News

U.S. Supreme Court building in Washington, D.C.

A view of the U.S. Supreme Court in Washington, D.C., July 19, 2024. (OSV News/Reuters/Kevin Mohatt)

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The U.S. Supreme Court unanimously ruled April 29 that a group of faith-based pregnancy centers in New Jersey can challenge in federal court an investigation by that state's attorney general alleging they misled people about their services and seeking information about their donors.

First Choice Women's Resource Centers operates five centers in the Garden State that provide some medical services, including ultrasounds, to women experiencing unplanned pregnancies. They argued that an investigation by then-New Jersey Attorney General Matthew J. Platkin, a Democrat, that sought information about their donor communication infringed on their First Amendment rights.

Platkin, who left office earlier this year, moved to investigate First Choice in 2023, alleging the centers misrepresented themselves to clients as if their services included referrals for abortion. As part of his probe, he issued a subpoena seeking

information, including about the group's donors.

But writing for a unanimous court, Justice Neil Gorsuch said that neither the New Jersey Division of Consumer Affairs nor the attorney general's office "received any complaints from the public about First Choice."

A key question in the case was whether First Choice must first pursue its claims in state court.

"This case presents a narrow question," Gorsuch's opinion said. "We are not asked to decide the merits of First Choice's federal lawsuit, only whether it may proceed."

Gorsuch argued that the question "all but answers itself."

"Since the 1950s, this Court has confronted one official demand after another like the Attorney General's," Gorsuch continued. "Over and again, we have held those demands burden the exercise of First Amendment rights. Disputing none of these precedents but seeking ways around them, the Attorney General has offered a variety of arguments. Some are old, some are new, but none succeeds."

The case was noteworthy because even some organizations that do not align with First Choice's opposition to abortion — such as the American Civil Liberties Union — filed amicus briefs on their behalf in the case, citing freedom of speech concerns.

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In a statement, Erin Morrow Hawley, who serves as of counsel at Alliance Defending Freedom and who argued the case in December, said, "In this resounding victory, the Supreme Court held to its long-standing precedent of recognizing that the Constitution protects First Choice and its donors from demands by a hostile state official to disclose donor identities and contact information."

"New Jersey's attorney general targeted First Choice — a ministry that provides parenting classes, free ultrasounds, baby clothes, and more to its community -- simply because of its pro-life views," added Hawley, who is also the wife of Sen. Josh Hawley, R-Mo. "That is blatantly unconstitutional. Should the Attorney General continue these efforts on remand, we look forward to presenting First Choice's case

in federal court."

New Jersey Attorney General Jennifer Davenport said in a statement provided to OSV News, "Today’s procedural decision holds only that First Choice can pursue its challenge to our subpoena, not that its challenge should prevail."

"New Jersey law makes clear that nonprofits cannot deceive or defraud New Jerseyans, and we regularly exercise our traditional investigative authority to ensure they are not doing so — regardless of the particular services they provide. We look forward to defending our subpoena in court," Davenport said. "We will continue to enforce our fraud laws without fear or favor."

Aimee Huber, executive director of First Choice, said in a statement, "For more than two years, Attorney General Platkin targeted First Choice with aggressive demands for sensitive documents, including our donors' identities."

"He has gone to great lengths to frustrate the important work we do -- work that has made a tangible, life-saving difference for tens of thousands of New Jersey women and their children," Huber said. "As the Supreme Court recognized, the government can't evade federal court review when it harasses those who support pro-life ministries just because it disagrees with their message and their mission."

The Catholic Church teaches that all human life is sacred from conception to natural death, and as such, opposes direct abortion.