

## Free Speech on Wheels

By STEFAN LONCE  
Croton-on-Hudson, N.Y.

THE latest license plate controversy erupted last month when the South Carolina Legislature passed America's first-ever religious specialty license plate, with the slogan "I believe" and the image of a cross over a stained-glass window. The plate is being challenged in court by a group that promotes the separation of church and state.

The challengers have a point. Specialty plates are approved by state legislators, so a message or slogan can easily be construed as an official endorsement. States shouldn't get out of the specialty plate business altogether. They are a huge source of state income. (For instance, in Nevada they brought in \$3.8 million last year.) But I don't think states should issue specialty plates with religious or political messages.

The good news is that an acceptable forum for this kind of self-expression already exists: vanity plates. And what's better, federal courts have consistently ruled that they are protected under the First Amendment.

But if we're going to let vanity plates flourish, we need to reform the way they are approved. Americans love these plates; 9.3 million motor vehicles have them, which puts a tremendous burden on motor vehicle departments that must screen all applications. Deciphering, evaluating and potentially rejecting a "vanitized" message because it could be construed as offensive places department officials in an awkward position. What we need is a database where requests can be logged and evaluated by experts.

A national database of prohibited vanity plate messages, created with advice from First Amendment experts and open to public scrutiny, would help alleviate some of the problems of defining what's offensive. The database could be created and maintained by the American Association of Motor Vehicle Administrators, which represents American motor vehicle departments. Motorists would be charged a small fee to cover the cost of the database, which department officials would consult when reviewing applications.

And it can't come soon enough. In January, the South Dakota Senate rejected a bill to abolish vanity plates. The proposal was motivated by an anti-Bush vanity plate that proclaimed MPEACHW. In New York, a vehicle owner is suing in federal court to force the state's Department of Motor Vehicles to reverse its decision to revoke his vanity plate, which says GETOSAMA. And in Vermont, a motorist who requested a plate that says JN36NT (a reference to a New Testament passage) is appealing a federal judge's decision upholding the state's prohibition against religious messages on vanity plates.

Very few vanity or, for that matter, specialty plates are controversial; most are just creative and fun. As long as we have a reliable method for deciding what's allowed and what isn't, I say the more, the merrier.

*Stefan Lonce, the editor of The Montauk Sun, is working on a book about vanity license plates.*