*

My trial is almost at the half way point.

It appears the prosecution (Alameda County Deputy District Attorney Robert Graff) has worked through the testimony of most of "The People's" witnesses.

I will be in court all day today and go back to court on Monday, January 12th, 2009, in Department 109 on the fifth floor of the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607-3922, the Honorable Stuart Hing presiding.

Every day court will be session from 9:30 A.M. to 12:00 Noon and from 1:30 P.M. to 4:30 P.M. The court recesses for lunch between 12:00 Noon and 1:30 P.M.

*I am experiencing a flood of emotions...*

*As I sit in the defendant's chair, I am stunned and shocked at what I hear.*

*As I sit in the defendant's chair, at times I feel anger and frustration.*

*As I sit in the defendant's chair, at times I feel alone, foolish and betrayed.*

*As I sit in the defendant's chair, at times I have no idea how God plans to unravel my circumstances.*

*As I sit in the defendant's chair, at times I can feel my freedom slipping away.*

*Nevertheless...*

*As I sit in the defendant's chair, at times I feel relieved, proud, grateful and blessed.*

*As I sit in the defendant's chair, at times I am humbled, prayerful and full of hope.*

*As I sit in the defendant's chair, I trust in God and thank Him for using me.*

*As I sit in the defendant's chair, God holds me and lifts my spirit and strengthens me.*

Below is a passage of scripture that God is using to bless me as I sit in the defendant's chair.

I pray that this passage will be a blessing to you as well ...

"For consider your calling, brothers: not many of you were wise according to worldly standards, not many were powerful, not many were of noble birth. But God chose what is foolish in the world to shame the wise; God chose what is weak in the world to shame the strong; God chose what is low and despised in the world, even things that are not, to bring to nothing things that are, so that no human being might boast in the presence of God. And because of him you are in Christ Jesus, who became to us wisdom from God, righteousness and sanctification and redemption, so that, as it is written, 'Let the one who boasts, boast in the Lord.'" – *1st Corinthians 1:26-31 (English Standard Version)*

As I consider my calling, I am forever humbled.

I marvel at the sight of God working out His perfect will for my life.

Please know that my wife (Lori) and I love you and as we sit in the defendant's chair we can feel the power of your prayers.

Again, thank you and please keep praying.

\* \* \*

**January 12, 2009**

*Greetings Everyone...*

This afternoon the last witness for the defense gave his testimony.

After being cross-examined by the Alameda County Deputy District Attorney, Robert Graff, both the prosecution and the

defense rested.

Then the presiding judge, Honorable Stuart Hing, gave my case to the jury.

However, while the judge was giving my case into the hands of the jury I was giving my life into the hand of my Lord Jesus Christ.

The jury will reconvene tomorrow, Tuesday, January 13th, 2009 at 9:30 A.M. to decide my guilt or innocence.

At this point, I am facing three years in jail and/or a \$6,000.00 fine.

It is my prayer that God's name be glorified and the life of His Son Jesus Christ be revealed in me.

Following is an update from the Life Legal Defense Foundation (LLDF) who is representing me in a divinely inspired fashion!

Lori and I are grateful to everyone who has been and is praying for us.

Please know that regardless of the outcome, we love you all!

Walter B. Hoye II

\* \* \*

**January 12, 2009**

**Update: Life Legal Defense Foundation**

The trial of Rev. Walter Hoye is nearing conclusion after a week of testimony, mostly from prosecution witnesses, about Mr. Hoye's alleged activities at the Family Planning Specialists clinic in Oakland, California.

Unknown to these witnesses and to the district attorney, an associate of Mr. Hoye had been videotaping from across the street on both of the days on which Mr. Hoye was accused of violating the law. Thus, until the defense revealed the existence of the videotape during cross-examination, the prosecution witnesses conjured up phantom patients whom Mr. Hoye had allegedly harassed, as well as claiming that he threatened two escorts and the clinic director.

The most egregious testimony came from the first witness, clinic director Jackie Barbic, who testified that, while watching Rev. Hoye for about 20 minutes from the building lobby, she saw him approach within a few feet of six to eight patients, including one who put up her hands in front of her face to ward off Rev. Hoye. She testified that after seeing these approaches, she went outside with a tape measure to show Rev. Hoye what eight feet looked like.

According to her testimony, Rev. Hoye then sauntered toward her, with a "smirk" on his face, until he was within two feet of her. All the while, she said, she was backing off, saying, "Stay away from me! Back down! Back away!" with her hands held up to protect herself. During her testimony, her voice choked with emotion as she described how fearful and intimidated she was.

On cross-examination, Ms. Barbic and the jury watched the video of this incident. The video showed Ms. Barbic approaching Rev. Hoye and pointing a tape measure at him—and Rev. Hoye not moving an inch. In the video, she can be seen lecturing him, and then talking to others. Mr. Hoye moved away.

A few minutes later, the same scene plays out again, with Ms. Barbic again pointing the tape measure at Rev. Hoye, and him moving down the sidewalk in a different direction.

When Ms. Barbic was asked if either of these were the incidents she was talking about, she immediately responded that these were not, and that there was a third incident with a tape measure that occurred later.

Contrary to her earlier testimony detailing her movements that morning, she now claimed that the video only showed when she had come down earlier in the morning to explain to the escorts where 100 feet from the clinic started.

She also claimed that she had been called down to investigate the presence of a moving van parked near the front of the clinic,

because she had to make sure there wasn't a bomb in it. The district attorney asked her if she was "100% certain" that the incident on the video was not what she had testified about earlier, and she confirmed that she was 100% certain that this was not it, and there was a later incident when Mr. Hoye threatened her, just as she had described.

There was, of course, no later incident, as the remaining video of the morning showed.

Ms. Barbic's other testimony was also contradicted in virtually every particular either by the video or by other prosecution witnesses. Mr. Hoye did not approach any patient across the street. No patient shielded herself from him. Ms. Barbic had already talked to the men loading and unloading the moving van an hour earlier; Ms. Barbic had only watched Mr. Hoye for a minute from inside the building, not the 20 minutes she first claimed.

After the existence of the videotape was revealed to the prosecution, there were no more claims that Mr. Hoye had made any threatening gestures toward anyone, although escorts did claim more approaches to phantom patients. Despite the implosion of Jackie Barbic as a witness, the district attorney kept trying to conjure evidence of a "threat of force" from Mr. Hoye out of nothing.

One escort claimed she felt intimidated when she saw Ms. Barbic approach Mr. Hoye with the tape measure and tell him to back off. "Walter didn't move. He just stood there," she said. In this escort's mind, the law required Rev. Hoye to back away from the clinic director, and the fact that he didn't do so was perceived by her as very intimidating. Or so she testified.

Upon cross-examination, it was revealed that she had never mentioned this alleged intimidation to the police or the district attorney until after the district attorney had already filed the charges against Rev. Hoye for allegedly intimidating her.

In other words, the district attorney first filed the charges naming her as a victim, and then went desperately searching for evidence to back it up. (The court dismissed this charge at the close of the prosecution's case.)

In another case, one of the "victims" claimed that she felt "creepy" when Mr. Hoye spoke to her, warning her not to trip on the curb, after she moved in front of him to cover up his sign. Both her testimony and the video confirmed that she repeatedly walked up to Rev. Hoye and took up a position either directly in front of him or slightly to the side, holding a blank sign in front of Rev. Hoye's sign. As he moved up and down the sidewalk, so did she. When asked why, if she felt intimidated, she didn't move away, she replied that it was more important that she remain in front of him "to prevent women from seeing what is on his sign."

Indeed, the escort witnesses were unanimous in this point: that the job of an escort is to prevent women from reading Rev. Hoye's sign or hearing his message. This was testified to repeatedly, in completely unambiguous terms: "The purpose of holding the blank cardboard is to prevent women from seeing the message on his sign."

*They also acknowledged that the message on the sign was "Jesus loves you and your baby. Let us help." And what does Rev. Hoye say to women? "Can I talk to you for a minute about alternatives?"*

*Those messages are "harassing" and "intimidating" and need to be censored.*

The jury has now seen the entirety of the videotapes from these two dates as part of the defense's case in chief. The trial should conclude early next week.

The case is *People v. Hoye*, No. 541279.

### **ACTION ITEM**

Please contact Alameda County District Attorney Tom Orloff and ask that he open an investigation into this prosecution of Rev.

Hoye, including

1) possible prosecution of Jackie Barbic for perjury;

2) whether there was prosecutorial misconduct in charging Walter Hoye with using “force, threat of force, or physical obstruction” against escorts without any evidence that he had at any time done so; and

3) whether there was prosecutorial misconduct in continuing to prosecute Hoye for those crimes in the face of mounting evidence that they had no basis in fact.

Write to:

Tom Orloff, Alameda Co. District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

\* \* \*

**January 15, 2009**

**Greetings Everyone...**

The jury has found me guilty of two counts of violating “Title 8: Health and Safety Chapter 8.52: Access to Reproductive Health Care Facilities” of Oakland’s Municipal Code.

Today, the Judge ordered me to stay away “100 yards” from the abortion clinic and have “no contact” with anyone associated with the clinic while I wait to be sentenced.

The Judge nearly remanded me today and is considering imposing jail time when I am sentenced.

The sentencing is tentatively scheduled for Thursday, February 19th, 2009 at 1:30 P.M. in department 109.

Thank you for your prayers.

Walter B. Hoye II

**January 17, 2009**

**Greetings in the Lord . . .**

*The Verdict Versus The Victory*

The verdict came exactly one year to the day since the Oakland City Counsel passed

“Title 8 Health and Safety Chapter 8.52: Access to Reproductive Health Care Facilities” of Oakland’s Municipal Code.

It was around 1:55 P.M. on Thursday, January 15, 2009, a beautiful day in downtown Oakland, California. I was sitting outside enjoying lunch at Ratto’s, a sidewalk deli and grocery that I highly recommend.

The company was perfect as my wife (Lori) and my lawyer (Allison Aranda, Esq.), shared stories about growing up in their respective families that shaped their commitment to Christ today.

I had almost forgotten why I was in Oakland that afternoon when Allison received a call from Department 109 on the fifth floor of the Wiley W. Manuel Courthouse, where the Honorable Stuart Hing is presiding.

It was time. The Jury had reached a decision regarding my trial. It was time to return to court and receive the verdict.

Please, allow me to share a little background to these events for those who are new to my story.

It was on Tuesday, May 13, 2008, that I was arrested for allegedly violating “Title 8 Health and Safety Chapter 8.52: Access to Reproductive Health Care Facilities” of Oakland’s Municipal Code. I was charged with doing so on both Tuesday April 29, 2008 and Tuesday, May 13, 2008.

Soon after my arrest the Alameda County Deputy District Attorney, Robert Graff, then expanded the two counts to four counts. Two for violating the above ordinance and two for allegedly using “force, threat of force, or physical obstruction” against two of the abortion clinic escorts. The penalty for each count is one year in jail and/or a \$2,000.00 fine. So when my trial started I was facing four years in jail and/or an \$8,000.00 fine.

Right after my arraignment on June 11, we filed a demurrer to the complaint, on the grounds that the complaint against me should

have to name, or at least describe, the particular “victim” of the approach.

The demurrer was overruled which means the Court did not accept our argument.

At a pretrial hearing on Friday, July 18, both of the abortion clinic escorts were cross-examined. Under oath and the penalty of perjury, both escorts admitted that I never used force against them, threatened them, or blocked them in any way.

*They proudly testified that they routinely blocked my person, my sign, (“Jesus loves you and your baby. Let us help you!”) and my plea (“May I talk to you about alternatives to the clinic?”) to prevent clinic patients from talking with me.*

One escort even went as far as testifying that I was “nice” in a sort of passive aggressive way. Still, that day, neither the presiding Judge, nor the Deputy District Attorney would dismiss the charges.

I praised God when during my thirteen day trial – which began on December 22, 2008, and ended on January 15, 2009), Judge Hing dismissed one count of harassing an abortion clinic escort after hearing the testimony of the abortion clinic escorts. Now I am facing three years in jail and/or a \$6,000.00 fine. At this point in the trial, I was hoping and praying I would eventually be exonerated.

Now back to the most recent hearing.

At around 2:15 P.M. the three of us were standing just outside the courtroom, which was locked. Soon the Bailiff would open the door and I would walk into the courtroom and sit in the defendant’s chair once again.

The defendant’s chair is located in front of the Bailiff’s desk and chair and, while comfortable, it is purposely a chair without wheels in order to limit the defendant’s ability to move suddenly. The Bailiff’s armed presence was a constant reminder that I was not free.

The courtroom was almost empty as people began to enter. Jack Sullivan, a very

good friend of mine and my wife sat on the same side of the courtroom where I was, while those who curse me and hate me sat behind the Prosecutor. I could hear each side casually chatting, trying to guess the Jury’s decision. Each side believed the facts of the case supported their suppositions.

Soon the Judge asked the Bailiff to escort the Jury into the courtroom, and while the men and women of the Jury walked into the courtroom, you could feel silence descend upon the courtroom.

The Judge is sitting on the bench, the Prosecutor is on my right, the Bailiff is right behind me and my chair feels like it is stuck to the floor, effectively locking me into the table where I am sitting.

*Time has really slowed down.*

*I can hear the Judge ask the Jury:*

*“Have you reached a verdict?”*

*I can hear the Jury Foreman say:*

*“We have, your Honor.”*

At this point, suffering for Christ sake is no longer an academic exercise. At this point being persecuted for the sake of the Gospel is no longer a “righteous risk” taken by “them”, “they”, “these” and “those” in a Bible story. At this point, it is not about Moses and Aaron or Elijah and Elisha or Paul and Silas or any other Biblical character or courageous Saint for that matter. At this point, it is about me, my wife, my family, my life, my cross, my faith, my Christ.

All of a sudden my mind is flooded with questions:

*What am I going to do? Where will my faith in God lead me? Is my confidence in Christ real enough to pass this test? Will I practice what I preach? Will my walk match my talk? Will the Son of God be revealed in me to the glory of God or will I falter along the way and publicly fail my Lord and Saviour?*

*So quickly and forcefully are the questions*



*coming now that I almost audibly, in a loud voice, in the middle of the courtroom, in front of the Judge and the Jury, in front of the Bailiff, right next to both the Defense and the Prosecution and all in attendance, begin to question my motives?*

*Don't I get it?*

*My obedience to Christ will cost other people.*

*What about my wife and family?*

*What about the safety and comfort of those who love me?*

*What about the hopes and dreams of those who are praying for me?*

*Must they all suffer as a direct result of my convictions?*

*Am I really going to make every effort to remain loyal to Christ at the expense of His precious Saints?*

*Do I really believe God will look after those who will be hurt as a result of my obedience to Him?*

*Am I really willing to obey and leave all consequences with my Lord?*

*Is having a "right relationship" with Christ really more precious to me than life itself?*

*Am I really willing to sacrifice my safety and comfort for the lives of those that would not, have not and will not do the same for me?*

*Am I really willing to give up a life I cannot keep for a life I cannot lose?*

*Am I really willing to be wounded by some and rejected by others to save the life of an unborn child?*

*Am I really willing to live by faith and then die having never received the promise?*

*Am I really willing to be discarded, disgraced, dismissed, discredited, discharged, disfavored and fall into disrepute among my own people for the sake of Christ?*

**At this point the reality of my circum-**

*stances weighs heavily upon my heart and hits me hard right between the eyes.*

*However, at this point, Job 13:15: "Though he slay me, yet will I trust in him: but I will maintain mine own ways before him." is sinking deep into my thoughts.*

*At this point, I realize I have not hurried out of harm's way or collapsed under the pressure.*

*At this point, I realize I am facing the future with a faith I never had before.*

*At this point, it only appears I am sitting alone in the defendant's chair on the outside, when in fact I am standing with Christ, my advocate, on the inside.*

*At this point I have the strength to smile and sit still knowing my Lord is God!*

*At this point, I can feel the power behind Psalm 115:3: "But our God is in the heavens: He hath done whatsoever He hath pleased."*

**You can hear a pin drop in the courtroom as the Judge asks for the verdict from the Jury. The foreman hands the 9 x 12 inch manila envelope over to the Bailiff who walks it over to the Judge. It felt like I was counting every step the Bailiff took.**

**The Judge opens the envelope and slowly reads the verdict without any facial expressions. I try to read the words of the verdict reflected in the eyes of the Judge. In a vain attempt to discern the Jury's verdict in the hope of readying myself for a severe blow, I desperately want to know the verdict and at the same time I am very afraid. The Judge stops reading and I swallow hard thinking the Judge was about to read the verdict.**

**I was thinking ...**

*This is it!*

**But it wasn't.**

**The Judge then hands the verdict to the Court Clerk who takes her time reading and organizing the papers in her hands ... one page after the other.**

**Finally, the Clerk clears her throat and begins to read the contents of those pages, that is to say the Jury's verdict.**

*I am yelling within myself ...*

*This is it! The verdict is on those pages and I can feel it.*

*No more waiting. No more guessing. No more praying. No more meetings. No more strategizing. No more sermons.*

*No more Bible study. No more dinners alone with Lori.*

*This is it! The verdict is on those pages and I can feel it.*

*My heart almost stops beating as I realize this is not a drill. This is not practice. This is not a "dry run" where I would have a chance to experience the magnitude of this moment without its corresponding consequences.*

*This is it! The verdict is on those pages and I can feel it.*

*This is the decisive moment I have dreamed of. This is where I face the harsh reality of man's law wearing the whole armor of God.*

*At this moment, not knowing exactly what to do, I instinctively lift my shield of faith, held it over my chest and look into the eyes of the Court Clerk.*

*Finally the Clerk read the Jury's verdict out loud:*

*"Regarding Count #1 we find the defendant GUILTY!"*

*I am physically stunned!*

*The word "GUILTY" hits me like a fiery dart from a high-speed rifle.*

*"Regarding Count #3, we find the defendant GUILTY!"*

*Again, the word "GUILTY" hits me like a fiery dart only this time it feels like I was fired upon from point blank range.*

*I am stunned but I notice, on the inside, I*

*am still standing with Christ.*

*I am stunned, but on the inside I am calm, collected and composed.*

*"Regarding Court #4, we find the defendant NOT GUILTY!"*

*I am stunned, but I can hear the words "NOT GUILTY."*

*I am stunned, and while I understand the meaning and the significance of the words "NOT GUILTY," they only serve to reinforce my understanding of the word "GUILTY" and it feels like I have been hit with a fiery dart for yet a third time.*

*While the Court Clerk sits down, I notice, almost involuntary, that my shield of faith is still up and realize the onslaught is not over.*

*As my mind races to comprehend my new reality, another wave of attack begins and suddenly I can hear the "Accuser of the Brethren" whisper in my ear:*

*"He saved others but He did NOT save you!"*

*"He did NOT save Himself, why would He save you!"*

*"God does NOT love you enough to deliver you out of my hands."*

*"See, you were WRONG!"*

*"Your SINS have found you out!"*

*"God CANNOT use you!"*

*"WHO do you think you are?"*

*"Your LIFE is over now!"*

*"Fighting abortion is the biggest MISTAKE you have ever made."*

*"There is no VICTORY for you, only a VERDICT."*

*"You have NEVER won and you will NEVER win!"*

*"WHO do you think you are?"*

*"You are all ALONE now!"*

*“NOBODY cares.”*

*“NOBODY can help you.”*

*“This what you get for taking a BIBLICAL stand!”*

*By the grace of God, my shield of faith is still up.*

The Judge thanks the Jury and excuses them.

After the Jury has left the courtroom, the Judge shares with counsel on both sides that he is considering taking me into custody now with the plan of sentencing me the next day.

*Still, my shield of faith is up.*

The Prosecutor does not object. However, the Christ in my lawyer (Allison Aranda, Esq.), fights for me and the Judge reconsiders remanding me into custody if I agree to stay 100 yards away from the abortion clinic on 200 Webster Street in Oakland, California and eight feet away from the persons identified in my case until I am sentenced.

The Judge looks me in the eye and in a soft voice asks me if I am willing to obey his order.

I take a moment to talk with Allison and discuss my options.

At this point, I am looking for the quickest way to pay my newly acquired “debt to the people” and be free. However, Allison explains to me that none of the options available to me will accomplish my goal.

The Jury has found me GUILTY of two violations of section (b) of the ordinance (i.e., Section 8.52.030: “Prohibited harassment of individuals seeking access to health care facilities”), the “no approach without consent” provision. They are both misdemeanors, NOT felonies. Each count carries a year in jail and/or a \$2,000.00 fine.

With so much ministry already scheduled and left to accomplish this month, my freedom at this point is critical. I am advised to agree to the Judge’s order.

I pause for a moment, wondering if I have overlooked something.

I pause just for a moment, waiting for God to give me an idea we failed to consider, a thought we failed to notice or a strategy we “missed in the midst” of the trial that would redeem the day.

Nothing comes and the moment passes.

Finally, I look at the Judge say: “Yes your Honor!”

The Judge is now satisfied and grants me my freedom until 1:30 P.M., Thursday, February 19, 2009 when I will report to Department 109 on the fifth floor of the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607-3922, where the Honorable Stuart Hing is presiding, to be sentenced.

Still, my shield of faith is up.

Providentially, my wife Lori had stepped outside the courtroom to see if the Jury had gone home and heard my adversaries discuss plans to use the Judge’s order like a sword against me. Their plan was to come to my church in Berkeley, and to our events in Oakland, with the idea of chasing me out of the pulpit and forcing me to cease leading our events in Oakland.

Still, my shield of faith is up.

Lori shares this information with Allison. Again, the spirit of Christ in Allison is stirred. Allison valiantly fights for me. Over the course of my trial, Allison has poured out her heart and soul for me.

I am grateful and blessed beyond measure to have the Life Legal Defense Foundation (LLDF) representing me. At times during the trial I was being defended by three divinely gifted lawyers (Mike Millen, Esq., Katie Short, Esq. and Allison Aranda, Esq.). I consider myself to be in their debt.

God used the LLDF to protect me and encourage me in my darkest hours. Without LLDF my fate would have been much worst.

I am deeply grateful for their love and uncompromising support. In my opinion, LLDF is worthy of your generosity. If you are considering giving to ease the cost of my representation, then please give to LLDF.

When Allison rested, the heart of the Judge was moved to modify the stay away order. The new order simply requires me to stay 100 yards away from the abortion clinic on 200 Webster Street in Oakland, California and from contacting any of the persons identified in my case.

This modification effectively allows me to continue to preach in my church and give leadership to our events in Oakland without being legally harassed by my adversaries.

While I cannot return to the abortion clinic and while this horribly unjust law aimed at Christians stays in effect, I will continue to work towards the defeat of what I call Oakland's "No Christ" zone by other means within the legal freedoms that are still available to me.

It's almost 4:30 P.M. on Thursday, January 15, 2009. It's Martin Luther King, Jr.'s birthday again and I can still hear his words in my heart: "The Negro cannot win as long as he is willing to sacrifice the lives of his children for comfort and safety." – Martin Luther King, Jr.

*This is not the end of my story.*

*My life is not over yet.*

*My shield of faith is still up.*

*I believe we will win!*

*May God get the Glory!*

*May God's Will be done!*

*May God's Son be revealed in me!*

Thank you for your love, your prayers and your support.

May God bless you all!

Walter B. Hoye II

## ***An Unjust Law Is No Law At All!***

Sunday, Feb 22, 2009

Greetings Everyone ...

As I write this I am free.

My wife (Lori) and I want to thank all of you for supporting us!

I felt your presence as I sat in the defendant's chair and stood before Judge Hing to be sentenced in Department 109 on the fifth floor of the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607-3922, on Thursday, February 19th, 2009.

The simple sentencing hearing that was scheduled for 1:30 P.M. did not start until about 2:30 P.M. and lasted until around 4:30 P.M.

The Life Legal Defense Foundation (LLDF) has published a press release detailing the outcome of my sentencing. As such and in the interest of our ongoing civil suit that is challenging the constitutionality of the Oakland ordinance, I am deferring all legal interpretation of my sentencing hearing to my defense team. To read more details, go to <http://www.lldf.org>

Please know that the defense mounted by the Life Legal Defense Foundation was simply brilliant. Mike and Allison's passion for righteousness was ablaze in the courtroom. Their expertise, experience and eloquence was unmatched by the Alameda County Assistant District Attorney Robert Graff who asked the Judge to sentence me to two years in jail.

Please know that I want to thank Father John Malloy, SDB who published an "eye witness account" of what transpired in the courtroom on his blog. Father Malloy loves Jesus Christ and is a strong voice for those that have no voice. I encourage everyone to read Father Malloy's blog entitled: "The Extraordinary Sentencing of Walter Hoye". To

read it, go to: <http://johnmalloyedb.blogspot.com/>

*Now back to the sentencing hearing . .*

Once all the legal housekeeping was completed, Judge Hing asks both the defense and the prosecution:

“Do you have anything to say before I pronounce sentence?”

The words of Judge Hing pierce my heart as I realize I am moments away from his decision.

One of my attorneys, Allison Aranda, Esq., asks the Judge for permission to have Dr. Levon R. Yuille, Director of the National Black Pro-Life Congress from Ypsilanti, MI, Pastor Stephen Edwards Broden of the Fair Park Bible Fellowship in Dallas, TX, and Pastor Dion Evans of the Chosen Vessels Christian Church in Alameda, CA, to speak on my behalf.

Judge Hing graciously grants our request and the words of each man strengthen my heart.

To fully appreciate how this moment felt, you have to understand that during the 13 days of my trial I sat in the defendant’s chair listening to false accusations, the vilification of my character, and arguments on why my freedom should be taken away from me.

Today, however, is different.

Today, the courtroom and the hallways are packed with the saints of God standing with my wife Lori and I.

Today, God’s own from around the world are praying for Lori and I, as we stand ready to receive Judge Hing’s decision.

Today I have three African-American Pastors, my brothers in the Lord, standing up and speaking up for me. As they spoke, I felt Heaven’s strength rising in my heart.

Today is different because after each of

my brothers stood up and spoke up on my behalf, it will finally be my turn to speak.

Today is different, because during my trial I let four hours of video covering both days in question - April 29th, 2008 and May 13th, 2008 - to speak for me.

Today is different, because today, I will stand before Judge Hing and speak for myself.

*This is what I said:*

Your Honor, I believe an unjust law is no law at all.

I believe the law that I have been convicted of is an unjust law.

It is my intention to continue my efforts to save the life of the unborn child by reaching out to the men and women going into the abortion clinic with the love of Jesus Christ my Lord and Saviour.

If you are asking me if I will carry a tape measure with me, I will not.

I will, however, do my best to comply with this unjust law until the completion of the ongoing civil case that is challenging the constitutionality of the law.

I thanked Judge Hing for allowing me to speak and sat down.

Again, Judge Hing asks me to accept his terms of probation.

And again, I refuse to agree to give up my constitutionally guaranteed free speech rights.

In the end Judge Hing refuses to accept my refusal and sentences me to:

- Three years of probation which includes a 100-yard stay away order from the 200 Webster Street Clinic, in Oakland, California.
- A \$130.00 fee of some sort, plus a \$1,000.00 fine for a total of \$1,130.00.
- A suspended thirty day jail sentence that could be completed by serving thirty days

in jail, or by completing the sheriff's work program or by volunteering serve the community in a court approved program.

However, I meant what I said ...

I believe an unjust law is no law at all.

I believe this law, the law that I have been convicted of violating, is an unjust law.

In his 1963 letter from a Birmingham jail, Dr. Martin Luther King, Jr., wrote:

"You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws.

One may well ask: 'How can you advocate breaking some laws and obeying others?'

The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws.

One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all".

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law.

To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.

All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.

Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful.

Paul Tillich said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama, which set up that state's segregation laws, was democratically elected?

Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application.

For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance requiring a permit for a parade. But such an

ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.

I hope you are able to see that distinction.

In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty.

I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.”

Like Saint Augustine, I believe “an unjust law is no law at all.”

Like Dr. Martin Luther King, Jr., I believe Christians have a moral responsibility to disobey unjust laws.

Judge Hing, with all due respect, I meant what I said in court.

Judge Hing, with all due respect, I refuse to agree to your terms of probation.

Judge Hing, with all due respect, I refuse to give up my constitutionally guaranteed free speech rights.

Judge Hing, with all due respect, it is my intention to continue my efforts to save the life of the unborn child by reaching out to the men and women going into the abortion clinic with the love of Jesus Christ my Lord and Saviour.

Judge Hing, with all due respect, if you are asking me if I will carry a tape measure with me, I will not.

Judge Hing, with all due respect, I will, however, do my best to comply with this unjust law until the completion of the ongoing civil case that is challenging the constitutionality of the law.

Judge Hing, with all due respect, I must

do what I can to save my people.

Judge Hing, with all due respect, I must do what I can to stop the shedding of innocent blood.

Many have asked how can they support me financially.

I ask my friends, if the Lord leads you to give, please give to the Life Legal Defense Foundation which you can find at <http://www.ildf.org>. I highly recommend supporting this awesome organization.

May God bless you and keep you all.

**Pastor Walter B. Hoye II**

**For additional information:**

Media contact: Issues4Life Foundation  
<http://www.issues4life.org>

Blog link:

<http://issues4lifefoundation.wordpress.com>

To join MBA’s Campaign for Life, go to:

<http://www.movementforabetteramerica.org>

Or email us at:

**[mba4life@aol.com](mailto:mba4life@aol.com)**

---

Note -- If you wish to read the City of Oakland’s new ordinance, use the links below:

[http://bpc.iserver.net/codes/oakland/\\_DATA/TITLE08/index.html](http://bpc.iserver.net/codes/oakland/_DATA/TITLE08/index.html) or

[http://bpc.iserver.net/codes/oakland/\\_DATA/TITLE08/Chapter\\_8\\_52\\_ACCESS\\_TO\\_REPRODU.html](http://bpc.iserver.net/codes/oakland/_DATA/TITLE08/Chapter_8_52_ACCESS_TO_REPRODU.html)

# How You Can Help

Pastor Walter Hoye is a witness to life that all Americans of good will can follow, but right now he needs your prayers and support to continue his struggle to overcome his conviction and to declare the ordinance under which he was convicted unconstitutional. With the help of people like you, we can continue to defend these defenders of life.

Pastor Hoye invites all who can to help the Life Legal Foundation that stood for his defense throughout his long legal ordeal. "If the Lord leads you to give, please give to the Life Legal Defense Foundation. I highly recommend this awesome organization."

**Life Legal Defense Foundation** is a 501(c)(3) non-profit organization.

Their web address is: <http://www.lldf.org>. Or you can write to:  
Life Legal Defense Foundation, P.O. Box 2105, Napa CA 94558, (707) 224-6675

For more information about Pastor Hoye's ministry, contact the Issues4Life Foundation via email at: [life@issues4life.org](mailto:life@issues4life.org) or through the websites below

## Issues4Life Foundation

**Website:** <http://www.issues4life.org> **Blog:** <http://issues4lifefoundation.wordpress.com>

# Say Yes to Life

The Movement for a Better America is a communications and marketing think tank that has been pioneering new ways to to change hearts and minds about abortion since 1995. Its pioneering research into the economic impact of abortion prompted MBA founder Dennis Howard to forecast the current financial crisis as early as 1997, but none of the Wall Street experts and few in the pro-life movement would listen.

Howard believes that the 51.2 million children aborted since 1970 are a terrible price for America to pay for the 'luxury' of abortion on demand. Nineteen million of those were victims of "genocide by abortion" in the African-American community.

If all of those babies had lived, they would have added \$35 trillion to U.S. GDP and averted today's financial crisis. Now the bill is coming due not just in a nearly bottomless financial crisis, but also in a huge decline in moral and spiritual values.

Think about it. Was that a price worth paying?

Help spread this message by joining our Campaign for Life.

Contact us via email: [mba4life@aol.com](mailto:mba4life@aol.com)

**Website:** [www.movementforabetteramerica.org](http://www.movementforabetteramerica.org).