

'Choose Life' ruling may open floodgates on specialty plates

Thursday, 25 January 2007

A federal court ruling could open up specialty license plates to anyone who can find 800 buyers, regardless of the message to be conveyed, a secretary of state's spokesman said Tuesday.

U.S. District Judge David Coar on Monday ordered Illinois Secretary of State Jesse White to issue specialty plates with the slogan "Choose Life," even though the General Assembly had not approved them. A group called Choose Life Illinois Inc. had filed a lawsuit against White after approval of the plates was twice bottled up in the legislature. In his ruling in Chicago, Coar said state statute does not require General Assembly approval of specialty plates and that denying them because of controversial content violates First Amendment guarantees of free speech.

Choose Life Illinois' Web site identifies it as a pro-adoption group. All the members of its board of directors, including Chicago Bears owner Virginia McCaskey, also are visibly involved in the anti-abortion movement.

Dave Druker, spokesman for Secretary of State Jesse White, said Tuesday that the office intends to appeal to the 7th Circuit U.S. Court of Appeals in Chicago. He acknowledged that the ruling apparently allows specialty plates for any reason, as long as there are at least 800 purchasers.

"I think that was part of the attorney general's defense, that any cause could do it - obnoxious groups, which would be a concern," Druker said. "I think the examples that were cited were the Ku Klux Klan or the Nazis."

He added, however: "The bottom line is that it has nothing to do with the view on abortion - pro-life or pro-choice. ... Our belief is that we do not have the authority without legislative approval to create specialty license plates."

Druker said all of the 60 current specialty plates were approved by the legislature and the governor.

"Every time a plate has passed the General Assembly and been signed by the governor," he said, "we implement it if we have that commitment of 800 people to make it financially viable. ... It's my understanding that the concept of the (Choose Life) plate is something they've tried to pass but never had the votes in the General Assembly."

Rep. Dan Brady, R-Bloomington, a co-sponsor of legislation to create the Choose Life plates, said the proposal was never called for a vote in a House committee or on the House floor.

"Whatever the subject matter is - in this case, a personalized license plate - it should be given the opportunity of being part of the process and be able to be voted yes or no on," Brady said.

In his ruling for a summary judgment, Coar said, "The statute does not require enabling legislation before a new category of specialty license plates may be issued."

Brady said Tuesday he had not read the judge's ruling, but if it requires White to issue the plates without legislative approval, it "takes it a step further" than his original intent.

"I am of the position that the process be decided upon through the Illinois General Assembly," Brady said. "If we have upwards of 50 other specialized license plates that went through a certain process, then we should be given the same opportunity as any one of those - maybe less controversial - legislative initiatives would."

Legislation to create the plates was introduced in the 2001-02 and 2003-04 sessions, but no action was taken, Coar's ruling said. Choose Life Illinois sued in June 2004.