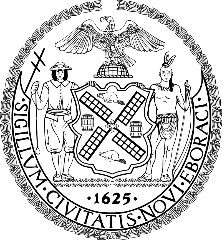
Committee on Civil and Human Rights:

Jayasri Ganapathy, *Senior Legislative Counsel*

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**THE COUNCIL OF THE CITY OF NEW YORK**

**BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS DIVISION**

Andrea Vazquez, *Legislative Director*

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**COMMITTEE ON CIVIL AND HUMAN RIGHTS**

**Hon. Nantasha Williams, Chair**

**July 13, 2022**

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| **PROP. INT. NO.: 474-A** | By Council Member Hanif, the Public Advocate (Mr. Williams), Council Members Williams, Hudson, Cabán, Avilés, Powers, Krishnan, Brannan, Joseph, Nurse, Dinowitz, Ung, Menin, Brooks-Powers, Schulman, Gutiérrez, Richardson Jordan, Abreu, Louis, Restler, Brewer, Won, Velázquez, Riley, Farías, Ossé, De La Rosa, Narcisse, Sanchez and the Speaker (Council Member Adams) |
| **TITLE:** | A Local Law to amend the administrative code of the city of New York, in relation to a public information and outreach campaign regarding safe access to reproductive health care |
| **PROP. RES. NO.: 242-B** | By Council Members Menin, Bottcher, Hanif, Williams, Richardson Jordan, Farías, Ossé, Louis and Narcisse |
| **TITLE:** | Resolution congratulating the State Legislature for approving S.15002/A.41002, a resolution proposing an amendment to The New York State Constitution in relation to equal protection, and calling on the Legislature to approve this amendment again next session so that it may be submitted to the voters of New York State for approval. |

1. **INTRODUCTION**

On July 13, 2022, the Committee on Civil and Human Rights (the Committee), chaired by Council Member Nantasha Williams, will hold a vote on Proposed Introduction Number 474-A (Int. 474-A) which would require the City Commission on Human Rights (CCHR) to conduct an outreach campaign about the reproductive health care facilities access law and Proposed Resolution Number 242-B (Res. 242-B), a resolution congratulating the State Legislature for approving S.15002/A.41002, a resolution proposing an amendment to the New York State Constitution in relation to equal protection, and calling on the Legislature to approve this amendment again next session so that it may be submitted to the voters of New York State for approval.

On June 30, 2022, the Committee heard previous versions of Int. 424-A and Res. 242-B. Those invited to testify include representatives from CCHR, NYPD, advocacy and community organizations, and members of the public. The testimony and feedback received informed changes to the legislation.

1. **BACKGROUND**
   1. *Historic Federal Protections*

In the half century since the Supreme Court’s decision in *Roe v. Wade[[1]](#footnote-1)*, the issues of abortion and reproductive care have been contentious across the United States. Across the country, reports surfaced of over 1,000 violent acts against abortion providers and blockades at over 6,000 clinics between 1977 and early 1993.[[2]](#footnote-2) While protest is a fundamental component of the right to free speech guaranteed by the First Amendment,[[3]](#footnote-3) due to inadequate laws and enforcement of protections for people seeking reproductive care, such people were subject to physical and verbal attacks by protestors when accessing reproductive health care facilities.[[4]](#footnote-4) This harassment was not limited to patients but also extended to clinic workers.[[5]](#footnote-5) Congress responded to these attacks by enacting the Freedom of Access to Clinic Entrances (FACE) Act in 1994.[[6]](#footnote-6)

The FACE Act prohibits the use of force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with a person seeking or providing reproductive health care services.[[7]](#footnote-7) The Act also prohibits causing or attempting to cause damage or destruction of a reproductive health care facility.[[8]](#footnote-8) People who violate this law are subject to a fine, imprisonment, or both.[[9]](#footnote-9) The law also allows a person to bring a civil action based on a violation of the FACE Act.[[10]](#footnote-10) Additionally, the U.S. Attorney General or a state attorney general can bring an action if there is reasonable cause to believe a person or group violated the FACE Act.[[11]](#footnote-11)

FACE has been challenged numerous times since its passage, primarily based on claims that it violates the First Amendment.[[12]](#footnote-12) However, courts have continued to uphold the law, reasoning that the Act is content-neutral or viewpoint-neutral. Some courts have found that FACE furthers substantial government interests by preventing violence while not unduly burdening more speech than necessary.[[13]](#footnote-13) Additionally, as recently as 2014, the U.S. Supreme Court reflected favorably on the FACE Act compared to other buffer zone laws passed at the state level.[[14]](#footnote-14)

* 1. *New York State Protections for Reproductive Access*

While many states have attempted to use buffer zones to balance a protestor’s right to express opposition to abortion with the government’s interest in protecting privacy rights, the results have been mixed based on the specific parameters of each law.[[15]](#footnote-15) In New York, judicial decisions extended a 15-foot fixed buffer zone around clinic doorways, driveways and driveway entrances necessary to ensure access while the State also criminalized interference with health services in its Clinic Access Act.[[16]](#footnote-16) Enacted in 1999, the Clinic Access and Anti-Stalking Act included the crime of “criminal interference with health care services. . .”[[17]](#footnote-17) The State law largely mimics the language of the FACE Act and was intended to supplement the federal law by empowering state and local officials to combat violence and vandalism at health care facilities among other institutions.[[18]](#footnote-18)

1. **ISSUES AND CONCERNS**
2. *Supreme Court and Roe v. Wade*

Prior to the decision in *Roe v. Wade*, the anti-abortion movement was significantly smaller as most states had laws in place on abortion. Accordingly, anti-abortion efforts focused predominantly on individual state legislatures.[[19]](#footnote-19) A post-*Roe* America brought this issue to a national level, and the strategy of the movement adjusted to follow suit.[[20]](#footnote-20) Anti-abortion activists pushed for the passage of the Hyde Amendment, a Congressional budget amendment which would prohibit federal funding of abortions through Medicaid,[[21]](#footnote-21) and in 1976 the amendment was passed,[[22]](#footnote-22) emboldening further efforts, including a push for a constitutional amendment to ban abortion in the United States.[[23]](#footnote-23) Though the movement’s original efforts to pass this amendment failed, its efforts to end abortion continued, largely targeting the court system as an alternative route to a legislative abortion ban.[[24]](#footnote-24)

On May 4, 2022, a leaked draft of a Supreme Court opinion showed that it was poised to overturn *Roe*.[[25]](#footnote-25) The Court confirmed the authenticity of the draft, and stated, “Although the document described in yesterday’s reports is authentic, it does not represent a decision by the Court or the final position of any member on the issues in the case.”[[26]](#footnote-26) On June 24, 2022, the Supreme Court voted to overturn *Roe v. Wade* in a decision that was largely unchanged from the leaked draft.[[27]](#footnote-27) Now, clinics that provide reproductive health services in states where abortion is banned are no longer providing the service while others in less restrictive states are bracing for protests by anti-abortion advocates.[[28]](#footnote-28)

1. *Current Events and Clinic Access*

A report released by the National Abortion Federation (NAF) shows an increase in intimidation tactics, vandalism, and other activities aimed at disrupting services such as harassing providers and blocking patients’ access to abortion care.[[29]](#footnote-29) The report also states:

Emboldened by the passage and enforcement of abortion restrictions in several states, anti-abortion individuals and groups continued to harass abortion providers this year. A January 2020 unclassified report from the FBI outlined an ongoing increase in anti-abortion threats, disruption, and violence, stating, “The FBI assesses the increase in abortion-related violent extremist threats and criminal activity, including violations of the Freedom of Access to Clinic Entrances (FACE) Act, against targets including reproductive healthcare facilities (RHCFs) likely is driven in part by the recent rise in state legislative activities related to abortion services and access.”[[30]](#footnote-30)

The report includes various categories of anti-abortion related disruptions that have shown an increase in frequency.[[31]](#footnote-31) The different categories include hoax devices and suspicious packages, arson, assault and battery, death threats and/or threats of harm, stalking, attempted bombing or arson, vandalism, hate email and/or internet harassment, and hate mail and/or harassing calls.[[32]](#footnote-32) Assault and battery and threats of harm or death showed the most significant increase, more than doubling between 2019 and 2020.[[33]](#footnote-33) The NAF reports that the majority of the assault and battery incidents involved anti-abortion protesters engaging in altercations with clinic escorts, patient companions, and patients.[[34]](#footnote-34) Pushing, tripping, and spitting on clinic escorts and staff were amongst the reported incidents.[[35]](#footnote-35) The latest 2021 report shows a continued upward trend in incident numbers across all categories, with assault and battery incidents more than doubling yet again.[[36]](#footnote-36) The 2021 report found increases in pushing, shoving, slapping, kicking, physically fighting, and use of pepper spray against clinic escorts, staff, and others outside of clinics.[[37]](#footnote-37)

Additionally*,* anti-abortion protesters increasingly rely on fetus-focused tools, such as graphic images of aborted fetuses in an attempt to make people view fetuses as babies,[[38]](#footnote-38) establishing the idea of “fetal personhood.”[[39]](#footnote-39) Notably, much of this imagery is inaccurate and is designed to intimidate or emotionally manipulate people seeking abortions.[[40]](#footnote-40)

In 2017, former Attorney General Eric Schneiderman filed a federal lawsuit seeking an injunction and civil penalties against a group of anti-abortion protesters.[[41]](#footnote-41) According to the lawsuit, these anti-abortion protesters were harassing and threatening staff and patients at the Choices Women’s Medical Center in Queens.[[42]](#footnote-42) The lawsuit named 14 men and women as the instigators of a “barrage of unwanted physical contact, as well as verbal abuse, threats of harm, and lies about the clinic’s hours and its services.”[[43]](#footnote-43) Other tactics included slow-walking in front of visitors and obstructing the building entrance with signs.[[44]](#footnote-44)

In 2018, a Brooklyn federal judge cleared the harassment charges and denied the injunction. During an appeals process, U.S. Circuit Judge Rosemary Pooler cited that the protestors’ tactics violated the FACE Act.[[45]](#footnote-45) In 2021, the Second U.S. Circuit Court of Appeals rejected the protesters’ claim that laws protecting abortion providers and patients from attacks and threats violated their constitutional right to freedom of speech and remanded the case back to the lower court for reexamination.[[46]](#footnote-46) Following the decision, Choices Women’s Medical Center Founder and CEO, Merle Hoffman, stated that they were bracing for an influx of out-of-state patients after the overturning of *Roe.[[47]](#footnote-47)* Melissa Fowlers, Chief Program Officer for the NAF, stated that, “we know from experience, it’s not like the people protesting clinics in banned states just pack up and go home,” highlighting the trend that protesters move on to states where abortion is legal. [[48]](#footnote-48)

1. *New York City Reproductive Health Access*

In 1994, the New York City Council passed a law known as the Access to Reproductive Health Services Act.[[49]](#footnote-49) The legislative findings at the time noted that some groups may exceed “the boundaries of lawful First Amendment expression” by physically preventing access to reproductive health care facilities or harassing people that are attempting to access those facilities.[[50]](#footnote-50) The Council found that the law at the time did not provide adequate protections and enact additional legislation to ensure that people could access necessary care and services.[[51]](#footnote-51)

In 2009, the 1994 law was amended to become the Access to Reproductive Health Care Facilities (ARHCF) Act.[[52]](#footnote-52) Part of this amendment included more specifically tailoring the protections for people accessing the premises of a reproductive health care facility, creating a 15-foot protected area around the facility, and specifying a standard of knowingly acting to obstruct access to a facility or interfering in its operation (or any attempt to do so) as violations of the Act.[[53]](#footnote-53) Notably, the 2009 amendments to the law did not require that protesters act knowingly when taking unlawful actions within 15-feet of a facility, striking a balance between preserving access to reproductive health care facilities and First Amendment activities. Violations of the 1994 law resulted in a misdemeanor and a civil cause of action; however, in explaining the more recent amendment, the 2009 Civil Rights Committee Report noted that police may find it difficult to determine whether the prohibited conduct was illegal due to the intent component.[[54]](#footnote-54) The law was once again amended in 2018, although not substantively, as part of a greater restructuring of the Administrative Code to reorganize and clarify New York City’s Human Rights Law. As part of this reorganization, the ARHCF Act was moved to title 10 of the New York City Administrative Code, clarifying that the law would be enforced by the NYPD.[[55]](#footnote-55)Notably, the 2018 amendment maintained the civil cause of action and continued to hold that the penalties and remedies provided in the law are cumulative and not exclusive.[[56]](#footnote-56)

In addition to the existing ARHCF, the New York City Human Rights Law (NYCHRL) continues to provide protections from discriminatory harassment or violence.[[57]](#footnote-57) The NYCHRL specifically provides that the corporation counsel, at the request of the CCHR commissioner or at their own initiative, may bring a civil action to protect the rights guaranteed by federal, state, or local laws, including protections based on gender, and sexual or reproductive health decisions.[[58]](#footnote-58)

1. **LEGISLATIVE ANALYSIS**
   1. *Int. 474-A – A Local Law to amend the administrative code of the city of New York, in relation a public information and outreach campaign regarding safe access to reproductive health care.*

This bill would require the city to conduct a public education program to inform the public about the protections available to people and providers accessing reproductive health care facilities that are included in ARHCF. The Mayor would designate an agency or agencies to administer the public education program, though any agency selected would be required to coordinate with the Commission on Human Rights, the Department of Health and Mental Hygiene, and the Department of Consumer and Worker Protection. The public education program would also be required to provide information about the protections available in the NYCHRL related to reproductive health decisions and stopping discriminatory harassment. The public education program would also provide information about a person’s right to bring a civil action for violating the ARHCF and remedies for violations of the NYCHRL, as well as how to access resources to find comprehensive reproductive health care and privacy protections for people accessing reproductive health care. The bill would also require a media campaign to inform the public about reproductive health care in the city.

Int. 474-A would take effect 90 days after it becomes law.

* 1. *Res. 242-B – Resolution congratulating the State Legislature for approving S.15002/A.41002, a resolution proposing an amendment to the New York State Constitution in relation to equal protection, and calling on the Legislature to approve this amendment again next session so that it may be submitted to the voters of New York State for approval.*

The proposed resolution would support S.15002/A.41002, sponsored by Senate Majority Leader Andrea Stewart-Cousins and Assembly Member Rebecca Seawright, respectively, which seeks to amend Article 1 of the New York State Constitution, in relation to equality of rights and protection against discrimination. The amendment would add an equal rights provision that would expand the list of protected classes to include ethnicity, national origin, age, disability, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy. The amendment was recently approved by the Legislature, and must be approved again by the Legislature next session in order to be submitted to the voters of New York State for approval.

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Proposed Int. No. 474-A

By Council Member Hanif, the Public Advocate (Mr. Williams) and Council Members Williams, Hudson, Cabán, Avilés, Powers, Krishnan, Brannan, Joseph, Nurse, Dinowitz, Ung, Menin, Brooks-Powers, Schulman, Gutiérrez, Richardson Jordan, Abreu, Louis, Restler, Brewer, Won, Velázquez, Riley, Farías, Ossé, De La Rosa, Narcisse, Sanchez and The Speaker (Council Member Adams)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to a public information and outreach campaign regarding safe access to reproductive health care

..Body

Be it enacted by the Council as follows:

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.6 to read as follows:

§ 3-119.6 Public Education on Reproductive Health Care. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Access to reproductive health care facilities law. The term “access to reproductive health care facilities law” means the provisions contained in chapter 10 of title 10 of this code.

Administering agency. The term “administering agency” means the agency that the mayor designates to administer the reproductive health care public education program established by this section.

b. Public education. The mayor shall designate an agency to administer a public education program that informs the public regarding reproductive health care in the city. The administering agency shall, in coordination with the commission on human rights, the department of health and mental hygiene, the department of consumer and worker protection, and such other relevant agencies as the mayor may designate, as appropriate, develop materials in furtherance of such public education program and shall post such materials on the city’s website in the designated citywide languages as defined in section 20-1101. Such public education program shall include information regarding the following:

(1) Protections for those seeking services or working at a reproductive health care facility as defined in section 10-1002 under the access to reproductive health care facilities law;

(2) Title 8 protections related to sexual and reproductive health decisions, including protections from discrimination and harassment;

(3) The remedies under title 8 available to individuals who have experienced discrimination on the basis of sexual or reproductive health decisions;

(4) The right of an individual to bring a civil action for violations of the access to reproductive health care facilities law and for actual damages based on such law;

(5) The range of reproductive care options that are legal and available in the city, including abortion, pregnancy counseling, and preventative and emergency contraception;

(6) Resources on how to find comprehensive reproductive health care services in the city;

(7) Guidance regarding privacy of protected health information for those seeking reproductive health care services;

(9) Any other rights related to reproductive health care that the administering agency deems appropriate.

§ 2. The mayor shall designate one or more agencies to engage in a media campaign that informs the public regarding reproductive health care in the city. Such campaign may include, but need not be limited to, the categories of information to be included in the public education program operated pursuant to section 3-119.6 of the administrative code of the city of New York.

§ 3. This local law takes effect 90 days after it becomes law.

JG/RC/DSS

LS #6795/9109

7/6/22

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| Proposed Res. No. 242-B    Resolution congratulating the State Legislature for approving S.15002/A.41002, a resolution proposing an amendment to the New York State Constitution in relation to equal protection, and calling on the Legislature to approve this amendment again next session so that it may be submitted to the voters of New York State for approval.    By Council Members Menin, Bottcher, Hanif, Williams, Richardson Jordan, Farías, Ossé, Louis and Narcisse    Whereas, The New York State Constitution ("the Constitution”) does not currently include a comprehensive equal rights provision; and                        Whereas, An amendment to the Constitution is necessary to ensure legal equality for all New Yorkers;                       Whereas, S.51002/A.41002, sponsored by Senate Majority Leader and President Pro Tempore Andrea Stewart-Cousins and Assembly Member Rebecca Seawright, respectively, proposes an amendment (“the amendment”) to Article 1 of the Constitution; and  Whereas, In its current state, Article 1, Section 11 of the Constitution states that, “No person shall, because of race, color, creed or religion be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state”, and  Whereas, This list of protected classes is limited and does not offer comprehensive protection to all New Yorkers; and                       Whereas, S.15002/A.41002 would amend the Constitution by adding an equal rights provision that would expand the list of protected classes to include ethnicity, national origin, age, disability, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy; and  Whereas, The Constitution was last amended to address the topic of equal rights in 1938, which predates the Civil Rights Movement, as well as major advancements toward equality, including steps towards gender and LGBTQ equality, and therefore does not address the protection of equal rights with respect to these essential rights; and  Whereas, On July 1, 2022, the amendment passed both the Senate and Assembly during a special session of the Legislature; and  Whereas, The amendment must now pass the newly elected Legislature next year before it can go before voters; now, therefore, be it  Resolved, That the Council of the City of New York congratulates the State Legislature for approving S.15002/A.41002, a resolution proposing an amendment to the New York State Constitution in relation to equal protection, and calling on the Legislature to approve this amendment again next session so that it may be submitted to the voters of New York State for approval.  WD  LS #6957/9097  7/7/2022 |

1. The Supreme Court ruled in *Roe v. Wade* 93. S.Ct. 705(1973), that a person has a right to privacy primarily pursuant to the Due Process Clause of the Fourteenth Amendment, but the roots of this right could also be found in previous decisions concerning the First Amendment, Fourth and Fifth Amendments, and the Ninth Amendment. The *Roe* court held that this right encompassed a person’s decision to terminate a pregnancy, but was subject to some state regulation based on a compelling interest. The decision in *Roe* and the trimester regulatory scheme it recognized was subsequently revisited in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112 S.Ct. 2791 (1992). The Court in *Casey* reexamined the trimester schedule proposed by *Roe* and while acknowledging the right to privacy, created an undue burden test to examine restrictions on abortion before the point of fetal viability. Viability means the ability to live outside the womb, which usually happens between 24 and 28 weeks after conception. In the ensuing fifty years, numerous parties have litigated the meaning of “undue burden” and have had a measure of success in restricting abortion access until the Court’s decision in *Dobbs v. Jackson Women’s Health Org.,* 19-1392, 2022 WL 2276808 (US June 24, 2022). [↑](#footnote-ref-1)
2. 134 A.L.R. Fed. 507 (Originally published in 1996). [↑](#footnote-ref-2)
3. US Const amend. I. [↑](#footnote-ref-3)
4. Bennet, James. *Council Considers Penalties for Abortion Clinic Violence*, N. Y. Times (Apr. 22, 1993) at B8. *Available at* https://www.nytimes.com/1993/04/22/nyregion/council-considers-penalties-for-abortion-clinic-violence.html. [↑](#footnote-ref-4)
5. Bennet, James. *Council Considers Penalties for Abortion Clinic Violence*, N. Y. Times (Apr. 22, 1993) at B8. *Available at* https://www.nytimes.com/1993/04/22/nyregion/council-considers-penalties-for-abortion-clinic-violence.html. [↑](#footnote-ref-5)
6. 18 U.S.C.A. § 248 (2003). [↑](#footnote-ref-6)
7. 18 U.S.C.A. § 248 (2003). [↑](#footnote-ref-7)
8. 18 U.S.C.A. § 248 (2003). [↑](#footnote-ref-8)
9. 18 U.S.C.A. § 248 (2003). [↑](#footnote-ref-9)
10. 18 U.S.C. § 248(c)(1)(A). [↑](#footnote-ref-10)
11. 18 U.S.C. § 248(c)(2), (3). [↑](#footnote-ref-11)
12. *Compare* *United States v. Gregg*, 226 F.3d 253 (3d Cir. 2000) (Upholding FACE based on Congress' Commerce Clause power and First Amendment), *cert. denied*, 532 U.S. 971 (2001), *and* *Am. Life League, Inc. v. Reno*, 47 F.3d 642, 648 (4th Cir. 1995) (Upholding FACE against challenges based on First Amendment, Tenth Amendment, and Religious Freedom Restoration Act), *with* *Hoffman v. Hunt*, 923 F. Supp. 791, 822 (W.D.N.C. 1996) (Finding FACE invalidate according to First Amendment and Tenth Amendment (relying on *United States v. Lopez*, 514 U.S. 549 (1995) (Holding that Gun-Free School Zones Act exceeded congressional power under Commerce Clause))) *rev'd*, 126 F.3d 575, 587-88 (4th Cir. 1997) (Pursuant to the Commerce Clause Congress had the power to enact FACE because it had “a direct and profound effect on the interstate commercial market in reproductive health services” (relying on *Am. Life League, Inc. v. Reno*, 47 F.3d 642)). [↑](#footnote-ref-12)
13. See *Gregg*, 226 F.3d at 267 (“FACE is not viewpoint-based.”), *cert. denied*, 532 U.S. 971 (2001); *Dinwiddie*, 76 F.3d at 921-22 (“[T]here is not disparate-impact theory in First Amendment law. The fact that a statute, whether through a motive requirement or some other mechanism, disproportionately punishes those who hold a certain viewpoint does not ‘itself render the [statute] content or viewpoint based.”’ (quoting *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 763 (1994))). See also, *Terry v. Reno*, 101 F.3d 1412, 1419 (D.C. Cir. 1996) (sustained FACE); *Am. Life League, Inc.*, 47 F.3d at 651 (sustained FACE); see also *United States v. Weslin*, 156 F.3d 292, 297 (2d Cir. 1998) (per curiam) (upheld FACE). [↑](#footnote-ref-13)
14. *McCullen v Coakley*, 573 U.S. 464, 491, 134 S.Ct 2518, 2537, 189 L.Ed. 2d 502 (2014). [↑](#footnote-ref-14)
15. *Compare Hill v. Colorado*, 530 U.S. 703 (2000) and *McGuire v. Reilly*, 260 F.3d 36, 38 (1st Cir 2001), *affirmed* 386 F3d 45, 48 [1st Cir 2004] *cert. denied*, 125 S.Ct. 1827 (2005) with *McCullen v Coakley*, 573 U.S. 464 (2014). [↑](#footnote-ref-15)
16. *Schenck v. Pro-Choice Network of W. New York*, 519 U.S. 357, 380, 117 S.Ct. 855, 868, 137 L.Ed.2d 1 (1997); Clinic Access Act, N.Y. Penal Law §§ 240.70-240.71. [↑](#footnote-ref-16)
17. Clinic Access Act, N.Y. Penal Law §§ 240.70-240.71 [↑](#footnote-ref-17)
18. Clinic Access Act, N.Y. Penal Law §§ 240.70; L.1999, c. 635, § 2. [↑](#footnote-ref-18)
19. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at* <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/>. [↑](#footnote-ref-19)
20. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at* <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/>. [↑](#footnote-ref-20)
21. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at*: <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/>. [↑](#footnote-ref-21)
22. Salganicoff, Alina, et al. *The Hyde Amendment and Coverage for Abortion Services*, Kaiser Family Found. (Mar. 05, 2021) *Available at* <https://www.kff.org/womens-health-policy/issue-brief/the-hyde-amendment-and-coverage-for-abortion-services/> [↑](#footnote-ref-22)
23. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at*: <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/>. [↑](#footnote-ref-23)
24. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at* <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/>. [↑](#footnote-ref-24)
25. *Decision to Overturn Roe v. Wade Leaked,* NBC News. (May 4, 2022) *Available at* <https://www.nbcnews.com/news/us-news/live-blog/roe-v-wade-supreme-court-decision-overturn-leaked-rcna27067>. [↑](#footnote-ref-25)
26. Press Release, Supreme Court of the United States. (May 3, 2022) *Available at* <https://www.documentcloud.org/documents/21846543-2022-050322-press-release>. [↑](#footnote-ref-26)
27. Totenberg, Nina and Sarah McCamon. *Supreme Court Overturns Roe v. Wade, Ending Right to Abortion Upheld for Decades.* NPR News. (June 24, 2022) *Available at* <https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn>. [↑](#footnote-ref-27)
28. Schuppe, Jon. *Abortion Clinics are Bracing for Protests, Harassment and Violence if Roe Falls”,* NBC News. (May 4, 2022) *Available at* <https://www.nbcnews.com/news/us-news/abortion-clinics-protests-security-rcna27270>. [↑](#footnote-ref-28)
29. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-29)
30. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-30)
31. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-31)
32. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-32)
33. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-33)
34. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-34)
35. *2020 Violence and Disruption Statistics*. National Abortion Fed’n. (Dec. 16, 2021) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2020_NAF_VD_Stats.pdf>. [↑](#footnote-ref-35)
36. *2021 Violence & Disruption Statistics*.National Abortion Fed’n. (May 19, 2022) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2021_NAF_VD_Stats_Final.pdf>. [↑](#footnote-ref-36)
37. *2021 Violence & Disruption Statistics*.National Abortion Fed’n. (May 19, 2022) *Available at* <https://5aa1b2xfmfh2e2mk03kk8rsx-wpengine.netdna-ssl.com/wp-content/uploads/2021_NAF_VD_Stats_Final.pdf>. [↑](#footnote-ref-37)
38. Holland, Jennifer L. *Abolishing Abortion: The History of the Pro-Life Movement in America*. Org. of Am. Historians. *Available at* <https://www.oah.org/tah/issues/2016/november/abolishing-abortion-the-history-of-the-pro-life-movement-in-america/> [↑](#footnote-ref-38)
39. Ziegler, Mary and Robert L. Tsai, *How the Anti-Abortion Movement Used the Progressive Playbook to Chip Away at Roe v. Wade*. Politico Magazine, Politico. (June 13, 2021) *Available at* <https://www.politico.com/news/magazine/2021/06/13/anti-abortion-progressive-roe-v-wade-supreme-court-492506>. [↑](#footnote-ref-39)
40. Peterson. Pia. *Many Abortion Images Are Misleading Or Manipulative. These Photos Show The Reality.* BuzzFeedNews. (April 28, 2022) *Available at* <https://www.buzzfeednews.com/article/piapeterson/photos-abortions-reality>. [↑](#footnote-ref-40)
41. Klasfeld, Adam. *New York Cracks Down on Abortion Clinic Harassment,* Courthouse News. (June 20, 2017) *Available at* <https://www.courthousenews.com/n-y-ag-cracks-abortion-clinic-harassment/>. [↑](#footnote-ref-41)
42. Klasfeld, Adam. *New York Cracks Down on Abortion Clinic Harassment,* Courthouse News. (June 20, 2017) *Available at* <https://www.courthousenews.com/n-y-ag-cracks-abortion-clinic-harassment/>. [↑](#footnote-ref-42)
43. Klasfeld, Adam. *New York Cracks Down on Abortion Clinic Harassment,* Courthouse News. (June 20, 2017) *Available at* <https://www.courthousenews.com/n-y-ag-cracks-abortion-clinic-harassment/>. [↑](#footnote-ref-43)
44. Pollano, Nina. *2nd Circuit Flags ‘True Threats’ in NYC Abortion Clinic Protests*. Courthouse News. (Mar. 10, 2021) *Available at* <https://www.courthousenews.com/2nd-circuit-flags-true-threats-in-nyc-abortion-clinic-protests/>. [↑](#footnote-ref-44)
45. Pollano, Nina. *2nd Circuit Flags ‘True Threats’ in NYC Abortion Clinic Protests*. Courthouse News. (Mar. 10, 2021) *Available at* <https://www.courthousenews.com/2nd-circuit-flags-true-threats-in-nyc-abortion-clinic-protests/>. [↑](#footnote-ref-45)
46. Stempel, Jonathan. *Court Rules Against Anti-abortion Protesters in New York*. Reuters. (Mar. 10, 2021) *Available at* <https://www.reuters.com/article/us-new-york-abortion-protests/court-rules-against-anti-abortion-protesters-in-new-york-idUSKBN2B22CU>. [↑](#footnote-ref-46)
47. Vergari, Mark. *Choices Women’s Medical Center in Queens Braces for Influx of Out-of-State Patients*. The Journal News. (June 23, 2022) *Available at* <https://www.lohud.com/videos/news/local/2022/06/23/roe-v-wade-nyc-abortion-clinic-preps-wave-out-state-patients/7692465001/>. [↑](#footnote-ref-47)
48. Burnett, Sara. *Heightened Alert: Abortion Providers Brace for Ruling*”, ABC News. (June 24, 2022) *Available at* <https://abcnews.go.com/Health/wireStory/heightened-alert-abortion-providers-brace-ruling-85632597>. [↑](#footnote-ref-48)
49. LL 3/1994. [↑](#footnote-ref-49)
50. LL 3/1994. [↑](#footnote-ref-50)
51. LL 3/1994. [↑](#footnote-ref-51)
52. LL 24/2009. [↑](#footnote-ref-52)
53. LL 24/2009 [↑](#footnote-ref-53)
54. According to the Committee Report, “The requirement in the [1994] law that a person act with the intent . . . can make it difficult to arrest and prosecute those who step outside the boundaries of appropriate expression and violate the Human Rights Law. [LL 24/2009] would remove this intent requirement, facilitating arrest and prosecution for illegal conduct.” When eliminating the intent requirement, the law established a nexus between the clinics and the unlawful behavior to justify the penalties in the law. Accordingly, the legislation amended the law to penalize only violation of certain provisions within 15 feet of the premises of a reproductive health care facility. Committee Report for the Committee on Civil Rights. NYC Council. (Nov. 18, 2008) *Available at* https://legistar.council.nyc.gov/View.ashx?M=F&ID=676767&GUID=B137D06F-298D-4879-A874-BF478CCBC796. [↑](#footnote-ref-54)
55. LL 63/2018. [↑](#footnote-ref-55)
56. LL 63/2018. [↑](#footnote-ref-56)
57. N.Y.C. Ad. Code § 8-602(a). [↑](#footnote-ref-57)
58. N.Y.C. Ad. Code § 8-602(a). [↑](#footnote-ref-58)