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COVER

"Taking The Fight To D.C."

Getting Traction

by James J. Baxter, President, NMA

For over 20 years the NMA has argued against the government/media proposition that our highways are little more than killing fields where the foolish venture to exercise a death wish. Every holiday season the headlines proclaiming death and mayhem on our streets, roads, and highways are regurgitated for public consumption and repeated on the Six O'clock News.

Just as reliably, the NMA has responded that simply looking at numbers of fatalities or being mesmerized by a spectacular Interstate pile-up does not convey a rational picture of highway safety trends. We've beat the drum for using fatality rates and fatal accident rates to get a more useful and accurate measure of how safe (or dangerous) our highways have become. We've pointed out the futility of relying on enforcement gimmicks to influence highway safety. We've also argued against the use of draconian penalties and punitive over-reaching laws intended to frighten and intimidate, or exploit motorists. But, it often seemed that no one was listening, that our positions weren't being taken seriously. I'm pleased to report that we, in fact, may be gaining some traction.

The August 12, 2004 edition of the *Wall Street Journal* contained a lengthy article on the *National Highway Traffic Safety Administration's* (NHTSA) latest take on last year's highway accident and safety data. Because the numbers were down slightly (and insignificantly) NHTSA gave credit to its promotion of primary belt laws, lowering the BAC standard to .08, and other fabrications intended to make the agency look like it had some responsibility for the slightly improved numbers. Of course, there was the obligatory proposition that more laws, more enforcement, and greater penalties were needed to shape up a recalcitrant driving public. Then, to my pleasant surprise, came the WSJ

Editorial Board's take on the NHTSA article. It is printed in its entirety for your enjoyment:

The Wall Street Journal

On The Road
 Editorial
 The Yearly NHTSA Report
 Wednesday, August 12, 2004

Highway safety has been improving for years, and it's good to see the National Highway Traffic Safety Administration finally catching up with reality. In releasing its annual report on traffic fatalities Tuesday, the agency said "U.S. roads are now safer than ever."

That's good news, especially in August, when folks are packing up the family SUV for a week at the beach. But what a change from the doom and gloom of a year ago, when the agency warned that highway fatalities were at the "highest level since 1990" and suggested that the "grim" numbers were a reason to shame states into passing draconian drunk driving and seat-belt laws.

The statistics released this week show that highway fatalities were down in 2003—to 42,643 from 43,005 in 2002. But that doesn't tell you much about safety until these numbers are placed alongside the amount of driving people are doing. The key statistic is fatalities per 100 million vehicle miles traveled. That number hasn't changed much in recent years—1.8 in 2003, 1.51 in 2002 and 1.51 again in 2001.

Sport utility vehicles have been NHTSA's favorite whipping boy in the past and it's hard to shake the habit. The agency comes down hard on SUVs for their high "rollover" rate. But like last year, it fails to

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NMA Defeats Proposed New York Law

In July, the NMA received word that a measure was introduced that would have prohibited radar/laser detectors and jammers in Suffolk County. Jon Cooper, a local county legislator from Huntington, was the main proponent of the legislation. He even went so far as to say that these devices were used by people to "put thousands of innocent lives at risk every day." To put a stop to this imaginary "problem," Cooper called for a law that would have forbidden the use of such devices in the county and charged violators a fine of up to \$250.

The NMA immediately took action against this measure. The importance of the proposal was obvious; New York's ban on hand-held cell phones while driving started on a county level and later was applied statewide. It was vitally important that our organization

take a stand now before history repeated itself. If county bans on radar detectors passed, state bans would follow.

Alerts were sent to our New York members urging them to speak out against this law before it gained support. Numerous NMA members answered the call to action; They wrote to their Suffolk County Legislators and asked them to oppose this legislation. Others prepared to speak out against the measure at a proposed public hearing, which was scheduled to take place on August 10th in Hauppauge.

The hearing never happened though. After getting a real sense of the popular opposition to his proposed measure, Cooper withdrew his bill from consideration. The letters, phone calls, and emails of NMA members had paid off. Cooper has responded to a letter written by one of our members

from the New York Metro Area, Justin Jih, in which he detailed his opposition to any such ban. Jih later forwarded this reply on to the NMA National Headquarters. In his response, Cooper wrote, "My office has done additional research into the pros and cons of enacting a ban on the use of radar detectors. As a result of this research, I am pleased to advise you that I have decided to withdraw my proposed legislation."

We are proud of the work our members did to educate Cooper and other Suffolk County Legislators on this issue. The impact of our members' input cannot be minimized, and this show of strength by the NMA will hopefully deter others in Suffolk County or elsewhere in New York from proposing similar radar/laser detector bans. 📧

Traction

continued from page two

point out that while SUVs are more likely than regular cars to roll over during a fatal wreck, they aren't likely to be involved in a fatal wreck in the first place. For light trucks (the category that includes SUVs), the fatality rate per 100 million vehicle miles traveled has been slightly lower than the rate for passenger cars in each of the past five years.

Critics chalk up the NHTSA's positive spin to election-year politics. Whatever the reason, we're glad the agency has finally acknowledged the good news about highway safety, even if it's not ready to hop into an SUV.

This editorial sounds like it was drafted in the NMA office! Never content, we drafted a letter to the editor lauding the paper's position and taking

the opportunity to expand on the themes it emphasized. This too is reprinted here for your reading pleasure:

What a great surprise, one of the most widely read publication in the country, the Wall Street Journal, acknowledges that our incredible system of individual mobility is not the road to hell, but rather a wonderfully safe and efficient mechanism that serves almost 300 million people on a daily basis. It was gratifying to read that the WSJ Editorial Board recognized the relevance of fatality rates, versus the simplistic, politically motivated, pandering of fatality numbers.

The safety mavens in NHTSA systematically ignore the historic fact that our highway related fatality rate was once 25 persons per 100 million vehicle miles traveled. Today that rate is less than 1.5 fatalities per 100 million

vehicle miles traveled, a 94 percent reduction! Nor does NHTSA care to point out that 85 percent of this reduction in fatality rates occurred *before* the onset of mandatory seatbelt laws, airbags, .08 DUI laws, road blocks, or red light ticket cameras.

The NHTSA spokesperson was hard pressed to explain why the agency's computer models forecasted a thousand more fatalities than actually occurred. Maybe this was the same computer model that predicted 6000 additional fatalities if the 55 mph National Speed Limit were to be repealed? (The number of fatalities and the fatality rate both fell the year after "55" was repealed.)

James J. Baxter
President
National Motorists Association 📧

printed on recycled paper

Political Clout

by James J. Baxter, President, NMA

Most of us assume that our ability to influence political outcomes is limited to that once-every-year-or-two ballot box exercise where we vote for the candidates we think will best represent our interests. The likelihood that we as individuals will actually swing an election one way or the other is pretty minimal. The one-person-one-vote principle implies political equality. In reality some people are a lot more "equal" than others.

The main reason certain people have more sway over political outcomes is that they simply choose to do so. The neighborhood crank that lobbies city hall to put a speed hump on your street or the housewife that becomes immersed in a political campaign are not endowed with any special skills, resources, or connections that give them political clout. The

reason they have more influence than their neighbors or friends is that they choose to have more clout.

If you want to be more "equal" when it comes to determining the fate and nature of public policies, there are several avenues to travel. At one extreme you can choose to run for elective office; you really don't need anyone's permission to make that decision. At the other extreme you can simply write a letter to an elected official and state your opinion on a topic important to you. Granted, there are some topics that elected officials hear a great deal about. However, 90 percent of their decisions are devoid of constituent input. Another rare event in the lives of many legislators is receiving a letter from a constituent that compliments them on a job well done.

An excellent way to sensitize a

politician to your concerns is to actively work on his or her campaign as a volunteer. You might think that the big check from a major donor will outgun your lowly status as a stamp licker or envelope stuffer, but you have a major advantage. That big check will be forgotten the day after it arrives while your presence will be noticed and appreciated day in and day out, and the impression will be lasting and the connection personal. Just compare how easy it is to say "no" to a stranger and how hard it is to say "no" to a friend.

If you don't like the political direction of your city, state, or the country at large, you don't have to sit back and resign yourself to accepting the consequences. If you want more political clout, it's there for the taking, no permission needed. ☞

How Much Is Insurance Savings Worth To You?

Want to save a few dollars on your auto insurance bill? If so, you might have to be willing to give up your privacy. Two insurance companies are poised to offer discounts on their customers' premiums, but there's a catch—a big one! *Progressive* in the United States and *Norwich Union* in Great Britain will give consumers a break, if they agree to have their driving tracked by electronic monitors.

Both companies began their "trial programs" in late August. *Norwich Union* has given all its customers the chance to be tracked like criminals. *Progressive* is extending this "privilege" only to the people it insures in Minnesota. The company's program calls for drivers, who want to participate, to install a small electronic sensor in their cars. The sensor will then keep track of the motorist's speed, how many miles he or she drives, and

the time they are out on the road.

Periodically, the customer can take the sensor out of the vehicle and download the data it has been storing into a computer for viewing. If he or she wishes, this information can then be shared with *Progressive*. The insurance company will offer two different discounts to participants. First, drivers who can show they rarely (less than 0.1 percent of the time) exceed Minnesota's 75 mph speed limit will receive a five percent discount. Plus, those who avoid driving at the most dangerous time (between midnight and 4 a.m. on weekends) will also be able to save on their car insurance bill.

Progressive has promised that, at least initially, customers who don't send in their data will not be penalized; they just won't get the available discounts. *Norwich Union's* test will use global positioning satellite

(GPS) technology to track where the insured vehicles are. The location of the vehicles will be constantly sent to the company. Owners of cars that spend more time in safer areas will qualify for discounts. If this sounds familiar, it should; *Progressive* tried a similar test using GPS devices in 2001. The company quickly dropped that program because of high costs and customers' privacy concerns.

While *Progressive's* new test is voluntary and seems fairly harmless, most people realize all too well that those trial concepts that were once voluntary often become mandatory policies. If you currently have *Progressive* insurance, particularly if you live in Minnesota, be sure to express your concerns to the company about its newest Orwellian brainstorm. *Progressive's* customer service line is 1-800-PROGRESSIVE (1-800-776-4737). ☞

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2004 NMA Business Members

Each year, we proudly publish a list of NMA business members. These businesses have supported our causes throughout the past year and we hope you will support them.

As a business member, you receive

a fifteen percent discount toward the purchase of any NMA advertising package. Your company officers are included in our Traffic Justice Program, and are eligible for all of our regular NMA benefits.

If you are interested in becoming a

business member and supporting the NMA in this manner, please call the national office at 608/849-6000 for more information.

Thank you, to all of our 2004 business members. 🙏

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Taking The Fight To D.C.

Thanks to the generous support of its members, the National Motorists Association is proud to announce that its **2004 Legislative Fund Drive** has been a tremendous success. In May, the organization had set for itself the lofty goal of raising \$60,000. With donations continuing to trickle in, the NMA has exceeded this amount. To date, over \$63,000 has been raised.

Almost thirteen percent of our members have contributed, which is one of the highest response rates to *any* fundraising effort in the NMA's 22-year long history. The organization

made the call for your help, and you answered it. We are poised to get motorists the representation they deserve and need in Washington D.C.

This November, our search for the NMA's new D.C. lobbyist will begin. It's key to wait until the tumult of the upcoming election has passed. This will allow the NMA to make a better and more permanent decision as to who it would like to hire to stand up for the rights of our members and others.

We would also like to extend our congratulations to NMA member Thomas Wood. He was the lucky

winner of our **European Driving Tour Sweepstakes**. Thomas and a guest will be fortunate enough to enjoy a terrific vacation in Europe. We'd like to take this opportunity to again thank the folks at www.driveeurope.com for providing this trip.

Of course, a more important "thank you" is directed at the members who took the time to donate to our legislative efforts. Thanks to you, 2005 will be a year of even greater opportunity for the NMA. We look forward to reporting on our progress in the coming year. 🙏

Business Members

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Attention Race Fans!

The NMA is the proud sponsor of racecar driver Louis "Topspeed" Alborno. This August Louis came to **Road America** to compete at the national level championship. The track, set in the rolling hills of Elkhart Lake, Wisconsin, is one of the most beautiful in the country.

Road America's proximity to the NMA National Headquarters gave NMA staff the opportunity to enjoy a weekend of racing, promote the NMA to the tens of thousands of other spectators, and cheer on Louis. Promotional activities included an NMA information booth, numerous announcements about our organization's services and program over the loud speakers, and even a media interview.

The weekend also turned out to be exciting and challenging for

"Topspeed." In his first race of the weekend, he started off in last (18th) place, but quickly made up ground. It was intense competition, but Louis managed to move up five places,



which was great, considering it was his very first time racing on that track. In the second race, Louis finished only

five of the eleven laps, after a near miss sent him off the track surface. Nonetheless, he posted his fastest lap times of the weekend and was only two seconds off the leaders. For him, it was exhilarating to be competing against national caliber drivers.

After the weekend was over, Louis commented, "I feel the weekend was a huge success for me personally, as well as for the NMA. I did what I came here to do, and we put the NMA on the same national platform as Fortune 100 companies that were also at the track." Louis already has his eyes set on next season. He's confident that with the help of additional sponsors, such as the NMA, he'll move even closer to fulfilling his racing dreams. If you wish to contact Louis, he can be reached at topspeedracer@email.com. 📧

What's In Store For "Black Boxes"

For years now, without any knowledge on the part of most motorists, several car manufacturers have been installing *Electronic Data Recorders* (EDRs), popularly known as black boxes, in the vehicles they produce. Currently, there are already 30 million cars and trucks on the road equipped with these devices, and that number is rising exponentially. The recent endorsement of this controversial technology by the National Transportation Safety Board (NTSB) will only hasten its growth.

When questions arise regarding the use of black boxes, so-called experts at the NTSB respond with vagaries. In part, this is because of the difference between various types of EDRs. Put simply, black boxes are not created equal. All of these devices record data at the time of an accident; However, they vary greatly as to precisely what information is recorded, the duration of data collection, and how accessible their findings are.

To address these disparities, the National Highway Traffic Safety Administration (NHTSA) has called for the standardization of EDRs, and has issued guidelines requiring all black boxes to record the specific pieces of information in an easily downloadable format. NHTSA safety engineer, John Hinch, claims that the new regulations were made solely to facilitate crash research.

Hinch, and others at both NHTSA and the NTSB, are quick to downplay the fact that insurers and lawyers are increasingly using EDR data to determine fault in accidents. Despite their best efforts to mollify public concern, it's clear that this potential use of black boxes cannot be overlooked. Motorists have already had their insurance claims denied or even been charged with crimes based on the data collected by these devices.

Black boxes may be growing in prevalence, but this only increases the need for their regulation. Laws

stipulating that vehicle owners also own the data being collected by EDRs are necessary. The motorist, not his or her insurance company or the authorities, should have the sole right to release this information. In addition, for motorists to truly be in charge of this data, auto dealerships must be required to tell consumers that such a device is in their vehicle and they must be willing to help owners who want to have their EDRs disabled. The NHTSA proposal does call for disclosure of the device in every owner's manual, but more widespread publicity is needed because few people consult the manual.

Carmakers have expressed concerns that the new disclosure requirements will hinder the installation of more EDRs because of possible negative reactions by customers. In other words, if the public were actually informed about this issue, they would never stand for black boxes being installed in their vehicles. 📧

Drunk Driving Laws Are Out Of Control

by Radley Balko, Cato Institute



When Pennsylvanian Keith Emerich went to the hospital recently for an irregular heartbeat, he told his doctor he was a heavy drinker: a six-pack per day. Later, Pennsylvania's Department of Transportation sent Emerich a letter. His driver's license had been revoked. If Emerich wanted it back, he'd need to prove to Pennsylvania authorities that he was competent to drive. His doctor had turned him in, as required by state law.

The Pennsylvania law is old (it dates back to the 1960s), but it's hardly unusual. Courts and lawmakers have stripped DWI defendants of the presumption of innocence—along with several other common criminal justice protections we afford to the likes of accused rapists, murderers and pedophiles.

In the 1990 case *Michigan v. Sitz*, the U.S. Supreme Court ruled that the magnitude of the drunken driving problem outweighed the "slight" intrusion into motorists' protections against unreasonable search effected by roadblock sobriety checkpoints. Writing for the majority, Chief Justice Rehnquist ruled that the 25,000 roadway deaths due to alcohol were reason enough to set aside the Fourth Amendment.

The problem is that the 25,000 number was awfully misleading. It included any highway fatality in which alcohol was in any way involved: a sober motorist striking an intoxicated pedestrian, for example.

It's a number that's still used today. In 2002, the *Los Angeles Times* examined accident data and estimated that in the previous year, of the 18,000 "alcohol-related" traffic fatalities that drunk driving activists cited the year before, only about 5,000 involved a drunk driver taking the life of a sober driver, pedestrian, or passenger.

Unfortunately, courts and legislatures still regularly cite the

inflated "alcohol-related" number when justifying new laws that chip away at our civil liberties.

For example, the Supreme Court has ruled that states may legislate away a motorist's Sixth Amendment right to a jury trial and his Fifth Amendment right against self-incrimination. In 2002, the Supreme Court of Wisconsin ruled that police officers could forcibly extract blood from anyone suspected of drunk driving. Other courts have ruled that prosecutors aren't obligated to provide defendants with blood or breath test samples for independent testing (even though both are feasible and relatively cheap to do). In almost every other facet of criminal law, defendants are given access to the evidence against them.

These decisions haven't gone unnoticed in state legislatures. Forty-one states now reserve the right to revoke drunken driving defendants' licenses before they're ever brought to trial. Thirty-seven states now impose harsher penalties on motorists who refuse to take roadside sobriety tests than on those who take them and fail. Seventeen states have laws denying drunk driving defendants the same opportunities to plea bargain given to those accused of violent crimes.

Until recently, New York City cops could seize the cars of first-offender drunk driving suspects upon arrest. Those acquitted or otherwise cleared of charges were still required to file civil suits to get their cars back, which typically cost thousands of dollars. The city of Los Angeles still seizes the cars of suspected first-time drunk drivers, as well as the cars of those suspected of drug activity and soliciting prostitutes.

Newer laws are even worse. As of last month, Washington State now requires anyone arrested (not convicted—arrested) for drunken driving to install an "ignition interlock" device, which forces the driver to blow

into a breath test tube before starting the car, and at regular intervals while driving. A second law mandates that juries hear all drunken driving cases. It then instructs juries to consider the evidence "in a light most favorable to the prosecution," absurd evidentiary standard at odds with everything the American criminal justice system is supposed to stand for.

Even scarier are the laws that didn't pass, but will inevitably be introduced again. New Mexico's state legislature nearly passed a law that would mandate ignition interlock devices on every car sold in the state beginning in 2008, regardless of the buyer's driving record. Drivers would have been required to pass a breath test to start the car, then again every ten minutes while driving. Car computer systems would have kept records of the tests, which would have been downloaded at service centers and sent to law enforcement officials for evaluation. New York considered a similar law.

That isn't to say we ought to ease up on drunken drivers. But our laws should be grounded in sound science and the presumption of innocence, not in hysteria. They should target repeat offenders and severely impaired drunks, not social drinkers who straddle the legal threshold. Though the threat of drunken driving has significantly diminished over the last 20 years, it's still routinely overstated by anti-alcohol activists and lawmakers. Even if the threat were as severe as it's often portrayed, casting aside basic criminal protections and civil liberties is the wrong way to address it.

Radley Balko is a policy analyst for the Cato Institute. To read more of his articles, you can visit his web site, www.theagator.com. ☞

The Fallacy Of Breath Alcohol Analysis, Part II

by John Holevoet

This is the second in a three-part series on the problems and inaccuracies commonly associated with breath alcohol measurements. In the July/August issue of the *NMAF NEWS*, I addressed the research findings of Dr. Michael Hlastala, whose work discredits the assumption that a stable, proportional relationship exists between breath alcohol concentration (BrAC) and blood alcohol concentration (BAC). Hlastala's arguments strike at the very basis upon which contemporary breath alcohol analysis has been built.

This article will explore the large and troubling degree of uncertainty that is associated with all breath tests. To aid in my arguments, I will rely on the research of Dr. Gerald Simpson. When he first began to look into the accuracy of breath alcohol testing, very few of his colleagues had ever considered staging an analysis of breath testing methodology that would actually reflect conditions that might be seen in the field by law enforcement officers administering such tests to suspected drunk drivers.

The majority of the studies done before Dr. Simpson's pioneering research involved homogeneous participant pools that were given breath tests under strictly-controlled laboratory conditions, which were not true to the reality of DUI enforcement. Police officers pull over both women and men of all races, ages, body types, each with their own unique physiology and story to tell.

Only a small number of field trials had been conducted. While these precursors to Simpson's work were more representative, they still failed to yield results based on truly random samplings of people. Simpson was determined to break the mold and conduct his research outside the vacuum of run-of-the-mill clinical chemistry. During the preparation

for his scientific trials, Simpson was forced to grapple with the various uncertainties associated with alcohol breath testing. The type of breath analyzer to be used and the type of breath-alcohol simulator used to calibrate the aforementioned device were major concerns, not to mention the great uncertainties stemming from biological variance among test subjects.

In the end, Simpson found that the uncertainty of postabsorptive (after full absorption of alcohol, i.e. when a person's BAC is declining) breath test could range from ± 15 to ± 27 percent. He calculated that over 90 percent of this variance was attributable to biological factors specific to the test subject. Furthermore, limits on the accuracy and precision of breath testing in the absorptive state were not available and overall testing subjects tested during this state (i.e. when alcohol is still being absorbed and a person's BAC is rising) were even less reliable than those conducted in the postabsorptive state. Simpson deemed all breath tests unreliable for the determination of BAC.

These results led Simpson to conclude that breath tests should not be used for evidentiary purposes unless the results yield a number high enough to make the many uncertainties associated with breath tests a irrelevant. In his view, the margin of error was typically too high for the results to be used in the courtroom, even when multiple breath tests were conducted.

At the same time, Simpson sought to make reasonable recommendations to the legal establishment that would justify the continued use of breath tests in DUI enforcement. These included a call to breath analyzer manufacturers to be more candid about their product's limitations and precision. Simpson also sought to make it clear that a direct blood test is much more accurate than breath tests and stressed the

importance of making all police agencies and the public aware of this fact. In his mind, using an often inaccurate method (i.e. breath tests), which is further plagued by problems associated with the conversion between BrAC readings and BAC reading (see Part I of this series), to determine blood alcohol content is ridiculous when blood tests can simply be administered.

Simpson first came forward with these reasoned suggestions for the legal community and breath analyzer manufacturers in a peer-reviewed article in the journal, *Clinical Chemistry*. The article dates from 1987, but astoundingly many of his warnings about breath tests' accuracy were never heeded.

Over 17 years later, breath tests continue to play an integral role in the arrest, prosecution, and conviction of DUI offenders. This continues despite clear evidence of the uncertainties that come with breath test results. The problem of relying on breath tests too heavily is only exacerbated by the per se limit of 0.8. With the entire process plagued by uncertainty, the enforcement of such a low and arbitrary limit becomes an untenable position. The legal system still relies on flawed science and unsupported claims as it continues to churn many responsible motorists through the gears of DUI "justice." 🙄



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News From Around The Country

At the time of printing, the legislative information is correct. To track the progress of these bills or for contact information for your legislators, you can visit the **Speak Out!** section of the NMA web site at www.motorists.org/speakout/state.html.

You can also find NMA positions on any of these topics (as well as talking points) that you can use when contacting your legislators on these issues at www.motorists.org/issues/index.html.

District of Columbia

A new bill, introduced by D.C. Council member Carol Schwartz, would limit the use of speed cameras to areas with heavy pedestrian traffic. This would remove such devices from highways, where they already raked in large sums of money. Chairperson Linda Copp, Council member Sandy Allen, and Council member Kevin Chavous have joined the bill as co-sponsors.

The measure will be debated after the council returns from recess on September 15th. You can share your views on this issue by contacting the council members. Visit www.dccouncil.washington.dc.us to obtain their contact information.

Florida

Next summer, the Florida DOT will extend the hours of operation for High Occupancy Vehicle (HOV) lanes throughout South Florida. State officials claim the move will help increase the road's carrying capacity. However, I-95 links a number of regional cities that lack a dominant central employer. This makes the HOV lanes even less effective in South Florida than elsewhere.

Illinois

With little advance notice, the Illinois State Toll Authority has cut the speed limit near toll plazas throughout

the state. In urban areas, the new signs reduce the speed to 45 mph from 55 mph one-half mile ahead of the plazas. In rural areas, the limit has been reduced from 65 mph to 55 mph two miles ahead of the plazas, and then to 45 mph one-half mile before the plaza. State police have already begun issuing tickets to "violators." Fines range from \$75 to \$1,000 depending on the driver's speed.

Louisiana

Governor Kathleen Blanco signed SB765 into law. This measure allows officers to issue tickets to drivers who linger too long in the left lane of multilane highways. Motorists caught driving in the left lane at the same or a lower speed than traffic in the right lane could be fined as much as \$175. The new law applies only to rural highways with a posted speed limit of 55 mph or higher.

New York

S5398, a bill that would require all vehicles registered in New York state and manufactured after December 31, 2004 to be equipped with an event data recorder or "black box," is currently before the Senate Transportation Committee. An identical bill A5971 is before the Assembly Transportation Committee. If you live in New York and wish to share your views on this measure, you can find the committee members' contact information at: <http://assembly.state.ny.us/> and <http://www.senate.state.ny.us/>.

Ohio

The Cincinnati City Council has approved a measure allowing the installation of red light cameras and photo radar in the city. The good news is that the battle against this measure is not over. The council is required to review the measure and vote on it a second time. Also, Mayor Charlie Luken has vowed to veto the legislation, but there's a

chance that his veto may be overridden.

If you live in the Cincinnati area you should contact the council members and voice your opposition to this measure. Their contact information can be found at: www.cincinnati-oh.gov/council/pages/-4126-/.

Ontario

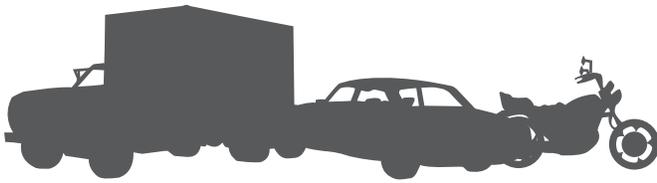
The province has approved a plan that would allow Ontario towns and cities to install ticket cameras. The owners of vehicles caught by these cameras will face fines of \$155 plus a \$35 surcharge, but won't earn demerit points on their license. Ontario had previously experimented with speed cameras, but that program was scrapped because of a public backlash. Those wishing to oppose this measure should contact Transportation Minister Harinder Takhar's office or their municipal government.

Oregon

The plan to raise freeway speeds to 70 mph for cars may be dead. State law sets truck speed limits at five mph below car limits, and a recent ODOT study opposed any increase for cars because it would mean a higher speed limit for trucks. Even though this position contradicts the legislature's desire for higher limits and ODOT's own claim to set speed limits based on the 85th percentile. Still, some urban speed limits are to be raised to 60, and suburban limits to 65 mph.

Tennessee

The state's primary seatbelt law, which Governor Phil Bredesen signed, has gone into effect. The law allows officers to pull over drivers exclusively for seatbelt violations. Drivers found in violation of the new law will be fined \$10. Seatbelt violations will still not result in points being assessed against the motorist's license. 📧



MEMBERS WRITE

Your letters are welcomed and appreciated. This is a forum for diverse opinions, different perspectives, and personal experiences. Letters may be edited for length or clarity. Letters should not exceed 300 words in length. Full-length articles will also be considered for publication in the NMAF NEWS. Articles should not exceed 600 words in length. Positions and opinions expressed in letters and member-authored articles are those of the author and do not necessarily reflect NMA policies or objectives. To submit, you can email us at nma@motorists.org or mail to our NMAF Office.

Let's save some fuel! It was not too long ago that the Federal government mandated a 55 mph speed limit for fuel conservation, and the driving public endured this limit for far too many years. Anyone that travels around the Northeast/Mid Atlantic area and endures long lines and traffic slow-downs to pay tolls would have to agree, this is an enormous waste of fuel—the slowing down, waiting, and then starting up again. Granted, we now have some toll speed lanes for those who are wise enough to buy the fast access card. However, in general, the stopping, starting, and waiting in the toll lines still wastes an incredible amount of fuel. Our federal government should withhold any matching highway funds for those states that still insist on collecting tolls—the same way they withheld the funds for those states not enforcing the 55 mph limit

Jim Williams
Sugarloaf Shores, FL

The letter in the July/August 2004 issue made me want to throw my two cents into the ring regarding cell phones. It seems logical that keeping two hands on the wheel while driving would be safer than one, especially if you need to make a quick steering maneuver.

However, that is not the most important factor. I think that the worst mistake people make with cell phones is using them while they are driving. The conversation is what

will cause the most distraction, especially emotional ones or when complex issues are discussed.

With the exception of top government officials and emergency personnel, who really needs to be in touch continuously? When I was issued a phone for work a few years back, I always let the calls go to voicemail, and then I pulled off the road to call the person back. The longest time ever elapsed was 10 minutes. I did this because I considered it to be safer.

I have seen some really reckless maneuvers by people driving while on the phone. Swerving out of the lane, missing exits and backing up on the shoulder of an interstate highway, screeching to a halt behind me at a red light, etc. These are just my personal observations.

I don't care what people do, as long as it doesn't affect me, but this does. When you hit me, I have to suffer, as well as my family. After most crashes, you will be civilly sued, as well as criminally charged. And yes, more than likely, you won't have enough auto insurance, so I must then collect off of my own policy, if I have full coverage. I want people to think twice about using the phones while driving. Please use common sense.

James Sikorski Jr.
Wapwallopen, PA

Every now and again, something appears in the *NMAF NEWS* to remind me how diverse member opinions are on many topics. Brian

Graifman's letter in the July/August issue is the most recent example.

To me personally, few things are more offensive than the frequent sight of another motorist drifting blindly through traffic—usually below prevailing speed—with a cell phone stuck to one ear. A drunk is at least trying to stay focused, if for no other reason than to avoid apprehension. But that cell phone to your ear implies that you have more important things to do than drive, and that driving doesn't deserve more than the most minimal energy you can get away with devoting to it.

If a person can't organize his life in such a way that he can make calls before getting on the road and let voicemail handle the rest, then surely one of the many hands-free, voice-activated, non-headset automotive accessory kits should meet this need. It's hard for me to see this as a motorists' rights issue so much as a very modest lifestyle adjustment. It hardly ranks with the deliberate misapplication of speed limits and their predatory enforcement, or the redefinition of DUI to include people who are not as impaired as you are with that phone.

Spike Roberson
Canton, MI

I read the breath alcohol article in the most recent issue with great interest. I think it was well stated,

continued on page thirteen

Members Write

continued from page twelve

but could have placed greater emphasis on Dr. Hlastala's findings that the underlying theory of breath analysis has now been proven to be incorrect. Also, the author reported the average blood/breath ratio as about 2400 with a range of about 1900 to 2600. This average value is only for post-absorptive subjects; for those still absorbing alcohol, that number is closer to about 1700. And, the range reported in the literature is anywhere from 800 to about 3500 or more. When expressing a range for the blood/breath ratio, it is more useful to use confidence limits, because the range changes considerably depending on the confidence required. For example, a jury should be told, here's the range if you want to be 90 percent confident that the value lies somewhere in this range, and here's the range for 95 percent confidence and for 99 percent confidence. Jurors can then decide what confidence level corresponds to "beyond a reasonable doubt."

Gerald Simpson
Thousand Oaks, CA

I joined the NMA to help my wife fight a speeding ticket we received on Memorial Day weekend on a section US-52 in Ironton, Ohio that is notorious for being a "speed trap." We succeeded in getting the ticket thrown out of court. The issuing officer's penmanship was so bad, that we could not clearly determine which section of Ohio law we had allegedly violated. We made a motion for dismissal, and the judge granted our motion, because he couldn't read the citation either. Our case never even went to trial! After hearing three or four lame excuses in cases preceding ours, "I was travelling the same speed as everyone else," or, "My

speedometer said 66 mph, not 69 mph like the issued ticket said," I think the judge was actually relieved to hear a sound legal argument. The book ***Ohio Speeding Tickets are for the Birds!*** was invaluable in our defense. After dismissing the ticket, he asked, "Who taught you to look for things like that?" Several other people in the courtroom thought my wife was an attorney. Thanks NMA!

Ken Fischer
Newport, KY

Like Jim Baxter, I also received a bogus photo radar ticket from German authorities a few years ago. I simply replied that it was a case of mistaken identity and I was not in that location at the time and could prove it. A few weeks later the German police showed up at my doorstep with their pictures and my reply. As it was obvious that the person in the photos was not me, and I could prove that I had been elsewhere at the time, the case was dropped immediately.

My advice to Jim Baxter and anyone else who receives similar citations is to always deny that a crime has been committed and force the accuser to prove his case.

Lars Holst
Freihung, Germany

I have lived in Wisconsin for nearly six years now, previously residing in Michigan and then Indiana. Neither of these latter states requires the use of a front license plate and therefore upon my arrival to Wisconsin I was quite disturbed at the requirement to place another ID tag on my front bumper. One of the cars I own actually requires the front bumper to be physically altered (drilled) to attach a license plate. For the fact that I would have to damage my car to mount a plate, I

chose not to. My other vehicle does have an accessory bracket available to mount a plate without destruction to the bumper but again I chose not to fork over the \$20 to purchase this item.

Where I'm going with this is that I have now been driving 15,000 miles per year for the last six years and have never been pulled over for driving without a front plate. My contention is this... I would tend to believe that the offence for driving without a front plate carries a much lower penalty than a photo radar ticket for speeding or running a red light. Furthermore, driving without a front plate basically guarantees that one is immune from photo radar. Your community may not have photo radar at this time but one never knows when traveling through other communities or states. Decide for yourself.

Jeff Corbat
Racine, WI

I was late getting around to reading the May/June issue, but it was worth the wait. The article about Gail Morrison touched me very deeply. To read what this woman went through in life and to give so much of herself, for absolutely no personal gain, was unbelievable. All of us who love to travel the highways at the safest possible maximum speed owe this lady a deep thank you. She apparently is in need herself now, so why don't we all step up to the plate and show her we care for what she did for us. I challenge all the members to match my contribution of \$100 to her care. Surely this is the least we can do for the freedom she helped to bring us.

Joe Duty
Sanford, NC 📧

The Experts' Corner

Do you have a question that only an expert can answer? If so, look no further. We have many NMA members with special fields of expertise. This feature was created to assist members with answers to both practical and technical questions.

This sharing of knowledge is another benefit of belonging to the NMA. Please indicate that you are an NMA member when calling a listed "Expert."

Can you help? Please contact us with your field of expertise and provide us with a contact address.

A telephone number would be very helpful, but is not required. Feel free to list preferred contact times if you do provide a telephone number.

PLEASE NOTE: This is not intended for listing of commercial business services.

As an NMA member, the Experts' Corner is available to you online at

<http://www.motorists.org/join/membersonly/experts.html>

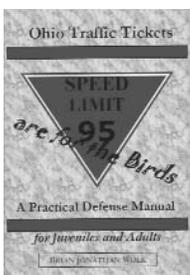
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Joyriding: A Manual for Learning the Fundamentals of Masterful Driving

This book starts out with the premise that driving is just about the greatest thing a human being can do. Driving is a skill to be honed and refined into a fine art. And yes, driving is a responsibility with consequences. The author extols the virtues of driving well as an end all to itself. He acknowledges the importance of "safety, but correctly points out that safety is a byproduct of being a good and skilled driver.

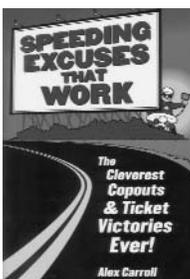
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Ohio Traffic Tickets Are For The Birds

This book is an extremely detailed manual on how to fight traffic tickets in Ohio (although there are some parts of the book that would be applicable in other states). Not only does it cover speeding tickets, but it also gives advice on other types of tickets (i.e. tickets based on traffic signs, "right-of-way" tickets, etc). This book includes helpful checklists, statutes, and forms that you will use in preparing your case. If you want to be prepared to fight a traffic ticket of any sort, *Ohio Traffic Tickets Are For The Birds* is a great start.

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Speeding Excuses That Work

Speeding Excuses That Work is a 157-page combination of personal war stories, humor, and ticket avoidance tactics. The book maintains a stream of wit and is an easy read. There's good advice scattered throughout the book, advice that goes beyond talking your way out of a ticket. These topics include avoiding tickets in the first place, safety tips for women involved in traffic stops, and debunking popular myths about traffic tickets.

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