

# Are religious vanity license plates a First Amendment right? State-sponsored religious advertising: State-sponsored religious advertising

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In South Carolina, a district court has temporarily halted the production of state-sponsored license plates that declare “I Believe” and feature an illustration of a stained-glass window with a cross.

In Vermont, meanwhile, an appeals court has been mulling whether a vanity plate featuring John 3:16, the verse about Jesus saving the world, should be permitted on that state’s roads.

And in Arizona, a court has ruled that it is OK to give residents the option of having the words “Choose Life” on state plates.

The question is no longer the environmentally inspired “What Would Jesus Drive?” Now, it’s more likely to be about the driver’s badge of faith: “What’s on his license plate?”

Across the country, the metal license plates required by state laws have become the latest battleground for church-state disputes and questions of free speech.

“It’s hard to draw a line between what is government speech and what is private speech when it comes to license plates,” said Charles Haynes, senior scholar at the First Amendment Center in Washington. “Some people want to use their license plate to proclaim their beliefs, and that puts the state in an awkward position because if they allow one message, then they have to allow others.”

The South Carolina case is one of the more unusual—and overt—examples of religious speech on a license plate. The “I Believe” phrase and accompanying artwork were adopted unanimously by the state legislature, prompting a lawsuit by

the Washington-based Americans United for Separation of Church and State on behalf of Unitarian, Jewish and Christian clergy and the Hindu American Foundation.

“I know some may quickly label this as an anti-Christian suit, and I don’t think that that’s what is at issue,” explained Suhag Shukla, legal counsel for the Maryland-based Hindu group. “It was more the state endorsement of religion, and such a blatant endorsement of religion.”

U.S. District Judge Cameron Mc Gowan Currie sided with the religious groups in a December 15 opinion, halting distribution of the plates while the legal process continues.

“Just as a reasonable, objective observer would likely conclude that the state of South Carolina was promoting tourism with the Web site address ‘Travel2SC.com’ on its standard-issue plate,” she wrote, “that same observer could reasonably believe the state is promoting Christianity through its legislatively created and DMV-designed and marketed ‘I Believe’ plate.”

Beth Parks, a spokesperson for the South Carolina Department of Motor Vehicles, said the state has complied with the preliminary injunction, which directed the department to remove advertising about the plate from its Web site. “The people who submitted the \$5 prepaid application . . . are receiving refunds,” she said.

Beyond disputes over state-sanctioned specialty plates, Vermont driver Shawn Byrne is waiting for an appeals court to decide if he can use letters and symbols on his own vanity plate to spread the gospel. He hopes to put “JOHN316,” “JN316” or “JN316TN” on his vehicle.

“Everybody knows when they’re driving down the road and they see a vanity plate that the person behind the wheel is speaking, not the state,” said Jeremy Tedesco, an attorney with the Arizona-based Alliance Defense Fund, who defended Byrne at a December 8 hearing.

Already, courts have permitted individuals to speak through specialized plates with messages like “Choose Life,” sponsored by organizations such as the Arizona Life Coalition. Arizona officials had initially rejected a “Choose Life” license plate, but the Ninth U.S. Circuit Court of Appeals said that policy amounted to viewpoint discrimination. In October, the U.S. Supreme Court declined to hear an appeal by Arizona officials. More than a dozen states offer “Choose Life” plates and more are

considering them.

As the issue of putting faith and morality on license plates wends its way through courts and legislatures, experts differ on how these disputes rank among other church-state-separation questions.

Vanity plates of all kinds appear on more than 9.3 million U.S. motor vehicles, according to a joint study by the American Association of Motor Vehicle Administrators and the Web site LCNS2ROM.com, and officials say the interest in messages in motion is likely to continue.

“People are certainly passionate about license plates,” said Jason D. King, spokesperson for the association. “They are vehicles for personal expression.” – *Relgion News Service*