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H8BUSH? Not on Wisconsin license plates

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Critics argue that state is repressing freedom of speech

By Ben Jones

Post-Crescent Madison bureau chief February 12, 2008

MADISON — Gay pride events are common in Wisconsin, but that pride isn't allowed on state license plates.

Database: Search banned Wisconsin license plates

The state Department of Transportation uses a database of 8,000 banned combinations of letters and numbers to filter vanity plate applications to make sure scores of offensive messages aren't imprinted on Wisconsin plates.

Free speech rights, though, can collide with the database. Banned plates in the database include some with political messages as well as slogans like GAY, GAYPWR and GAPRIDE.

Scott Gunkel, president of Milwaukee's PrideFest, suggested that banning plates like GAY could be discrimination.

"While obscene words might be banned, I don't know how those would be seen as obscene," Gunkel wrote in an e-mail. "(The state) DOT should not be making those decisions; it should have a small list of obvious words, and nothing more."

Reggie Paradowski, special plates unit chief for the DOT's Division of Motor Vehicles, said applicants for vanity plates sometimes make a free speech argument.


"You do have to weigh that because that's the claim that some people will make when they get their choices rejected," Paradowski said. "It's certainly a message that they can have on their bumper sticker, but we are not necessarily going to put it on a license plate."


Gene Policinski, executive director of the First Amendment Center in Arlington, Va., suggests license plates are part of a free speech battleground.


"The restrictions on speech, given that it's not extensive speech, aren't quite the same as say, preventing a speaker from speaking at a political meeting, but the same rules apply," he said. "The regulations need to be grounded in some logic, not just somebody's arbitrary list."

The state DOT's special plates unit screens 20,000 license plates annually for obscene language. By

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 NOSEX on Wisconsin license plates; no DRUGZ either

Wisconsin license plate standards

By law, the state Department of Transportation can refuse to issue license plates with "any combination of letters or numbers, or both, which the department determines may carry connotations offensive to good taste and decency or which may be misleading." The agency has established 10 criteria that are grounds for rejecting a plate:

- Critical or derogatory message to the general public
- Critical or derogatory political message
- Something that denotes violence directed something or someone
- Sexual message
- Racial message
- Ethnic slur
- Terms or name of a subversive organization
- Gang-related terms
- Illegal drug terms
- Law enforcement terms

Source: State Department of Transportation

law, the state can reject plates that are "objectionable" or "misleading."

Drawing such a line can be a challenge for states with vanity plates, said Stefan Lonce, who is writing a book called "LCNS2ROM — License to Roam: Vanity Plates and the Stories They Tell."

"The problem ... for the DMVs is anything can be offensive to someone," Lonce said. "Even a name can be offensive."

"A woman in Rhode Island wanted her name on a vanity plate, and her name is Fuchs. They said, 'Well we can't allow that because guess what it looked like?'"

In Wisconsin, people sometimes successfully argue their case with the state.

"We're not going to tell someone that their name is objectionable and they can't have it on a license plate," Paradowski said.

Once, a person applied for the plate BEDGUY and was rejected by the DOT. The applicant, a furniture store operator, contacted the state to explain his case.

"It was allowed," Paradowski said.

Wisconsin has compiled a list of 10 types of license plates that aren't allowed. It includes plates that use illegal drug terms, racial messages and ethnic slurs and "terms or name of a subversive organization."

Also not allowed are "critical or derogatory" political messages.

Paradowski said critical messages that are directed to a person, such as a candidate, are not allowed.

So 1H8DOYL is not allowed. But 1LVDOYL could pass muster with the screeners.

Paradowski said plates like GAY are banned because they are sexual messages.

That doesn't sit well with Steve Starkey, executive director of OutReach, a Madison lesbian, gay, bisexual and transgender community center.

"Gay, lesbian, bisexual, transgender are names for a sexual orientation of a person, not a sexual act," he said. "It seems discriminatory to me."

State Sen. Glenn Grothman, R-West Bend, who has the plate TAX CUTR, said the state shouldn't allow plates that are "off color."

"People have bad bumper stickers, but I still don't think the state should be participating in putting something out there that you wouldn't want your average fourth-grader to read," he said. "We can't do anything about the bumper stickers because of the First Amendment, but I think for plates we should."

Policinski said free speech advocates need to be cautious when challenging states, "because if you push it to the limit, the most content-neutral solution for a state might be to say, 'Well, we just won't do it anymore,'" he said. "You get that random combination of letters and numbers and that's it."

"I'm not saying it's a good outcome, but it's one people should consider."