

Why did Utah officials approve a 'FUHRER' license plate? They won't say.

Salt Lake Tribune

January 20, 2019

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<https://www.sltrib.com/news/2020/01/17/after-deportm-utah/>

A week after a "DEPORTM" Utah license plate attracted complaints from the public and lawmakers, residents are questioning the approval of yet another vanity plate: "FUHRER."

"Oh, my God!" Celeste Barker recalled saying when she noticed the plate in May in Salt Lake City. Barker posted a photo of the plate on social media and later discussed it with her neighbor, Polly Hart, who volunteered to make a complaint about the apparent Nazi reference during an errand at the Utah Division of Motor Vehicles to update her car information.

Hart said she raised the issue with staff at a DMV office in July. The plate was approved in April and was recalled in August, according to a spokesperson with the Utah Tax Commission, which oversees the DMV.

But Hart and Barker wonder why it was approved in the first place.

"How can they walk into the DMV and order these things? That poor guy had that 'MERLOT' license plate and everyone freaked out," Barker said, recalling a previous controversy when Utah officials revoked a long-used license plate because it referred to a type of wine.

The division also has denied requests for hundreds of plates, including "HIGHBAL," "4PLAY," and "R3DRUM^" — but also seemingly innocuous plates, like "NVBLOND" and "COWGIRL," and even "CHEESE" and "COFFEE."

"But they let 'FUHRER' and 'DEPORTM' go through," Barker said. "'FUHRER.' I mean, really?"

Asked whether the DMV had more information about why the "FUHRER" plate was approved in 2019 despite the term's association with Adolf Hitler, a commission spokesperson replied: "No."

Hart said the Nazi reference was not lost on the office staffers with whom she spoke.

"The branch manager definitely indicated he understood what 'fuhrer' meant without my having to explain it refers to Hitler," Hart said. "I said, 'This is despicable.' He said, 'Yes, it is, and I will definitely pass it on.'"

The employee said he would make sure the plate was discussed the next day. "He told me they have a committee that meets to discuss complaints and requests," Hart said.

That differs somewhat from the process described this week by state officials who were called to a legislative committee to discuss how the DMV approves and reviews vanity plates. Scott Smith, executive director of the tax commission, told lawmakers that complaints were simply passed up the chain of command; if one person believed a disputed plate was unobjectionable, the complaint would result in no action.

That's why the "DEPORTM" plate, approved in 2015, remained in use despite multiple complaints, Smith said. Four people told The Salt Lake Tribune they had reported the plate, some as far back as 2016. One of them said a DMV employee told her in 2018 that the plate would be recalled.

Smith said the agency will begin to enter all complaints into a shared system so that "anyone in the hierarchy of decision-making" can see them. Multiple complaints about a particular plate will trigger a review by the Utah Attorney General's Office, Smith told the Utah Administrative Rules Review Committee.

Now the DMV is reviewing the "DEPORTM" plate for compliance with guidelines forbidding vanity plates that "express contempt, ridicule, or superiority of a race, religion, deity, ethnic heritage, gender, or political affiliation."

The agency also forbids plates that:

- Are vulgar, derogatory, profane or obscene.
- Make reference to drugs or drug paraphernalia.
- Make reference to sexual acts, genitalia, or bodily functions.
- Express or suggest endangerment to the public welfare.

License plates are not considered a "traditional public forum" for free speech, so they are subject to some restrictions, said John Mejia, legal director for the American Civil Liberties Union of Utah.

"They can have limitations as long as they are applied ... in a viewpoint-neutral way, as long as they're not using those restrictions to suppress expression that they disagree with, rather than speech that doesn't live up to those guidelines," Mejia said.

The ACLU has previously intervened in at least one Utah license plate dispute. In 2005, the group successfully helped a Park City woman appeal the state's denial of license plates that read "GAYSROK" ("gays are OK") and "GAYRYTS." An administrative law judge rejected state officials' arguments that the plates were "offensive to good taste and decency, relate to sexual functions and express superiority of a gender."

But Mejia said the ACLU has not weighed in on the ongoing review of "DEPORTM."

"From our perspective, this is the sort of forum where, as long as they apply those rules in a viewpoint-neutral manner, then they're allowable," he said. "We are keeping an eye on it."

Gun advocates, meanwhile, are appealing the DMV's rejection of plate requests referencing the Browning M1911 semiautomatic pistol, which the Legislature in 2011 designated as the official state firearm. The DMV does not allow weapons references on license plates.

In response to those appeals, some lawmakers on the committee expressed interest in a proposal to allow DMV officials to consider "legislative positions" — like the official state firearm designation — when reviewing vanity plate requests.