

Separating Fact from Fiction in FACE Act Enforcement

By [Regan Rush](#) and [Megan Marks](#)

Published on April 14, 2026

Editor's Note

This piece is part of the [Collection: Just Security's Coverage of the Trump Administration's Executive Actions](#).

Listen to Article

0:00 / 0:00

Today, the Trump administration released a [report](#) repeating unsupported claims that the Department of Justice's prior enforcement of the [Freedom of Access to Clinic Entrances](#) (FACE) Act unfairly targeted religious Americans.

The report presents itself as an investigation into alleged bias in federal law enforcement and as the basis to terminate career civil servants for doing their job of dutifully enforcing laws passed by Congress to address serious violence. Instead, it cherry picks through hundreds of deliberative internal emails, mischaracterizes the factual record, and disregards multiple court rulings and jury verdicts in districts across the country—all as part of a review led by political actors.

The false and misleading claims are not new. In January 2025, President Trump [issued](#) pardons to 24 individuals convicted of criminal FACE Act violations and the Civil Rights Division dismissed pending civil enforcement actions. Department leadership has also [adopted](#) a differential enforcement standard, pursuing FACE Act allegations when directed at places of religious worship or crisis pregnancy centers that counsel against abortions, but declining to pursue the *same unlawful conduct* when directed at clinics that provide abortions. Since then, the Department has enforced the FACE Act pursuant to this two-tiered approach. The report released today seeks to rewrite the historical record in an apparent attempt to justify those actions.

Taken together, the report's conclusions rest on six central claims. Each fails when measured against the actual enforcement record.

The Report Portrays Prior FACE Act Prosecutions as Politically Driven

The report wrongly concludes that the increase in prosecutions undertaken during the Biden administration was politically motivated. In fact, the increase reflected a surge in FACE Act violations, not partisan decision-making.

During the campaign to overturn *Roe v. Wade* and following the Supreme Court's 2022 decision in *Dobbs v. Jackson Women's Health Organization*, there was a [surge](#) in violence, threats, and blockades directed at clinics providing abortion services. This level of unlawful activity had not been seen in decades. Federal prosecutors, investigators, and law enforcement officers coordinated a response across the Department, guided by a [national task force](#) established in 1998 that centralized investigations, tracked trends in clinic violence, and provided security and training assistance to local law enforcement and medical providers. (The current Trump administration has effectively disbanded the task force.)

FACE Act cases were investigated by the FBI and prosecuted by career civil servants from the Civil Rights Division working alongside Assistant United States Attorneys in the relevant local districts. They presented evidence to federal grand juries that issued indictments, litigated motions before federal judges, and tried cases before juries who unanimously determined beyond a reasonable doubt that the defendants were guilty of the charged crimes.

By contrast, many of the actions cited in today's report, including [pardons and case dismissals](#), occurred within days of the administration taking office, without consultation with the career civil servants who had knowledge of the facts and the law in each case. And after one acquitted defendant sued the Department for malicious prosecution—a claim the judge [rejected](#) after concluding that his “indignation is not a substitute for plausibility” and noting that his complaint “generates considerably more heat than light”—the Department nonetheless paid him to settle his claims, [reportedly](#) over \$1 million. And over a month before its release, the Department [reportedly](#) gave access to the report and “unredacted material” supporting it to multiple anti-abortion activists.

Each of these decisions—the pardons, the dismissals, and the early access to the report—occurred through processes that bypassed the career officials with knowledge of the cases. Taken together, these decisions reflect a process driven by political objectives, not the factual record.

The Report Mischaracterizes Unlawful and Often Violent Conduct as Peaceful Expression

The report claims that individuals motivated by religious beliefs received disproportionate penalties for conduct described as prayer or peaceful protest. But the report's reliance on selected sentencing

outcomes misrepresents the underlying conduct that led to those convictions.

In fact, the overwhelming majority of cases brought between 2021 and 2024 involving clinics that provide abortion services included serious criminal conduct such as [firebombing](#), [arson](#), [bomb threats](#), and [coordinated blockades](#) that prevented patients from entering clinics, conduct that federal grand juries repeatedly found sufficient to indict and trial juries unanimously found proven beyond a reasonable doubt.

That violence occurred following decades of attacks on reproductive healthcare providers. The National Abortion Federation, which tracks clinic violence and disruption, [reports](#) at least 11 murders and 26 attempted murders of clinic staff, 42 bombings, 203 arsons, and 109 attempted bombings and arsons at clinics since 1977.

When Congress enacted the FACE Act in 1994, [lawmakers](#) were [specifically concerned](#) about the violence and “blockades of facility entrances [and] invasions and occupations of the premises” of clinics that resulted in the denial of care to women. While current Department political leadership [suggests](#) that blockades can “adequately be addressed under state or local law,” Congress [recognized](#) that these tactics could “overwhelm State and local law enforcement authorities and courts.”

The FACE Act was highly effective at deterring those blockades in the ensuing years, until the *Dobbs* decision appeared to embolden anti-abortion activists to cross from often lawful protesting to unlawful obstruction. The Department exercised sound prosecutorial discretion in its decision to prosecute the offenders to deter further escalation amidst the documented rise in clinic blockades and obstruction that followed.

In reality, the [cases](#) that the Trump administration cites as “peaceful protest,” for which President Trump later issued pardons, were based on harmful conduct that courts and juries repeatedly found unlawful. These cases involved defendants, often repeat offenders, who [physically blocked](#) clinic entrances for extended periods, [caused injuries](#) to clinic staff, chained themselves together and used [bike locks](#) to hamper law enforcement efforts to disperse the trespassers, explicitly announced that their intent was to violate federal law, [ignored](#) repeated police orders, and prevented patients from receiving timely medical care. Juries considered, and [unanimously rejected](#), the defendants’ attempts to characterize their actions as merely “peaceful protests.”

Falsely portraying FACE Act violations as harmless peaceful expressions of religious faith minimizes the harm. That unlawful conduct has caused injury, death, and fear among medical providers, while denying patients access to routine healthcare, including pregnancy testing, cancer screenings, contraception, prenatal care, and abortion services—often for low-income women with few alternative options.

The FACE Act specifies that it does NOT prohibit expression protected by the First Amendment to the U.S. Constitution. Indeed, the [National Abortion Federation](#) reports that between 2020 and 2024, there were at least 470,226 incidents of picketing at clinics. Picketing, prayer, and protest are lawful. Violence, threats of violence, and blockades that prevent patients from accessing reproductive healthcare are not.

The Report's Claim That Crisis Pregnancy Centers Were Largely Ignored Is Contradicted by the Record

The report falsely claims that from 2021 to 2024, federal prosecutors and law enforcement partners largely ignored FACE Act violations at crisis pregnancy centers.

Even while most violence, property damage, and blockades during that period were directed at clinics that provide abortion services, the record reveals that federal prosecutors and the FBI vigorously pursued criminal cases targeting crisis pregnancy centers and anti-abortion organizations using multiple federal statutes. These cases included convictions arising from a conspiracy to [vandalize](#) crisis pregnancy centers in Florida, [vandalism](#) of a crisis pregnancy center in Bowling Green, Ohio, and an [arson attack](#) in Madison, Wisconsin involving a Molotov cocktail in which the FBI's careful forensic investigation—including recovery of DNA evidence from a discarded burrito—led to the identification, arrest, and prosecution of the responsible defendant.

Much of the unlawful conduct directed at crisis pregnancy centers included property damage after business hours and without witnesses or surveillance, posing significant challenges to identifying suspects. In response, the FBI launched a public awareness campaign and issued [public rewards](#) of up to \$25,000 in more than a dozen cases involving vandalism and arson targeting crisis pregnancy centers. Similar nighttime attacks against clinics that provide abortion services also lacked witnesses or surveillance, leaving many of those cases unsolved as well.

Most significantly, the current Trump administration has yet to bring charges in any new FACE Act crisis pregnancy center case, even though many incidents are still within the applicable five-year statute of limitations. If a substantial number of prosecutable cases had truly been ignored, the current administration could have charged them. It has not. That absence speaks for itself.

The Report Equates the Absence of FACE Charges with a Lack of Protection for Religious Institutions

The report characterizes the decision not to use the FACE Act's place-of-worship provision as evidence of anti-Christian bias. But the absence of charges under that provision reflects sound prosecutorial judgment, not neglect. Far from ignoring attacks on religious institutions, federal prosecutors consistently pursued those cases, often under statutes that are broader, more

constitutionally durable, and carry stronger penalties than the FACE Act’s place-of-worship provision—statutes specifically designed for that purpose. In fact, prosecutors [historically](#) avoided charging under the FACE Act’s place-of-worship provision out of a professional obligation to select the most appropriate and legally sound tools available.

The constitutionality of the FACE Act’s place-of-worship provision remains unsettled, creating [litigation risk](#) for prosecutions brought under it. By contrast, the statutes prosecutors have typically relied upon, 18 U.S.C. § 247 (damage to religious property and obstruction of religious exercise), 18 U.S.C. § 249 (hate crimes), and 18 U.S.C. § 241 (conspiracy), are constitutionally well established, cover a broader range of conduct and settings than the FACE Act, and often carry more substantial penalties—making them more reliable charging vehicles for the conduct at issue.

Based on a review of DOJ press releases and charging documents published between January 2021 and January 2025, federal prosecutors charged dozens of cases involving attacks on houses of worship, obstruction of religious exercise, and crimes motivated in whole or in part by religion. These cases included [assaults](#), [firearms offenses](#), [mass shootings](#), [church bombings](#), [vandalism](#), [threats](#), [conspiracy](#), [arson](#), and [hate crimes](#). Many of these prosecutions were brought under 18 U.S.C. § 247, which is specifically designed to address damage to religious property and obstruction of religious exercise, and 18 U.S.C. § 249, the federal hate crime statute that covers violence motivated by religion. This is a record of vigorous prosecution on behalf of victims across faiths and across a range of incident types. The absence of charges under one provision is not the absence of protection—it is the choice of a better tool.

The Report’s Sentencing Comparison Creates a False Impression of Disparity

The report’s sentencing-disparity chart is similarly misleading because it presents raw sentence lengths without accounting for the legally relevant factors that actually drive sentencing outcomes in federal court. Federal sentences are determined by applying the federal [statutory](#) factors and the [U.S. Sentencing Guidelines](#), which require individualized findings regarding the nature of the offense, the resulting harm, and the defendant’s criminal history. The differences in the prosecutor’s sentencing recommendations appropriately reflect those considerations—not bias in enforcement priorities.

Many of the cases involving clinics that provide abortions cited in the report involved coordinated, multi-defendant conspiracies designed to physically block access to medical facilities. Those schemes disrupted clinic operations for hours, prevented patients from obtaining needed health care, and in some instances resulted in injury to clinic staff. Many of the defendants were repeat offenders who had previously been arrested for similar conduct, [used force](#) during the blockade. At

least one was previously subjected to a civil [injunction](#) obtained by the Department during the first Trump administration.

By contrast, the prosecutions involving pregnancy centers arose from nighttime vandalism and without direct confrontation. Two of the three crisis pregnancy center cases listed in the report were limited to misdemeanors. This conduct was unlawful and serious, but categorically different from organized, in-person blockades involving multiple offenders repeated across multiple states. By comparing sentence recommendations without acknowledging foundational federal sentencing principles, the report creates a false impression of disparity where the record instead reflects ordinary, legally required sentencing practice.

The Administration's Own Enforcement Record Reflects the Bias it Claims to Expose

The report's attempt to reframe legitimate law enforcement as bias serves an identifiable purpose: to justify sweeping policy changes that have narrowed enforcement protections, weakening protections designed to prevent intimidation, obstruction, and violence affecting access to lawful medical care. Billed as restoring fairness and neutrality, the current administration's FACE Act enforcement does the opposite.

On January 24, 2025, the Department's political leadership [imposed](#) strict limitations on "abortion-related" FACE Act cases, permitting cases to proceed only in "extraordinary circumstances," such as cases involving death, serious bodily harm, or significant property damage. This new policy functions as an asymmetrical standard: directing prosecutors to pursue FACE Act cases involving crisis pregnancy centers while restricting enforcement to "extraordinary circumstances" when the same conduct is directed at clinics that provide abortions. This two-tiered standard has played out in practice. President Trump did not issue any pardons to those convicted of FACE Act violations at crisis pregnancy centers. The Division has also continued to vigorously prosecute Gabriella Oropesa, who was [convicted](#) in a December 2024 trial for spray-painting threatening messages on a crisis pregnancy center.

The report makes clear that the Department will not prosecute physical obstruction of clinics that provide abortions under the FACE Act. Physical obstruction via blockades that prevent women from accessing timely medical care was a [central concern](#) that motivated Congress to enact the FACE Act. Such blockades, which surged between 2021 and 2024, are directed at clinics that provide abortion services and rarely, if ever, at crisis pregnancy centers. The current Trump administration has [repeatedly invoked](#) the [same](#) "physical obstruction" provision in place-of-worship FACE Act cases.

The Gabriella Oropesa case demonstrates another double standard by the current Trump administration: the report appears to criticize prosecutors for using conspiracy charges (18 U.S.C. § 241) in FACE Act cases because such charges carry stronger penalties. Yet the Division has continued to pursue conspiracy charges against Oropesa and Assistant Attorney General for Civil Rights Harmeet Dhillon personally argued the appeal to defend the Department's charging decision. The Department also charged 18 U.S.C. § 241 in the [Cities Church](#) prosecution, an alleged physical obstruction case involving a protest at a church that included no violence, no injury, and no property damage.

Equal application of the law, irrespective of viewpoint, is a bedrock principle of the criminal justice system. While making unsupported accusations of bias against prior FACE Act enforcement, the current Trump administration's own enforcement practices reflect the very bias it claims to expose.

The report released today claims to expose bias in prior FACE Act enforcement. Relying on selective narratives and incomplete descriptions of the record, the report instead reveals that the true bias lies in its own conclusions in service of a predetermined conclusion.

The administration's own report describes the FACE Act as "viewpoint neutral." The administration's enforcement of it is not. The Constitution requires government neutrality toward religion and equal treatment under the law. Those principles depend on consistent enforcement decisions grounded in facts and evidence, not ideology. The administration's selective enforcement of the FACE Act, including pardoning individuals who targeted abortion clinics while pursuing cases against other protesters and removing career prosecutors who enforced the law even-handedly, threatens to undermine the rule of law in the pursuit of political advantage.

The consequences are real. Patients whose access to care was once safeguarded face renewed risk. Medical providers confront uncertainty and fear as they go to work each day. Career prosecutors who enforced the law consistently have been dismissed. When enforcement decisions turn on ideology rather than evidence, equal justice under law is reduced to a hollow promise.

FEATURED IMAGE: A vehicle drives past the Department of Justice building in Washington, DC, on February 9, 2022. (Photo by Stefani Reynolds / AFP) (Photo by STEFANI REYNOLDS/AFP via Getty Images)
