

OPINION

Denying religious freedom at Park East Synagogue



Pro-Palestinian protesters gather outside an event held by Nefesh B'nefesh, an organization that helps American Jews immigrate to Israel, at the Park East Synagogue in Manhattan on Nov. 19, 2025. (Photo by Selçuk Acar/Anadolu via Getty Images)



By **KENNETH L. MARCUS**

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Anti-Israel [protesters](#) have a new target: synagogues. Park East Synagogue on the Upper East Side saw violent protesters hurl [slurs](#) at Jewish men, women and children ranging from “death to the IDF,” to “From New York to Gaza, Globalize the Intifada” to “F***ing Jewish pricks.” In response, Zohran Mamdani’s press secretary made a statement on behalf of Mamdani implying that the synagogue congregants violated international law.

This incident — and the response of Mamdani — weren’t just highly alarming, ringing of a history of antisemitic persecution. They crossed a clear legal line.

The FACE Act, or the [Freedom of Access to Clinic Entrances Act](#), is a 1994 bipartisan law. The law prohibits the use of intimidation, interference, physical obstruction, or the threat of violence to prevent individuals from obtaining or providing reproductive health services. In 2000, Congress amended the FACE Act to explicitly include those trying to exercise their right to religious freedom at worship sites. It’s a law to protect individuals while they carry out the freedoms that their constitution protects.

All religions — from Christianity to Judaism to Islam — are awarded the same legal protections to enter into their houses of worship free from coercion. While Americans enjoy a constitutionally protected right to protest, that right does not protect harassment, intimidation, threats, or physical or psychological obstruction.



Protest crosses the legal line when it deters or impedes worshippers from entering a religious building or places them in reasonable fear for their safety. Protesters are free to express their views; they are not free to create an atmosphere of menace at the doors of a synagogue. That is not “protest.” It is unlawful interference, and the Constitution provides no shelter for it. We also must not forget that religious worship is a form of free expression, and it is chilled when congregants are harassed.

Some have argued that the Nefesh B’Nefesh event taking place at the synagogue wasn’t religious in nature and that the protesters therefore didn’t violate the FACE Act. That is wrong. The “free exercise of religion” includes the ability to participate in religious meetings, study sessions, community religious practices, and activities motivated by religious doctrine.

Traditional Jewish law treats the return to the Land of Israel — the focus of this event — as a religious obligation and, unequivocally, a spiritual activity rooted in faith. Courts applying the FACE Act will recognize that “religious exercise” includes conduct motivated by sincerely held beliefs, regardless of whether the activity resembles formal worship. By any reasonable measure, the Park East Synagogue event falls squarely within that protected category.

What makes this incident even more troubling is that the legal clarity of the FACE Act was publicly undermined by Mamdani. When Mamdani’s press secretary claimed that the Nefesh B’nefesh event was “in violation of international law,” she was not merely sharing the mayor’s political opinion. As the leader of New York City, his words have heavy implications.

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In one sentence, a spokeswoman for Mamdani undermined the legitimacy of protected religious conduct. This gave protesters a greenlight for antisemitic conduct, sending them a signal that conduct against religious institutions can be morally or politically justified. But the law is not up to the interpretation of Mamdani. Politicians do not have the authority to determine which religious gatherings are protected by federal law.

And this is a critical part of the story: a federal civil rights protection was not only ignored, it was challenged by a man who will soon be responsible for upholding it.

Not only is Mamdani not upholding the law for New Yorkers, but he is making matters worse. His comments have helped to delegitimize Jewish religious practice, greenlight antisemitism, and allow violations of the FACE Act to continue, so long as they are consistent with the mayor's ideological stance.

The past few years have seen the [highest](#) number of religious hate crimes ever recorded. The time to protect our religious institutions and those who practice is now. And there is precedent: this past September, the Department of Justice [sued](#) protesters who threatened and intimidated Jewish worshipers outside of a synagogue in West Orange, N.J. So for those who are calling for more laws or changes: the law is already there, and it's ready to protect us. Our new mayor needs to uphold it.

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