

**EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.**

To: Interested Persons
Date: February 2026
From: A. Eric Johnston
RE: ICE, FACE & Church

On January 18, 2026, Cities Church in St. Paul, Minnesota, was invaded and worshipers harassed by anti-ICE protesters. The protesters motivation was apparently that one of the church's pastors is also a Field Director for Immigration and Customs Enforcement ("ICE"). News outlets showed many videos of the disruption. All evidence indicates church members were engaged in a routine Sunday morning worship service which was unlawfully interrupted by persons who disregarded the sanctity of the church and the right of Christians to worship. There is no evidence that any unlawful activity was taking place in the church, except for the activities of the anti-ICE protesters. In response, the Church released a statement including the following:

"Jesus is real. We will be gathering on Sunday mornings to worship him, we are gladly giving ourselves to what is most central and sacred in our life together.... On Sunday, January 18, a group of agitators jarringly disrupted our worship gathering. They accosted members of our congregation, frightened children, and created a scene marked by intimidation and threat. Such conduct is shameful, unlawful and will not be tolerated. Invading a church service to disrupt the worship of Jesus – or any act of worship – is protected by neither the Christian scriptures nor the laws of this nation..."

Federal authorities responded by saying the protesters would be prosecuted under the "FACE" law. FACE is an acronym for the "Freedom of Access to Clinics Entrances" law. FACE was enacted by Congress in 1994 to prosecute or sue persons who were demonstrating at abortion clinics around the nation. It was partially the result of Operation Rescue activities, which included protesters invading abortion clinics. Those acts were limited, but FACE ended up being used to prosecute or sue non-aggressive abortion opponents who merely exercised their rights of free speech and free exercise of religion on the sidewalks around the clinics. SLI represented a number of those "sidewalk counselors" in the FACE lawsuits in the Federal Court in the Alabama Northern District. They were only asking women to stop and talk about their abortion decisions.

In order to get FACE passed, opponents compromised by also adding that the law could be used to prosecute persons who interfered with religious worship. However, while FACE was used widely to dampen the free speech of abortion opponents, it was little used to protect religious activities. However, it now appears that that time has come.

The operative provision of the law for religious applications is:

"PROHBITED ACTIVITIES. – Whoever ... (2)... by force or threat of force or by physical obstruction, intentionally injurers, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or (3) ... intentionally damages or destroys the property of a place of religious worship, shall be subject to the penalties [first offense up to a year in prison and subsequent offenses up to three years, with lesser fines and penalties for non-violent physical obstruction; also, for injunctive relief].

The activities in Minnesota clearly indicate a breakdown of law and order. The agitators disagreement with immigration policies is not an acceptable motivation to violate religious rights. Now, just as in the 1990's in abortion protests, those provisions of FACE to protect religious freedom must be enforced. Churches are sanctuaries of religious freedom. The aggressive tactics of the Minnesota protesters must not be the model for protestors elsewhere when the Church stands against the norms of today's culture. In particular, Christians oppose those norms which support abortion, assisted suicide, same sex marriage, gender issues, material harmful to minors in libraries, *etcetera*. It is not just to protect routine Sunday worship, but to protect the church from demonstrators who disagree with church teaching. The example set by agitators in Minnesota must not be followed elsewhere, but if it is, then FACE should be enforced against them.

The question has been raised whether Alabama should have a state-level FACE law. FACE gives state Attorney's General the authority to prosecute under the FACE law. Consequently, an Alabama AG may enforce the law, notwithstanding the reluctance of a future federal administration. On the other end, a similar state law could add penalties and give more flexibility for protecting religious freedom, just as the Alabama Religious Freedom Amendment implements federal protection of free exercise rights under the first amendment and related federal statutes. This is something the Alabama Legislature should consider.

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