

More States Adopt "Choose Life" License Plates

By Liz Townsend

"Choose Life" license plates can now be offered to motorists in 14 states, as appeals courts recently allowed the plates to be sold in Louisiana and Tennessee. Proceeds from the sale of the license plates go to help crisis pregnancy centers and adoption assistance groups.

Motorists pay an extra fee each year, often about \$25, to display the license plates. The other states that offer the specialty plates are Alabama, Arkansas, Connecticut, Florida, Hawaii, Maryland, Mississippi, Montana, Ohio, Oklahoma, and South Dakota, according to the Associated Press (AP). The tags will also be available soon in Kentucky. Pro-life groups continue to work in many other states to bring the "Choose Life" message to their cars.

The most recent court case was decided by the 6th U.S. Circuit Court of Appeals March 17. The American Civil Liberties Union argued that Tennessee's plates violated the First Amendment because the state offers no pro-abortion tags. The license plates "use state dollars to promote one viewpoint while silencing another," ACLU of Tennessee Executive Directory Hedy Weinberg told The Tennessean.

The appeal court disagreed. It held that there is nothing in the First Amendment that requires government-sanctioned speech to be "viewpoint neutral."

"Government can express public policy views by enlisting private volunteers to disseminate its message," wrote Judge John M. Rogers for the 2-1 majority, "and there is no principle under which the First Amendment can be read to prohibit government from doing so because the views are particularly controversial or politically divisive."

The ACLU is still considering whether to appeal the decision to the U.S. Supreme Court. The High Court has not yet ruled on the constitutionality of such specialty plates. In January 2005, the justices declined to hear an appeal of a decision that invalidated South Carolina's "Choose Life" plates.

After the Tennessee case was decided, state officials in Kentucky announced that the license plates will begin to be sold there in a few months, according to the AP. Kentucky law allows citizen groups who collect more than 900 signatures to petition the transportation department for specialty plates. More than 1,100 prepaid applications for the "Choose Life" plates have already been presented to the state, the Louisville Courier-Journal reported.

In another appeals court case, the 5th Circuit Court of Appeals declined December 21 to rehear a three-judge panel ruling that allowed the sale of the plates in Louisiana, according to the AP. The federal appeals panel did not decide on constitutional issues, but ruled that the fee is a "tax" and should be a matter for state courts to consider.

Louisiana Attorney General's Office spokesperson Jennifer Cluck told the AP that the sale of the plates will begin in a few weeks.

Update April 2014: The Choose Life license plate is now available in 29 states and the District of Columbia, raising \$20 million for the cause of life and adoption in those states.