

Will New York Court Override ‘Choose Life’ License Plate?

Alliance Defending Freedom attorneys filed suit against the New York Department of Motor Vehicles in 2004 for rejecting a pro-adoption group’s application to sponsor a “Choose Life” specialty plate as part of a state program.

“Pro-adoption organizations have the right to a specialty license plate on the same terms as any other organization, and the district court affirmed that,” Tedesco said. “The state doesn’t have the authority to censor The Children First Foundation for its life-affirming viewpoint, but it has gotten away with doing so for more than 10 years now since CFF first submitted its application.”

In November 2011, the U.S. District Court for the Northern District of New York issued an order for the state to approve the plate application but placed the order on hold until any appeals are completed.

The court found that, “New York has run afoul of the **First Amendment** by giving the commissioner unbridled discretion to engage in viewpoint discrimination.” The court also found that the department itself engaged in discrimination based on viewpoint and that the exclusion of The Children First Foundation’s license plate from the program was unreasonable. The state appealed the court’s decision.

The New York DMV rejected the foundation’s license plate design of a crayon drawing of a yellow sun behind the faces of two smiling children, claiming a significant segment of the population would consider the design “patently offensive” because it also included the words “**Choose Life.**”

Alliance Defending Freedom represented The Children First Foundation in a similar lawsuit in New Jersey in which the

state eventually approved the “Choose Life” plate.