

Findings

Unequal Treatment

Citizens Want the Opportunity to Buy “Choose Life” Plates

by: Alyse ElHage



In North Carolina, motorists who want to promote their favorite causes can choose from over 120 specialty license plates ranging from “Save the Sea Turtles” to “AIDS

Awareness,” and help contribute funds to these causes through their purchase.

Just about everyone from environmentalists to bikers can find a specialty license plate to suit their particular interests. However, if you happen to be one of the thousands of pro-life North Carolinians who want to help raise funds for groups that provide compassionate alternatives to abortion, you are out of luck. A specialty license plate bearing the message “Choose Life” is currently not an option among the state’s 120-plus plates. That is because for the past eight years, legislative leaders have refused to allow an up or down vote on measures that would authorize the State Division of Motor Vehicles (DMV) to issue a “Choose Life” specialty license plate for North Carolina, thereby denying North Carolinians the option of supporting life by purchasing this special plate.

Not in North Carolina

At a press conference earlier this year, a coalition of pro-life organizations—led by North Carolina Right to Life and North Carolina Pro-Life Democrats—announced the reintroduction of **HB 168—“Choose Life” Special Plate** in the House by Representative Mitch Gillespie (R-McDowell), and the launch of the “Why Not North Carolina?” campaign. The press conference highlighted the fact that North Carolina is the only state in the southeast to prohibit

the sale of “Choose Life” specialty license plates, even though the General Assembly has approved the issuance of over 120 specialty license plates over the years.¹

Nationally, “Choose Life” plates are either available or approved in 24 states, most recently in Virginia. Over \$10 million has been contributed toward pro-adoption groups as the result of the purchase or renewal of 480,000 plates across the country.² According to Choose Life, Inc., a non-profit organization that works to help get “Choose Life” plates approved nationwide:³

- In Florida, over 300,000 plates have been sold or renewed since they went on sale in 2000, raising \$6,314,295.
- In Alabama, over 31,000 plates have been sold or renewed through 2009, and over \$1.3 million has been raised.
- At least two states that allow “Choose Life” plates—Hawaii and Montana—also offer pro-abortion plates. The pro-life plates in both states are outselling the pro-abortion plates by large margins (by 5 to 1 in Hawaii, and nearly 8 to 1 in Montana).⁴

In addition to the 24 states where “Choose Life” plates are either available or have been approved, pro-life groups in 14 states, including North Carolina, are working to get the specialty license plates issued.⁵

Legislative History

Rep. Gillespie first introduced legislation that would authorize the state to issue “Choose Life” specialty plates in 2001. Similar bills have been introduced in the House and Senate for the past eight years,

but none have been allowed to proceed to the floor of either chamber for a vote. Most of these bills have died in committee without ever seeing any action.

This year, “Choose Life” license plate bills have been introduced in both chambers as **HB 168/S210 “Choose Life” Special Plate**. Sponsored by Rep. Gillespie in the House and by Senator Austin Allran (R-Iredell) in the Senate, the measures would authorize the State DMV to issue specialty license plates bearing the message, “Choose Life” with an additional fee of \$25 per plate. The legislation specifies that \$15.00 from the sale of each “Choose Life” license plate will go to the Carolina Pregnancy Care Fellowship (CPCF), a statewide network of pregnancy resource centers (PRCs), which will distribute the funds “annually to nongovernmental, not-for-profit agencies that provide pregnancy services that are limited to counseling and/or meeting the physical needs of pregnant women.” According to the legislation, none of the funds raised from the sale of the “Choose Life” plates may be given to an organization that “provides, promotes, counsels, or refers for abortion...” The measure also requires that the DMV receive at least 300 applications for the “Choose Life” plates before they can be developed.⁶

Both the House and Senate measures currently reside in committees (HB 168 in the House Rules Committee, and SB 210 in the Senate Finance Committee), where they have not seen any movement since they were introduced earlier this year.⁷ Because specialty license plates involve spending issues, the legislation is still viable for the remainder of the session.

A Double Standard

As noted earlier, there has been virtually no action in the General Assembly on the “Choose Life” specialty license plates for eight years. In 2009, the House version of the “Choose Life” plate bill was immediately referred to the Rules Committee, which has been dubbed the “graveyard” of the General Assembly, while the overwhelming majority of other specialty license plate bills were referred to either Transportation or Finance.⁸ Of the nearly 40 other specialty license plate bills that have been introduced this session, over half have passed out of their original committees.⁹

“Specialty plate bills that are referred to Finance or Transportation are those that will be heard in committee and will probably make it to the floor,” explains Rep. Gillespie. “Most bills referred to Rules are sent there to die a quiet death. They go in the committee and do not resurface unless the leadership releases them.”¹⁰

The leadership of the General Assembly has refused to allow the bills to come up for a vote, arguing that the message “Choose Life” promotes a specific political viewpoint.

“We try to stay away from political messages on license plates,” House Majority Leader Hugh Holliman (D-Davidson) told the Asheville Citizen-Times.¹¹

According to Eva Ritchey, House Speaker Joe Hackney (D-Orange) told her in a private meeting in December 2008 that the “Choose Life” license plate was too controversial, and that he was opposed to it because it did not represent a specific organization.¹²

“That reason is not valid in view of the ‘Sons of Confederate Veterans’ special plate, and the ‘I Love Animals’ plate for spay and neuter programs,” points out Ritchey. “There is clearly a double standard being applied here.”¹³

Supporters of the plates counter that there is nothing controversial about the message, “Choose Life,” and that the groups the specialty plates will help fund—such as PRCs—are not political organizations but nonprofit outreach groups that encourage adoption, and provide free and confidential services to pregnant women. Currently, there are 85 PRCs in North Carolina offering services to over 46,000 men and women every year. These services vary and include: pregnancy tests, free ultrasounds (at medi-

cal facility PRCs), post-abortion counseling, parenting classes, abstinence education, and baby supplies.¹⁴

While some lawmakers continue to label the “Choose Life” plates and the groups they would help fund as too controversial, the State has no problem using taxpayer money to fund politically active, pro-abortion organizations, such as Planned Parenthood. According to reports by the State Auditor in fiscal years, 2006, 2007 and 2008, Planned Parenthood affiliates in North Carolina received thousands of dollars in grants from the State Department of Health and Human Services (DHHS).¹⁵

Many North Carolinians would be shocked to learn that the State provides money to Planned Parenthood, which is unquestionably one of the most politi-

Over \$10 million has been contributed toward pro-adoption groups across the country.

cal and controversial organizations in the nation. Not only does Planned Parenthood perform abortions, but it is also among the leading advocates for abortion, and contraceptive-based sex education. While the State uses taxpayer money to give grants to Planned Parenthood, lawmakers continue to deny pro-lifers the opportunity to voluntarily purchase a specialty license plate that will help raise money for the state and non-profit organizations that help reduce abortion. By allowing motorists to purchase specialty license plates bearing the “Choose Life” message, the State would not be funding pro-life groups (though the state does fund pro-choice Planned Parenthood), but simply giving its citizens the option of doing so.

“We are very disappointed that the leadership of the General Assembly has so little regard for pro life citizens in North Carolina,” says Ritchey. “They are willing to allow over a hundred license plates of every description, as well as give state money to Planned Parenthood, but they deny thousands of citizens in North Carolina the opportunity to purchase a voluntary plate that would help pregnant women and their children.”¹⁶

Potential Lawsuit

Rather than allow the “Choose Life” specialty license plate legislation to languish in the General Assembly for yet another year, proponents have warned that they may turn to the courts to settle the issue.

“We are hopeful that we will not have to use the courts to get a plate that 24 states have already approved,” says Ritchey. “The courts have overwhelmingly ruled that to deny one plate, while allowing others is viewpoint discrimination and inconsistent with the First Amendment. If the leadership of the General Assembly refuses to grant us fair and equal treatment, then we will be left no alternative than to pursue our rights through the courts, which we intend to do.”¹⁷

As recently as 2008 and 2009, federal appeals courts have ordered and upheld the issuance of the “Choose Life” plates in Arizona and Missouri.¹⁸ Lawsuits challenging the issuance of the plates have ultimately failed in states such as Florida and Tennessee.¹⁹

According to Ritchey, the “Choose Life” specialty license plate coalition is waiting on a decision from the U.S. Supreme Court on whether or not it will hear an appeal in a lawsuit involving “Choose Life” plates in Illinois. At press time, the Supreme Court had not announced its decision.²⁰

“Our courts have stated that our state has a ‘legitimate governmental objective of encouraging childbirth,’” says Barbara Holt, president of North Carolina Right to Life. “The ‘Choose Life’ Specialty Plate fits with that objective because the words ‘Choose Life’ encourage childbirth and the funds generated from the sale of the plate help women who choose to give birth to their babies.”²¹

Fairness and Justice

“There’s no question that this issue is not just about the life issue. It’s also about fairness and justice,” Ritchey says. “If you have over 100 license plates in the state of North Carolina on every subject from ‘Save the Sea Turtle’ to shag dancing, yet you’re going to tell only one group—the ‘Choose Life’ group—that they can’t have their license plate ... That simply is unacceptable.”²²

It would seem that many North Carolinians agree. To date, nearly 1,600 individuals have signed an online petition in support of the “Choose Life” specialty

plates. The petition, which allows signatories to add comments under their names, will eventually be sent to state lawmakers.²³

Proponents of the specialty plates have no plans to back down. Along with the online petition, they have launched a web site, NCChoose-Life.org, to help raise grassroots support and keep the issue of the "Choose Life" license plates alive.²⁴

"North Carolina is the only state from Texas to the Atlantic Ocean and encompassing many of the northeastern states that has not passed the 'Choose Life' plates," says Rep. Gillespie. "With over 100 plates approved from 'Save the Sea Turtle' to 'In God We Trust,' why North Carolina leaders allow a small vocal minority to exert their influence, I'll never know. Justice will prevail, and I'll continue to file this bill."²⁵ ❖

Alysse ElHage is associate director of research for the North Carolina Family Policy Council. For a footnoted version of this article, please visit ncfamily.org.

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ENDNOTES:

1. North Carolina Family Policy Council, "Rally Calls for Choose Life Plates," 02/18/09, <http://www.ncfamily.org/stories/090218s1.html>
2. "Choose Life North Carolina," Carolina Pregnancy Care Fellowship, see: <http://www.ncchoose-life.org/index.php>
3. Choose Life, Inc., "Other States," State Map, <http://www.choose-life.org/states.htm>.
4. Ibid., <http://www.choose-life.org/hawaii.htm> and <http://www.choose-life.org/montana.htm>.
5. Ibid.
6. N.C. General Assembly, HB 168/S 210—"Choose Life Special Plate," 2009 Session, www.ncleg.net, accessed 6/2/09.
7. Ibid.
8. N.C. General Assembly, 2009 Session, www.ncleg.net.
9. Based on search of NC General Assembly web site, 2009 session, for "special license plate" legislation, www.ncleg.net.
10. Statement from Rep. Mitch Gillespie in response to questions from the author via email 6/3/09.
11. Shrader, Jordan, "Abortion Foes Push for License Plate," Asheville Citizen-Times, 4/18/09.
12. Email correspondence from Eva Ritchey, NC Pro-Life Democrats, with author, 6/1/09.
13. Ibid.
14. Lehman, Amber, "Women Have Another Choice," Family North Carolina, Jan/Feb 2007, <http://www.ncfamily.org/FNC/0701S1.html>.
15. N.C. Office of the State Auditor, Non-profits, "Private Organizations Receiving State Grant Funds," Fiscal Year 2008 (tab #17, DHHS, begins at Item # 1877), 2007 (tab #17, begins at Item # 2218), and 2006 (tab #17, begins at item #872) available at: <http://www.ncauditor.net/NonProfitSite/search.aspx>
16. Op. Cit., Ritchey.
17. Email correspondence from Eva Ritchey with author, 4/16/09.
18. Alliance Defense Fund, Friend-of-the-Court Brief in Choose Life Illinois vs. White, available at: <http://www.alliancedefensefund.org/UserDocs/ChooseLifeAmicus.pdf>.
19. Ibid. See also: LifeNews.com, "Tennessee Choose Life License Plates Available Starting Next Month," 11/15/06.
20. Alliance Defense Fund, "ADF Attorneys File Brief with U.S. Supreme Court Supporting 'Choose Life' plates," ADF Press Release, 05/19/09. Also: Op. Cit. ADF Brief.
21. Email correspondence from Barbara Holt with author, dated 5/29/09.
22. Transcript of interview with Eva Ritchey on NCFPC's "Family Policy Matters," which aired March 21, 2009.
23. 1,590 signatures as of June 10, 2009: <http://www.ipetitions.com/petition/ncchooselife/>
24. <http://www.ncchoose-life.org/index.php>
25. Statement from Rep. Mitch Gillespie in response to questions from the author via email, dated June 3, 2009.

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