

The Restoring the First Amendment Right to Peaceful Civil Disobedience Act

Senator Mike Lee

Background:

- ❑ This legislation would repeal the Federal Access to Clinic Entrances Act (FACE Act). The FACE Act is a federal criminal law prohibiting actions blocking access to abortion clinics. It was enacted in 1994 and signed by President Clinton.
- ❑ While the FACE Act includes protections for churches and other houses of worship, these protections are redundant of other federal laws and have never been enforced.
- ❑ In fact, all crimes under the FACE Act are already prohibited under federal law, state law or local ordinances.
- ❑ Legal scholars have long questioned the constitutionality of the FACE Act.
- ❑ The Biden Administration has recently used the FACE Act as a tool to harass and prosecute pro-life activists.

Constitutional Concerns:

- ❑ Congress claimed jurisdiction to enact the FACE Act under the Commerce Clause and the Due Process Clause of the 14th Amendment.
- ❑ The Constitution does not grant the federal government general police power.
- ❑ In Dobbs, the Supreme Court found that abortion is not a constitutional right.

FACE Act Abuses:

- ❑ The DOJ has used the FACE against pro-life activists for activities that are either lawful or already illegal under state and local law **130 times**.
- ❑ The DOJ has used FACE to arrest pro-abortion vandals for attacks on pro-life pregnancy centers only **three times**.
- ❑ In 2023 alone, the DOJ has filed at least **twenty-six charges** under the FACE Act.
- ❑ Last year, pro-life activist Mark Houck was forcefully arrested by the FBI for FACE violations related for pushing an abortion clinic volunteer who made vulgar comments to his son outside of an abortion facility. Houck was recently found innocent of all charges.
- ❑ At least 108 Catholic churches and 78 pregnancy resource centers have been attacked since the Dobbs opinion was leaked. Just **three** FACE Act cases have been opened in response.
- ❑ DOJ has **never** used the FACE Act to prosecute anyone for blocking access to a church or house of worship.

Support for the FACE Act Repeal:

This legislation is supported by CatholicVote, Citizens for Renewing America, Family Research Council, Live Action, and Susan B. Anthony List.