

# ACLJ Urges Federal Appeals Court to Declare Unconstitutional the Oakland, CA Speech-Free Zone Targeting Pro-Life Messages

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The American Center for Law and Justice (ACLJ), which has successfully defended the free speech of pro-life individuals before the U.S. Supreme Court, has filed an amicus brief calling on the U.S. Court of Appeals for the Ninth Circuit to declare unconstitutional a speech-free, "bubble zone" ordinance used by Oakland, California to censor pro-life speech on public sidewalks.

"As debate over abortion intensifies across the country, it is more important than ever to protect the pro-life message and to keep it from being removed from the public square," said Walter M. Weber, Senior Litigation Counsel with the ACLJ. "Laws like this 'bubble zone' ordinance have no business stifling peaceful efforts to communicate the pro-life message. This type of censorship is not only wrong but unconstitutional as well. It's our hope the federal appeals court takes the corrective action necessary to remove this anti-speech ordinance."

The challenged "bubble zone" ordinance restricts free speech within 100 feet of the entrances of abortion businesses. Within that larger zone, it is illegal to approach within eight (8) feet of another person, without permission, for purposes of "conversation," "displaying signs," or "distributing literature." The Oakland ordinance thereby bans the distribution of leaflets on public sidewalks and even expressly defines "harassment" to include leafletting. The ordinance is being challenged by Rev. Walter Hoyer, a pro-life sidewalk counselor who is appealing a decision by a federal district court which upheld the ordinance. Hoyer is represented by the Life Legal Defense Foundation.

In its amicus brief supporting Hoyer's appeal, the ACLJ said the Oakland "bubble zone" ordinance imposes an "extreme and unconstitutional restriction on such basic, fundamental free speech activities as leafletting, speaking, and carrying signs." Focusing upon the effect of the "bubble zone" on the distribution of leaflets, the ACLJ brief cites numerous Supreme Court cases striking down bans and permission requirements on leafletting. The ACLJ brief concludes that the Oakland ban "cannot be squared with the Supreme Court precedents" and urges the appeals court to declare the ordinance unconstitutional.

You can read the ACLJ amicus brief here:

[http://www.aclj.org/media/pdf/Hoyer\\_v\\_Oakland\\_ACLJ\\_amicus\\_brief.pdf](http://www.aclj.org/media/pdf/Hoyer_v_Oakland_ACLJ_amicus_brief.pdf)

Led by Chief Counsel Jay Sekulow, the American Center for Law and Justice focuses on constitutional law and is based in Washington, D.C. The ACLJ is online at [www.aclj.org](http://www.aclj.org).