



FOR IMMEDIATE RELEASE

August 28, 2025

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

WLF Asks Supreme Court to Ensure First Amendment Claims May Be Heard in Federal Court *(First Choice v. Platkin)*

“Federal courts exist to vindicate federal rights. First Choice’s First Amendment claim must be heard by a federal judge.”

—Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to reverse an appellate court decision that denied a nonprofit targeted by a state attorney general from having its First Amendment defense heard in federal court.

The case arises from the New Jersey attorney general’s investigatory demand for the identities of donors to First Choice, a nonprofit crisis pregnancy center. Donor privacy has been acknowledged as a First Amendment right by the Supreme Court since 1958’s *NAACP v. Alabama*, but the court of appeals barred the federal courthouse door to First Choice’s constitutional claim.

As WLF’s amicus brief explains, Congress has long provided the federal courts with jurisdiction over these types of cases because it feared state courts would fail to properly vindicate federally protected rights. Yet what happened to First Choice is a widespread problem beyond the nonprofit sector. Business interests deemed unpopular or “on the wrong side” by politically ambitious AGs have also been hit with similarly unconstitutional demands and then shunted to state court—the attorney general’s home turf, typically presided over by an elected judge. WLF urges a simple fix: access to the federal courts as Congress intended. As the brief says, “Life-tenured judges appointed by a nationally elected president by-and-with the consent of legislators representing the States are well-positioned to separate good-faith investigatory work from pernicious lawfare.”

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

###