



CITY OF OAKLAND
newsrelease
Office of the City Attorney

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Oakland Ordinance Protecting Reproductive Rights Upheld
Federal judge rules “bubble” ordinance is constitutional

OAKLAND – On Tuesday, August 4, Federal Judge Charles Breyer upheld a city law that protects reproductive rights and unimpeded access to health care.

Oakland’s ordinance prevents harassment of women entering health clinics by preventing anyone from approaching closer than eight feet without consent. The ordinance was challenged in court by a frequent anti-abortion demonstrator from Union City, who in January was convicted by a jury of two misdemeanor counts for violating Oakland’s law.

“The ordinance doesn’t take away anyone’s right to free speech – what it takes away is the ability to bully and intimidate a patient seeking lawful health care,” City Attorney John Russo said.

“Protestors have a long history of harassing women and health care providers, blocking patients from getting out of their cars and even chasing women to the door of clinics,” Russo said. “Oakland’s ordinance is balanced to protect free speech as well as protect the right of patients to walk into a health clinic free from intimidation.”

Russo also thanked attorney Angela Padilla from the law firm Orrick, Herrington and Sutcliffe, who worked on the case pro bono.

On Tuesday, Judge Breyer rejected the plaintiff’s arguments across the board and upheld the ordinance as constitutional.

The City Council adopted the “bubble” ordinance after more than a decade of complaints about the conduct of protestors at Oakland health clinics. The city argued in court that existing federal and state laws do not adequately protect the rights of those seeking or providing health care services.

“This decision shows that there is room for both freedom of speech and a woman’s right to privately access reproductive healthcare,” said City Councilmember Nancy Nadel, who introduced the bubble ordinance. “Women deserve to have their legal healthcare choices respected and facilitated.”
