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New Jersey Attacks a Pregnancy Center's

Religious Liberty

the First Amendment.

The Supreme Court will review a subpoena that strikes at the heart of

By William J. Haun Dec. 1, 2025 at 4:17 pm ET Gift unlocked article **Listen** (5 min)

ANDREW HARNIK/GETTY IMAGES Should federal courthouse doors be closed to a pro-life religious ministry facing a state subpoena that seeks to probe its internal religious decisions? That's what's at stake in First Choice Women's Resource Centers v. Platkin, which the Supreme Court

women over 40 years. The ministry offers free counseling, medical services, maternity and baby clothes, diapers and food.

will hear on Tuesday.

After the Supreme Court overturned *Roe v. Wade,* New Jersey Attorney General Matthew Platkin sought to score political points by subjecting First Choice to a wideranging subpoena inquiring into its religious decisions—on pain of contempt of court and other legal penalties if First Choice fails to comply.

of faith that employees must uphold.

communications goes to the core of the nonprofit's self-governance as a religious body. What's more, the attorney general doesn't want any federal court oversight

—in particular, the disclosure of First Choice's anonymous donors. Yet there's an even more foundational First Amendment guarantee at stake: First Choice's independence, as a religious organization, to make internal religious decisions without state interference. As my colleagues and I argue in a friend-of-thecourt brief for the Becket Fund for Religious Liberty, the justices shouldn't let the religious-liberty consequences of this case go unexamined. As many scholars and judges have observed, frameworks for limited government

To protect First Choice's internal religious decision-making—and ensure other religious organizations don't lose their religious self-governance to prosecutorial

on." By restoring the protection of church autonomy for First Choice, the court can vindicate the ancient line that makes religious liberty possible. Mr. Haun is senior counsel at the Becket Fund for Religious Liberty and a nonresident

fellow at the American Enterprise Institute. Leading at the Speed of Change Embrace uncertainty as a catalyst for growth—and

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demands into internal religious affairs.

Appeared in the December 2, 2025, print edition as 'New Jersey Attacks a Pregnancy Center's

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With a mission to "serve women and the unborn as the Bible instructs," First Choice Women's Resource Centers in New Jersey has helped tens of thousands of pregnant

The attorney general's subpoena aims to probe the identity of First Choice's donors. It also demands the organization's internal religious communications, policies and guidance documents that are intended to instruct staff and volunteers and "guide their interactions" with pregnant women and donors. That includes First Choice's handbooks for volunteers, training materials, and agreements such as the statements Scrutinizing whether and how First Choice conducts religious training and internal

before the damage is done—that is, before First Choice is forced by law to hand over its internal religious decisions to state prosecutors. As the nonprofit's executive director, Aimee Huber, has pointed out, the subpoena is a threat to its First Amendment freedoms and jeopardizes its "ability to carry out its religious mission." Complying with it, she says, would "weaken the ministry." There are profound First Amendment questions underneath New Jersey's effort to make First Choice hand over its religious governance decisions before a federal court can step in. Understandably, the lawyers representing First Choice have focused on the problems this effort poses for the nonprofit's freedoms of speech and association

grew out of what U.S. constitutional law calls "church autonomy," based on the First

autonomy opened the legal space that makes civil religious liberty possible. Today,

religious schools, hospitals, homeless shelters, legal aid clinics and pregnancy care

higher authority than a state bureaucrat. Driving religious organizations from the

public square, as Justice Samuel Alito explained in Seattle's Union Gospel Mission v.

Woods (2022), not only risks the First Amendment's protection for religious exercise

centers like First Choice—can carry out their religious missions in response to a

but would "greatly impoverish our Nation's civic and religious life."

Amendment's religion clauses. Over the long history of Western law, church

church autonomy ensures that a range of religious bodies—houses of worship,

The New Jersey attorney general's demand isn't an outlier. As our brief details, many state governments and lower courts are trampling on religious self-governance by reducing church autonomy to the "narrowest reasonable reading" of state-law hiring protections, denigrating church autonomy as a "license to discriminate" and conditioning hiring on what a state bureaucrat deems "reasonably necessary." These restrictive approaches bypass what the high court has said since *Watson v. Jones* (1872): Church autonomy isn't a regulatory gratuity but part of the Constitution's "structure" and at "the foundation of our political principles."

discretion—the court should confirm what it held in NLRB v. Catholic Bishop (1979):

As C.S. Lewis once wrote, if you're on the wrong road, "going back is the quickest way

that church autonomy prohibits "the very process of inquiry" that lets a state foist

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