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Subject: FYI - Choose Life Plate Story from Associated Press

Here's the link:

[http://hosted.ap.org/dynamic/stories/S/SCOTUS_ANTI_ABORTION_PLATES?
SITE=SCAND&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/S/SCOTUS_ANTI_ABORTION_PLATES?SITE=SCAND&SECTION=HOME&TEMPLATE=DEFAULT)

OR

Here's the story:

High Court Defers on 'Choose Life' Plates

WASHINGTON (AP) -- The Supreme Court declined Monday to consider whether states may offer license plates with anti-abortion messages, leaving lower courts divided over whether the programs in a dozen states unconstitutionally restrict dissenting views.

Without comment, justices let stand a lower court ruling that said South Carolina's license plates, which bear the slogan "Choose Life," violate the First Amendment because abortion rights supporters weren't given a similar forum to express their beliefs.

The high court's move means that South Carolina will either have to eliminate the specialty plates or begin offering plates with abortion-rights views. That ruling is at odds, however, with a decision by the New Orleans-based 5th Circuit Court of Appeals, which essentially allowed the plates because it said abortion rights advocates didn't have standing to bring a lawsuit in the case.

"Free speech does not mean muzzling opposing points of view," said Gloria Feldt, president of Planned Parenthood Federation of America. "America's pro-choice majority deserves a fair chance to be heard in any venue."

Under the South Carolina program begun in 2001, drivers may pay a \$70 fee to purchase the anti-abortion plates, with the revenue going toward local crisis pregnancy programs. Specialty plates with abortion-rights slogans are not offered.

Planned Parenthood of South Carolina, which filed the lawsuit, had argued the program amounts to "viewpoint discrimination" by state officials since they allow expression of only one side of the abortion debate.

South Carolina countered that the plates are "government speech" that entitles them to allow a particular viewpoint without an obligation to include dissenting views. Otherwise, the state would have to allow countering views to license plates touching on any public policy matter, such as "God Bless America."

The plate is "the most recent and apparently most visible expression in a long line of statements asserting the state's clear and oft-repeated preference for childbirth over abortion," state officials argued in their filing.

The 4th U.S. Circuit Court of Appeals, based in Richmond, Va., disagreed and ruled the plates were unconstitutional. It rejected South Carolina's claim that Planned Parenthood lacked "standing," or an actual injury, since it never applied for a specialty plate under a separate law allowing nonprofit groups to seek plates bearing their insignia for members. The 4th Circuit also covers Maryland, North Carolina, Virginia and West Virginia.

The ruling was at odds with one by the 5th Circuit, which ruled in December 2002 that Louisiana abortion rights advocates had no standing to sue that state over its anti-abortion plate. The 5th Circuit covers the states

of Mississippi, Louisiana and Texas.

Planned Parenthood may "base their claim of injury on the state's unequal treatment of two viewpoints in the abortion debate, specifically, its promotion of only the pro-life view," the 4th Circuit stated.

According to South Carolina's court filing, 11 other states offer driver "Choose Life" plates and lawmakers in 11 additional states are considering providing them.

States offering the plates are: Alabama, Arkansas, Connecticut, Florida, Hawaii, Louisiana, Maryland, Mississippi, Montana, Oklahoma and Tennessee.

The states that have "undertaken legislative action to some degree" on anti-abortion plates are: California, Delaware, Georgia, Illinois, Kentucky, Michigan, New Hampshire, Ohio, Rhode Island, Texas and Virginia.

The law allowing the "Choose Life" plate was signed by South Carolina Gov. Jim Hodges in 2001 and included in a bill that allowed NASCAR and other specialty plates. In 2003, U.S. District Judge Patrick Michael Duffy issued a preliminary injunction blocking South Carolina from issuing the plates until the case was heard.

The case is *Rose v. Planned Parenthood of South Carolina*, 04-429.

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