

IMMEDIATE RELEASE  
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**“Choose Life” Specialty License Plates Go Before  
U.S. Court of Appeals Today**

***Three-Judge Panel to Hear Illinois Secretary of State Jesse White’s  
Appeal of Lower Court Order to Begin Producing “Choose Life” Plates***

Chicago, Illinois – Lawyers for Illinois Attorney General, Lisa Madigan and Illinois Secretary of State Jesse White, will appear before a three-Judge panel of the U.S. Court of Appeals this morning at 9 a.m. to urge that a lower court ruling that Illinois begin producing “Choose Life” specialty license plates be overturned. The argument will take place in the appellate courtroom on the 27<sup>th</sup> floor of the Dirksen Federal Building at 219 South Dearborn Street – the corner of Adams and Dearborn Streets – in downtown Chicago. Each side will argue for twenty minutes before three appellate Judges, whose identities are never disclosed until the morning of the oral argument.

On January 22, 2007, the 34<sup>th</sup> anniversary of *Roe v. Wade*, ‘choose life’ supporters learned that federal district Judge David Coar had granted ‘summary judgment’ for Choose Life, Inc. which had filed a lawsuit several years ago, together with several Illinois adoption advocates, after years of futile efforts to persuade Secretary Jesse White and the Illinois General Assembly to approve the “Choose Life” specialty plates. Although over 25,000 Illinois citizens had signed petitions for the Choose Life plates, White insisted that special legislation was needed before he could approve or issue the plates. During successive sessions of the Illinois General Assembly the Choose Life plate died in committee as key legislators blocked approval of the pro-adoption plates.

Lawyers from Illinois Attorney General Lisa Madigan’s office have argued before Judge Coar and on appeal that Illinois’ refusal to approve Choose Life plates was lawfully based on the ‘controversial’ nature of the plates’ message – the slogan “choose life” and two smiling kids’

faces. But Judge Coar found that numerous specialty plates supporting other private causes (“pet friendly,” pro-organ donation, environmental and peace birds) had been approved, and he ruled that disapproval of the pro-adoption plate was content-based discrimination in violation of the First Amendment. Judge Coar also found that Secretary White’s insistence that he needed to get a new law approving each plate was baseless, as Illinois law vests final authority to issue specialty plates in the Secretary, without need of any new law. The State was ordered to approve the Choose Life plate, and on working out minor details to begin producing and selling them.

On appeal the Attorney General’s office has argued that government may discriminate as to which messages it will approve as license plates constitute “government speech,” not private speech, and that the government may censor its own speech. In a Tennessee case brought by ACLU lawyers, another U.S. Court of Appeals agreed with Illinois’ contention, ruling two years ago that plates do convey government speech. Thus if the Circuit Court of Appeals here in Chicago agrees with Judge Coar, there will be a “split in the Circuits” that could catapult this case one step higher – up to the U.S. Supreme Court – as this same issue has arisen in many other courts around the country.

“We are confident and indeed hopeful that Judge Coar’s ruling in favor of the Choose Life specialty plates will be affirmed on appeal as his decision was squarely based on First Amendment law,” states Tom Brejcha, president and chief counsel of the Thomas More Society of Chicago, a public interest law firm representing the Choose Life plaintiffs. “And moreover, the stakes couldn’t be any higher as a win for ‘choose life’ will help thousands of kids find homes with loving families throughout our entire State of Illinois!”

A decision by the Court of Appeals will be expected sometime early next year.

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