



## LICENSE TO ROAM :

VANITY LICENSE PLATES AND THE GR8 STORIES THEY TELL™  
[www.vanityplatesbook.com](http://www.vanityplatesbook.com)

LCNS2ROM, INC.

35 Brook Street • Croton-on-Hudson, NY 10520  
914-629-4580 • [stefanlonce@lcns2rom.com](mailto:stefanlonce@lcns2rom.com)

July 30, 2009

BY FAX 802 828-3339

Hon. Jim Douglas  
Office of the Governor  
109 State Street, Pavilion  
Montpelier, VT 05609-0101

Hon. Richard Mazza  
777 West Lakeshore Dr.  
Colchester, VT 05446-1318

Hon. Richard Westman  
2439 Iron Gate Rd.  
Cambridge, VT 05444

Dear Governor Douglas, Senator Mazza and Representative Westman:

As the author of a forthcoming book about vanity license plates, I'm for the most freedom of "vanitized" speech possible. That's why I think that Vermont *should* allow vanitized references to "religion" and "deities," even if a federal appeals court dismisses Shawn Byrne's case challenging Vermont's no-religion-or-deities on vanity plates law.

The Vermont DMV denied Byrne's application for a vanity plate that says **JN36TN**, a reference to John 3:16 ("For God so loved the world, that he gave his only begotten Son...."); Byrne was required to explain what his vanity plate means on his application.

Vermont allows seven characters on vanity plates, and ranks 10th in the *Vanity License Plates Survey* that I conducted with the American Association of Motor Vehicle Administrators. Vermonters have vanitized about 31,000 vehicles (6% of registered motor vehicles); Americans have vanitized 9.3 million vehicles (4% of RMVs).

The U.S. Supreme Court has held that the First Amendment's right to freedom of speech applies to license plates. Courts often order DMVs to issue controversial vanity plates: As you

know, the Vermont Supreme Court ordered the DMV to allow non-derogatory vanitized messages about ethnicity and issue a plate that says, **IRISH**, and the Legislature amended 23 V.S.A. § 304(d) to account for that decision.

In *Byrne v. Rutledge*, Vermont officials have defended the no-religion-or-deities on vanity plates law by arguing that allowing religious vanity plates could suggest an "endorsement" of a religion, violating the First Amendment's separation of religion and state mandate.

*I respectfully disagree.*

Vanity plates proclaim *motorists' messages*, on a forum provided by Vermont, for which motorists pay \$38 each year. **Vermont earns about \$1 million annually from vanity plate fees, and could earn far more if it relaxed the screening rules, allowed online plate registrations, and promoted the plates (for example, by posting profiles of vanitized motorists online and holding "Vermont Vanity Plate of the Month" online polls ). While increased vanity plate fees won't solve Vermont's budget problems, increasing the number of vanitized Vermonters would help the State's budget – without raising taxes or cutting services.**

Courts have upheld DMV regulations banning vanitized messages that are profane, obscene, derogatory to a group, are about illegal drugs, or encourage violence. The U.S. Court of Appeals for the Second Circuit, which will decide the *Byrne* case, has allowed Vermont DMV officials to reject a vanity plate that says, **SHT HPNS [S\*\*T HAPPENS]**.

It's often difficult for DMV screeners to discern which vanity plate messages, while potentially objectionable, are constitutionally protected. That's why I proposed the establishment of a national database of prohibited vanity plate messages, compiled with advice from First Amendment experts. AAMVA and DMV officials are considering how to implement the database.

In the United States, *only* Vermont and D.C. ban "religion" and "deities" from vanity plates.

The American Jewish Congress strongly advocates separation of religion and state, but, according to General Counsel Marc Stern, "Given the huge variety of things that people say on vanity plates, many of which are opposed to government policies, no one would think that Vermont is taking a position on religion by allowing religious vanity plates."

And how about vanity plates like **ANGEL**, which *could* be religious *or* secular? The Vermont DMV apparently would issue a vanity plate with a secular meaning (**ANGEL**, the name), but would reject a religious meaning (**ANGEL**, in Heaven).

How about a vanity plate that says, **GODTRST**, referring to our national motto? Courts have held that "In God We Trust" is constitutional, so why shouldn't it be on a Vermont vanity plate?

When the Legislature reconvenes next year, I hope that you will amend Vermont's vanity plate statute and allow religious and deistic vanity plates, even if Vermont wins Byrne's appeal.

I am conducting an online poll asking whether respondents agree with Vermont's ban of God and religion from vanity plates. So far, the admittedly unscientific results are running neck-and-neck.

I also encourage you, and all Vermonters, to look for the Green Mountain State's many fascinating and fun vanity plates, like these:

**CUPC8KE** -- on a cupcake baker's vehicle;

**UBUGNME** -- on a VW "Beetle"; and

**IRISH** -- on a court-approved vanity plate, celebrating the Emerald Isle.

SNCRLY,



Stefan Lonce

enclosures:

*NY Times* op-ed

*The State* op-ed