

Motorist Wins Right to Plates With World's Fair Ad Deleted

By THOMAS BUCKLEY

The inscription "World's Fair" on this year's license plates is an optional extra, a State Supreme Court Justice ruled yesterday.

He ordered the Motor Vehicle Bureau to provide unadorned plates for automobile owners who requested them.

The verdict was handed down in a suit brought by E. Kenneth Frosliid of Port Washington, L. I. He had contended that he was deprived of his constitutional rights by being forced to give free advertising to a private corporation.

In a nine-page opinion, Justice Harold J. Tessler, who heard the case without a jury in his Jamaica, Queens, courtroom, said that "despite arguments to the contrary, I can find no

sanction for the present advertisement for the World's Fair."

The judge said he agreed with the argument advanced by Assistant State Attorney General Philip Weinberg that William S. Hults, the head of the Motor Vehicle Bureau, had wide discretion under the law in the design of registration plates.

However, Justice Tessler said, the use of this power should be consistent with the "simple and singular" function of the plates—the identification of the vehicle and its owner and the furtherance of traffic safety.

He directed Mr. Hults to issue "proper" registration plates, either manufactured without the inscription or with the inscription "deleted, obliterated or in some way marked out," to

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Mr. Froslid and others who applied for them.

Mr. Hults and Attorney General Louis J. Lefkowitz said that the order would not take effect until it had been served, probably not for several days. After that, they said, a stay of the order would be sought from the Appellate Division pending an appeal.

"Meanwhile," Mr. Hults said, "the passenger and suburban registration plates bearing the caption 'World's Fair' remain the official and legal plates in New York State, and vehicles using the public highways after midnight Friday night must display these plates. The caption may not be legally covered, obliterated or otherwise defaced."

A spokesman for the bureau said that 4.8 million plates bore the inscription. About 700,000 plates for trucks, taxis and other commercial vehicles do not.

The Legislature authorized a longer inscription in 1961, but Governor Rockefeller vetoed the measure. He said the bureau did not need the additional authority, and, in any case, the legend proposed by the Legislature, "New York World's Fair 1964-

65" would not fit on the plates.

Many states, including New York, have long used their license plates for advertising of a general and public nature. Maine's, for example, bear the inscription "Vacationland"; Minnesota's, "Land of Lakes," and Illinois', "Land of Lincoln."

Mr. Froslid, a 32-year-old editor in the book division of Time, Inc., which is publishing the fair's official guidebook, filed his suit last Dec. 17. He charged that the legend violated the First Amendment, dealing with freedom of speech, and the Fourteenth, the due-process amendment.

Hailing the verdict yesterday, Mr. Froslid said: "At least \$150 million in public funds has gone, directly or indirectly, into the fair. As with the license plates, it is being used to help businesses that are exhibitors at the expense of businesses that are not."

Mr. Froslid said he had received more than 350 letters, only six of which were unfavorable, and about \$250 in donations toward his legal fees, which he estimates will be more than \$1,000. He was represented in the action by Lawrence S. Timen of Manhattan.

He and his wife, Sally, have two Volkswagens.