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COVER
 "Virginia Camera Fate"

National ID. Why Not?
 by James J. Baxter, President, NMA

Following our last newsletter, I received a thoughtful letter from a good member who disagreed with our opposition to a national identification system for citizens. I could take exception to a number of his assumptions, but these are not the issues that caused me to pause and reflect. Rather, I thought, "What exactly is it that causes a visceral reaction against being required to possess and present a national identity card? Why does it feel inherently 'wrong' or invasive to personal privacy?"

Through most of the country's history, personal anonymity and privacy were the rule, not the exception. Your personal identity, where you worked, personal habits, where you shopped, what you read, where you lived, and who you associated with were not anybody's business—not even the government's. This started to change when the government became more entwined in people's lives. Two watershed moments that come to mind are the 16th Amendment to the U.S. Constitution that legalized the collection of income taxes and the establishment of the Social Security System. Both of these events, by their very nature (and necessity) seriously eroded the foundation of anonymity and privacy that had been a hallmark of the great experiment in government known as the United States of America.

The intrusiveness of these two creations of government is legend, and I will not attempt to document the width and breath of their reach into our personal lives. Suffice it to say that they are strong candidates to represent the beginning of the end of personal anonymity and individual privacy in the United States. It's a fair question to ask, "Why worry about personal privacy today? We lost that battle decades ago." Still, that doesn't answer

the question as to why personal anonymity and individual privacy are important to maintaining a free society.

Any candid person would have to admit we already have a national identification number, our Social Security Number. Any pretence that having a Social Security Number is voluntary is more imagination than fact. The same can be said for so-called restrictions on the use of Social Security Numbers for identification purposes.

That said, the charade that tries to prop up these illusions does serve one purpose. By claiming the Social Security Number is not really a national ID number, certain of the more onerous abuses associated with such numbers have been retarded. For example, the practice of totalitarian regimes to just randomly demand official identification documents to harass and intimidate citizens is more difficult if citizens aren't required to carry such documents. Of course, this protection no longer extends to motor vehicle operators. As we all know, any driver can be stopped anytime, anywhere, and be required to "show his papers." When it's done in an organized and systematic fashion, the courts sanction the practice as a legal roadblock.

Setting aside philosophical objections to mandated national ID cards, what are the practical concerns? There is personal identification theft. Contrary to proponent's claims, a national ID number is going to expedite identity theft. Once in possession of that number, the transgressor will be well on his way to accessing every element of your life. Every financial record, employment record, purchase agreement, credit arrangement, and health record will be keyed to that

continued on page seven

Attorney Turned Legislator Wants To Cash In

Delegate David Albo would like Virginians to think that he has their best interests at heart, but his actions suggest he's only looking out for himself. Albo, along with fellow delegate Thomas Rust (both Fairfax County Republicans), have cosponsored a bill in Virginia's House of Delegates that will further penalize motorists who receive speeding tickets.

If these two politicians have their way, Virginia will join Michigan, Texas, and New Jersey as yet another state that milks motorists through the assessment of so-called "abuser fees." Under their proposal, motorists convicted of traffic offenses would pay extra fees in addition to the fines they already must pay.

Their plan calls for a steep new fee that will be charged annually for three years. For example, a person convicted of driving on a suspended license will be charged \$200 each year

for three years. Other "offenses" have differing annual fines: \$250 annually for reckless driving; \$300 for driving while intoxicated; and drivers with six points on their license would pay \$100 per year, plus an extra \$50 for every point beyond six. If legislators approve this measure, it would significantly increase the money the state takes in from traffic infractions.

Albo put the issue in perspective in a recent press interview. Currently, a motorist convicted of going 30 mph over the limit would typically pay a \$100 fine plus \$51 in court costs, and have his or her license suspended for 90 days. Under his new plan, a motorist would be responsible for an extra \$750 in fines. While 30 mph over the limit may seem high, a responsible motorist could be easily caught traveling such speeds on the expressways in suburban northern Virginia, which have horribly under-

posted speed limits.

Albo and Rust claim their intent is simply to raise money for transportation projects throughout the state. If their bill passes, it would certainly raise money, perhaps as much as \$140 million per year, but it's doubtful that even most of that will actually go to benefit the stated goal of improving Virginia's infrastructure.

Albo has failed to mention the money that this bill stands to make for him personally. The legislator is also a traffic ticket attorney. If this measure passes, it will certainly be a win-win for him. When it comes time for re-election, he can claim that he stood up for safety, and helped to raise more money for the state. At the same time, motorists will increasingly be forced to hire him to fight their tickets because they can't afford the new fine structure he helped put in place. ☹️

Mr. Baxter Goes To Washington

The preparations are being made. The interviews are being scheduled. It's official: Jim Baxter is going to Washington, D.C.

After months of fundraising, the NMA is proud to say that it has raised almost \$70,000 to support the efforts of our new lobbyist at the Capitol. Thanks are in order for this record-setting fund drive, and those thanks belong to each and every NMA supporter who mailed in his or her donation. Without your generous contributions, we wouldn't have reached this point.

With the fundraiser winding down this fall (although donations for this effort continued to arrive), our staff set our sights on finding the very best candidates for our lobbyist position. Representing motorists is a large and important task, and we want to make sure that we find the best.

Jim will make use of his many

contacts in Washington; friends and associates he's made during the past two decades while working for motorists' rights. They will be providing an excellent pool of potential candidates.

They also advised him to wait until the dust had settled following the November election. Many people's job prospects depended on how various different elections turned out. It would be difficult to try and hire someone before then. After all, the best person for the job might just be a congressional staffer needing to find new work after his employer lost.

Be sure to look for our "Lobbyist Profile" in the next issue of the *NMAF NEWS*. We'll be proud to report on the newest member of the NMA team, as well as his or her progress during the coming year. ☹️



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Plate Scanning

The Ohio State Highway Patrol announced that it has begun testing a new high-tech license plate scanning system in order to catch criminals and stolen cars in the Buckeye State.

The system, which relies on lasers to do the scanning, is being tested on the Ohio Turnpike. It uses digital processing devices (similar to the hardware that scans bar codes in supermarkets) to read license plate numbers and alert troopers, in real time, of the presence of wanted persons or stolen vehicles traveling on the Turnpike.

According to the cops, the system is blind to law-abiding citizens. If there are no active warrants related to the car, or if the vehicle hasn't been reported as stolen, the system doesn't recognize the license plate. ☹️

Photo Finish?

The red light camera program in Virginia may soon be a thing of the past. Currently, the cameras are used by six Northern Virginia jurisdictions to ticket motorists. In order for those areas (Alexandria, Fairfax City, Falls Church and Vienna, as well as Arlington and Fairfax counties) to continue this practice, legislation is needed to pass the House of Delegates to extend their expiration date.

The legislation that would have accomplished this extension stalled in the Militia, Police and Public Safety Committee, which means that no area can use the cameras for ticketing beyond July 1, 2005.

This is an unprecedented level of rejection for this technology. Never before have red light cameras been utilized in such a large area and then removed.

However, that doesn't mean the

removal is a done deal. Camera proponents have stated that they will resubmit legislation in 2005 to restore the devices. One such supporter, Senator Jeannemarie Devolites Davis suggested she has the necessary support to pass the measure through the committee.

"I would, by one vote, say that I can get this through if everyone sticks to their commitment," Davis said.

This despite the fact that this same panel has stopped previous efforts to extend or expand the use of this technology. Even camera proponents wonder to which committee members Davis is referring.

One committee member, Delegate Marian Van Landingham said, "This is a hard-shell committee. I'm not sure why a change in session would change the attitudes of those on the committee."

As strongly as advocates for the cameras feel, there are those who are equally against the cameras. "I will fight it every step of the way," said Majority Leader H. Morgan Griffith.

If Virginia NMA members would like to share their opinions of photo enforcement with their legislators, they can do so by using the contact information below. 📧

Contacting Delegates

House of Delegates
General Assembly Building
P.O. Box 406
Richmond, Virginia 23218
800-889-0229
<http://legis.state.va.us/>

National ID Update

Legislation regarding the creation of a National ID, which utilizes driver licenses for identification purposes has passed both the House and the Senate. It should be noted, however, that some key changes relevant to motorists were made to the bill before President Bush signed it.

First of all, the bill didn't require that a person's social security number be displayed on his or her driver license or vehicle registration. Also, any mention of the Driver License Agreement (DLA) was taken out of the bill. It appears that this new law will not make it mandatory for states to share driving records. This is good news for many motorists, who will continue to pay lower insurance premiums because of these changes.

The measure was part of the omnibus Intelligence Reform and Terrorism Prevention Act of 2004. With a name like that, it would be politically foolish to oppose the

measure. Yet some pockets of resistance did exist.

While most of the hold-outs were hoping the new law could be made more stringent, Congressman Ron Paul (R-Texas) argued strongly against the National ID provisions. He urged his colleagues to reject the bill because of the needless, new bureaucracy it would create.

"National ID cards are not proper in a free society," Paul stated. "This is America, not Soviet Russia. The federal government should never be allowed to demand papers from American citizens, and it certainly has no constitutional authority to do so."

"A national identification card, in whatever form it may take, will allow the federal government to inappropriately monitor the movements and transactions of every American," Paul continued. "History shows that governments inevitably use such power in harmful ways. The 9/11

commission, whose recommendations underlie this bill, has called for internal screening points where identification will be demanded. Domestic travel restrictions are the hallmark of authoritarian states, not free nations."

Supporters of the bill have claimed that the new movement toward a National ID is necessary to protect Americans from terrorist attacks. Congressman Paul disagrees, "Subjecting every citizen to surveillance and screening points actually will make us less safe, not in the least because it will divert resources away from tracking and apprehending terrorists and deploy them against innocent Americans!" 📧

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RadarGate

by Eric Skrum, Managing Editor

RadarGate seems to be the most appropriate term for the situation facing the Pennsylvania State Police. Simply put, they had radar guns that they knew were not working correctly. Not only did they continue to use them, but the state police attempted to hide their misconduct from the public. Released police memos reveal the truth.

In 1997, the state police purchased 572 Genesis radar guns. By 1999, officers were complaining of phantom speed readings from the guns. Timothy Shingara, a state police radar expert, and technicians from Decatur Electronics (makers of the Genesis guns) found an inexpensive electronic filter that would solve the problem. Decatur even offered to do the improvements free of charge.

In a February 1999 memo, the assistant director of the state police Patrol Services Division, Lieutenant Gerald Roberts stated, "If the radar sets were all recalled at once under the announcement of a problem, the inappropriate media attention would cause undue concern to the public and could potentially undermine our speed enforcement efforts for the past year." Eighteen months later, 66 of the guns still hadn't been fixed.

In October 2002, new problems appeared with the Genesis radar guns. "It has been reported that the Genesis handheld model radar sets are consistently malfunctioning or not functioning at all," wrote Major Doutt, then director of the Bureau of Patrol, in a memo dated May 14, 2003.

Decatur Electronics once again sent their experts to find the problem. In July 2003, they found the source of the phantom readings. The 2003 Crown Victoria alternator threw off the readings when the radar guns were plugged into the cigarette lighter. The proposed solution was portable battery packs which were offered to the police for free.

The police rejected this offer. The reasoning was that the police didn't want people to think the radar guns were defective, which they were, and their tickets weren't valid.

In June 2003, Major Kathryn Doutt, then-commander of the state police Bureau of Patrol, wrote a memo to Lieutenant Colonel Ralph Periandi, state police second-in-command, stating that, "The corrective action needs to be accomplished efficiently, quickly and with discretion. Obviously, the department cannot risk sending a message that these radar devices are inaccurate, while recalling them for modifications."

Also found in a memo, Sargent Martin Henry, supervisor of state patrol enforcement programs, stated that if news concerning the radar guns reached the public it "could result in losing all speeding citations made with the Decatur Genesis handheld model and the reversal of previous convictions for speeding."

This all came to light due to one person fighting his speeding ticket in September 2003. This person hired an attorney who appealed the ticket and subpoenaed state police radar expert Shingara. Shingara testified about the complaints that officers had been reporting on the Genesis radar guns.

Shingara was subsequently fired and has filed a lawsuit claiming his termination was due to his testimony. His attorney, Don Bailey subpoenaed the documents and memos to prove that the police knew about the problems with the guns and tried to cover it up.

The latest twist is that the state police have released a University of Pittsburgh study, which cost taxpayers \$18,000, that claims the guns are accurate (this despite the fact that the gun manufacturer and four outside consultants said that the Crown Victoria's alternator was causing problems).

The university's study didn't even test the equipment's reaction to a Crown Victoria alternator. Nor did they ever test the radar on a moving car.

In addition to this, the state inspector general's office has a report on whether or not the police attempted to hide the malfunctioning guns. Governor Rendell and other state officials refuse to release this report to the public.

Yet police insist there is no problem. State police spokesman Jack Lewis says, "All of the state police radar equipment is and has been working properly. The bottom line is that the state police radar that you have questioned in the past has been tested by a reputable, independent agency and has been found to work properly."

Yet, records and memos from the state patrol show this to be false. If you have received a ticket from the police using a Genesis radar gun, it looks like you have good ammunition with which to fight your ticket. This thought seems to have occurred to quite a few people. It has been reported that since this story broke, more motorists are contesting their speeding tickets. As it stands, this highlights that the police are not infallible when it comes to issuing traffic tickets, a point the NMA has made for over two decades. 🐾

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Covering court procedures and strategy, the kit also includes technical information on almost all speed enforcement devices and key statutes in your state.

Call **800/882-2785** to rent this kit.

License Suspensions

New Jersey State Motor Vehicle Services officials recently released some of the preliminary results of a survey of 7,500 drivers who have had their licenses suspended. The survey is being conducted by the Voorhees Transportation Institute at Rutgers University.

It seems that fifty percent of the drivers who had lost their licenses had them suspended for non-driving related offenses. Considering that there are 300 ways to lose your license in New Jersey, this doesn't come as a surprise. Painting graffiti or failure to answer a court summons for a dog or cat license complaint are just a couple of the ways

you can lose your license.

NMA New Jersey State Chapter Coordinator, Steve Carrellas has been continuing to publicize the NMA position on this issue and has been widely quoted by the press.

"Why should my privilege to drive be suspended for something not related to driving? We support solving that problem and we'll be most assertive. If it's not related to driving, you shouldn't be suspended for it, period," Carrellas said. "Let's get back to fairness."

In 2003, 713,498 licenses were suspended. If we follow the trend that this survey suggests, that means approximately 356,749 motorists were denied the ability to drive, not because

the state is questioning their competency, but because they may have failed to pay a parking ticket.

"Driving-related issues are fair game; drivers have a responsibility," Carrellas said. "But the state has a responsibility, and fairness is paramount."

The survey is also exploring how the loss of licenses affect motorists. This includes losing a job or wages and even how difficult it is to find a job.

This survey is part of the New Jersey State Motor Vehicle Services Fairness and Affordability Task Force. Results of the survey will be part of this task force's overall report. 📄

Why Not?

continued from page two

number. True, additional security will be employed, but the national ID number will open the first door, and in many instances that will be the only door.

The mandate for a national identification card will be followed by governmental and commercial requirements to present the card to receive services, make contracts, and set up accounts (all leaving a trail of your activities). This will be further followed by a requirement that the card must be in your possession when you are in public places, using public transportation, and in commercial facilities that accommodate the public. The U.S. Supreme Court has already laid the foundation for the next requirement; presenting the card upon the demand of a police officer. Of course, this evolution toward a "show us your papers" society will be accompanied with fines, penalties, and punishments for failure to possess and present the ID card upon demand.

A missed keystroke, a copying error, a clever teenage hacker, or a vindictive bureaucrat, and your ID

number finds itself in the "Terror Watch" file. In a matter of minutes your bank accounts are frozen, driver's license and registration suspended, home and office searched, personal property confiscated, and friends and acquaintances are lined up for questioning. "Can't happen," you say. Tell that to U.S. Senator Edward Kennedy who was denied access to a commercial flight because his name showed up on the potential terrorist list. Imagine the fate of the average person who doesn't have friends in high places!

Official claims that the government will not exploit a national ID system to the disadvantage of the citizenry are pure nonsense. Governments historically have exploited every power they can acquire to themselves. The only way to keep our government from using a national ID number and card to further control and extort its citizens is to not have a national ID number or national ID card.

The concern over terrorism is legitimate, but we shouldn't lose sight of the fact that governments have a

history of killing by the millions, and they make the efforts of terrorists and criminals look puny by comparison.

A national ID number and card serve to give the government more knowledge of our affairs. As they say, "knowledge is power." I, for one, do not want to give the government more power to control my life or affairs. If that means accepting a higher degree of risk for my personal security, so be it. 📄

**Visit one of the NMA
web sites for more
motorist information.**

www.motorists.org

www.speedtrap.org

www.roadblock.org

Foundation Grants Fight For Justice

by John Holevoet, Director of Development

In the last issue of the *NMAF NEWS*, you read the stories of three NMA Members, Diana Brown, her husband Ron, and Ken McGrew. They were all victims of unfair traffic tickets. No doubt this is a situation with which many of you can identify.

With a traffic-ticket system that is more concerned about making money than being fair, it is not surprising that injustices occur. That doesn't mean that we have to simply accept such unfairness.

The NMA Foundation began its Legal Aid Grants Program in late

2003. The goal of this program is to work toward a day when nobody has to accept an unjustified traffic ticket.

Anyone who is currently involved in a "precedent-setting" traffic case may be eligible for a Legal Aid Grant to help cover the costs of his or her courtroom fight. Those selected for funding will be involved in cases in which a victory can have long-range positive results for other motorists.

To read more about the Legal Aid Grants Program, you can visit the foundation's newly updated web site, www.nmafoundation.org.

The foundation realizes that this

program has tremendous potential. That's why the 2004 NMA Foundation Fund Drive, which is ongoing, is dedicated to expanding the number of Legal Aid Grants we award each year.

This fundraising effort has already raised nearly \$30,000. If you're one of the many who've donated to this worthwhile cause—"thank you." If you haven't contributed, but would like to, you can make your tax-deductible donation today by calling 800-882-2785 or visiting www.nmafoundation.org. Even the smallest of gifts would be appreciated and well-used. ☺

Tax As You Go

Bureaucrats are looking for innovative ways to separate more money from motorists. The latest is the idea of taxing you on the amount of miles you drive. This idea is receiving more support since California Governor Schwarzenegger appointed Joan Borucki to head California's Department of Motor Vehicles.

Earlier in 2004, as chairwoman of the transportation section for the California Performance Review, Borucki had requested that California develop a program to test taxing motorists by the number of miles they had driven. Her latest appointment positions her to put more support behind the mileage tax.

While Schwarzenegger is quick to point out, there are no current plans to change to this type of system. There are currently 88 similar experiments being conducted worldwide.

The idea seems straightforward. The number of miles you drive will be recorded and you would pay a tax on each of those miles. Simple, right? But then the questions begin: How will the miles be tracked? Who has access to this data? Can the information be

used for other purposes?

The system being developed in Oregon would actually have your vehicle transmit the tracking data via short-range radio to the gas pump so that every time you fill up, you would be taxed accordingly. The technology is sophisticated enough that officials would know when you left the state so you wouldn't be taxed for those miles.

All in the name of "savings." They don't want you to pay when you don't have to.

Along that same vein, it isn't very hard for the technology to be able to track where you go in the state and when. Citing savings that can be passed on to the public, officials could begin tracking you to the point that you would have to pay more while traveling in certain areas. Or, offer lower taxes if you drive during non-peak times. Of course that means they can charge you more at other times and in other areas.

James Whitty, who is spearheading the program for the Oregon DOT says, "When people take the time to understand the system, they realize there really aren't privacy concerns. It isn't much different from the electronic

toll systems that are used in many places around the country."

What Whitty doesn't mention is that the toll systems are already being used against the motorist. In some states, the police cite public safety concerns in order to use information from these systems to track drivers who are suspects in criminal investigations. How long would it be before they made the same claims in order to have access to this more advanced tracking system? Would courts really stop this?

It is becoming par for the course that personal information collected for one purpose is used for another. Michael Curry, a UCLA geography professor who has studied the privacy implications of tracking devices, has suggested that lawsuits, criminal cases, custody disputes, divorce proceedings, and the tracking of political dissidents are all examples of potential abuses that come from this type of system.

So far, mileage-tax programs are in the experimental stage only. While some officials are excited about this system, surveys have shown that the vast majority of the public is dead set against it. ☺

Play Nice, Or We'll Take Your Toys

by John Holevoet, Director of Development

Last summer, Kansas City police officers made national news by tasering a grandmother.

Here's what reportedly happened: The grandmother in question, Louise Jones, pulled up to her home and accidentally honked her horn. An officer in a nearby police cruiser took offense. After answering a call at a nearby home, one of the officers went to ticket Louise for honking.

The officer grabbed Louise's arm, she pulled away, and things quickly got out of hand. She was knocked to the ground, while her 74-year-old husband came to her aid. In the end, Louise was arrested on charges of misuse of a car horn, resisting arrest, and intentionally inflicting bodily harm on an officer. Her husband, Fred, was charged for interfering with an arrest.

Some time during the melee, one of the officers decided the elderly woman had become too unruly to control. One of them used a taser, capable of issuing a 50,000-volt shock, to stun the 66-year-old woman.

It is not my intention to demonize the Kansas City Police Department, nor nominate either Louise or Fred Jones for sainthood. We may never know what precisely happened in front of their home.

The real subject at hand is police use of tasers. I had hoped that the incident in Kansas City was an isolated one. I had practically forgotten about it, when I had my memory jogged by more recent events.

In late October, a Miami-Dade County police officer used his taser gun to subdue a 6-year-old boy at an area elementary school. The boy had to be "taken down" because he was wielding a piece of glass and threatening to hurt himself. The police had been called by the school's principal after the child broke a picture frame in her office and waved a piece of glass, apparently holding a security guard at bay (remember the kid's six years old).

According to police spokesman Juan DelCastillo, everything worked out for the "best" once the police arrived. He was quoted in the Miami Herald defending tasers, "we were able to stop the situation, stop him from hurting himself." The implication seems to be that without the taser, the only other option would have been a gun.

Only two weeks after this embarrassing incident, the Miami-Dade County police came under national scrutiny again. An officer from the same department used his taser on a 12-year-old girl who was caught skipping school. To be fair, the matter was a bit more serious: she was found at a local pool where she and other teens were drinking and smoking cigars—not model behavior.

When the officers were about to take the girl back to school, she broke away and ran. One of the officers then used the taser to stop her from crossing a busy street. Was she close enough to taser, but too far away to physically restrain?

Of the three cases, only the first even involves a motorist, and Louise Jones was getting out of her car at the time. However, if police feel that using a taser on a grandmother, an emotionally-disturbed child, and a truant adolescent all demonstrate decent judgement, I think there is a problem.

Tasers give some officers the sense that they don't need to hold back on using it, at least not as much as they would a real gun. Within reason this is true, but tasers are serious weapons, they can cause long-term medical issues, and they have killed people. We should be carefully considering the implications of distributing and using these types of weapons.

All three of the cases above have prompted the two police departments to reevaluate their taser policies. For example, Kansas City's basic criterion for an officer to use a taser was for a

person to "passively resist," such as refusing to answer questions. Passive resistance is a relative term, but I can't help but picture a Kansas City police officer tasering Gandhi.

If they can taser the Mahatma, then I presume motorists who react poorly to being stopped for an unwarranted roadblock may also become good candidates for taser use. The reality is, motorists should support efforts to regulate the use of "non-lethal" weaponry by the police. Otherwise, the next time you respond to a traffic stop with strongly-worded denials, you may be in for quite a shock. ☹️

NMA Thank You

I would like to publicly thank the NMA members who responded to the article that was published in the June/July issue of the *NMAF NEWS*.

Your response has been overwhelming and very much appreciated from the bottom of my heart. Each of you is truly a "Road Warrior" and it was because of you that I labored so diligently.

I would also like to thank Jim Baxter and all the other people that worked on the article. I am deeply moved by the notes, letters and cards, the kind words expressed, and the generosity that so many of you took the time out of your day and money from your budgets to share appreciation for the work I put into repealing the 55 mph National Maximum Speed Limit.

Thank you, thank you, thank you.

Sincerely,

Gail Morrison

Tennesseans Denied Right to Records

You're sure you weren't going that fast, and decide to fight the traffic ticket you just received in a small town in Tennessee. To aid in your defense, you file a public records request in which you ask for, among other things, the officer's copy of the ticket.

Your request is denied, despite Tennessee's broad Public Records Act, and you're convinced that you've been singled out. Well, apparently not.

Recently, almost 100 reporters, college students, and other volunteers conducted the state's first public access audit. Their intention was to test how easily they would be granted access to public documents they were entitled to under state law. The audit volunteers visited all of Tennessee's 95 counties and found that their legal requests were denied a third of the time.

The auditors sought the same four documents: the last recorded minutes of a planning commission or zoning board; two recent crime incident

reports and crime logs (one each from the local sheriff and one local police department); and a local school system's latest report on the number of expulsions/suspensions for drugs, weapons and violence.

These documents were chosen by audit organizers because they should have been readily available and they are the types of documents average citizens may have a reason to see.

When requesting these documents, auditors encountered a wide variety of excuses used to deny them access. One sheriff's department employee told the auditor, that she couldn't give out records to people she didn't know. Another insisted that a court order would be needed. Various others cited some vague notion that "Homeland Security" prohibited them from giving out public documents.

None of the reasons are valid. Tennessee law is clear: "unless otherwise provided by state law... all state, county, and municipal records ...

shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee."

Even auditors that were granted access to their documents often faced lengthy interrogations or were shouted at. In other instances, auditors were forced to show their driver's licenses even though Tennessee law contains no such requirements.

The audit accomplished much. It showed that documents that are accessible in one county might be mistakenly restricted in another part of the state. In fact, 25 auditors found that local police departments released the same type record that the sheriff in the same town denied.

The audit highlighted the struggle many people face when seeking basic information from their government. Hopefully, it will also raise awareness that people in Tennessee have a right to public records. They shouldn't be hesitant to make use of it. ☺

Sign Of The Times

Many members request promotional materials from the NMA to distribute at car shows, club meetings, or other events. These materials range from brochures to copies of the latest *NMAF NEWS*.

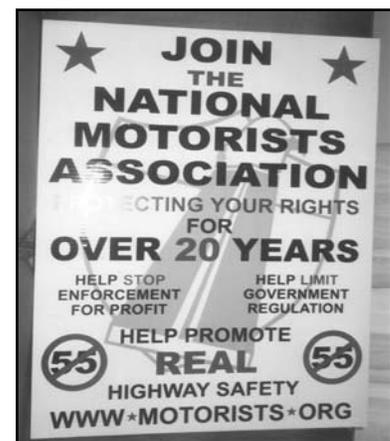
Recently, Pennsylvania NMA Member Tom McCarey shared with us his photos of the Bryn Mawr Rehabilitation Center's 14th Annual Car Show that he attended. He went above and beyond what many members do. Not only did he offer free NMA materials and "talked up" our organization, but he had professional quality signs specially made for the event. Here are a couple of examples of his booth and signs. A special thanks goes out to Tom for going the extra mile to promote the NMA.

If you are interested in distributing

any NMA materials at events or just want to have them to pass on to friends and family, you can request free copies by calling 800-882-2785. You can also email your request to us at nma@motorists.org. Our staff would be happy to send as many materials as you would like.

Please remember that if you do

have someone sign up as a member, you need to have that person say they joined because of you. For every person you recruit, you will receive **three additional months of membership free!** Which is our way of saying "Thank You" for helping the NMA grow. ☺



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 that you can use when contacting your legislators on these issues at www.motorists.org/issues/index.html.

Alabama

The Alabama highway patrol wants small-town police to patrol interstates. However, a 1996 state law forbids them from issuing speeding tickets on interstate highways. It is designed to prevent local officers from conducting speed traps that prey on interstate travelers. Governor Bob Riley, citing a shortage in state troopers, hopes to change the law, and will push the issue during the 2005 legislative session, which begins in February.

California

Earlier this year, Assemblywoman Sally Lieber introduced a bill that would eliminate the existing provision that allows cars over 30-years-old to be exempt from smog checks. It was passed by the legislature and signed into law by Governor Schwarzenegger in September.

In late September, with the full support of Governor Schwarzenegger, the California Air Resources Board (CARB) unanimously approved new regulations that would restrict the amount of CO² a vehicle can produce. The NMA and the SUV Owners of America (SUVOA) fought against CARB's plan, arguing that CO² isn't a pollutant and that CARB is wrong in calling it one.

Delaware

The State Patrol is provoking motorists to commit acts of "road

rage." State Troopers impede traffic in the left lane in hopes that drivers will get fed up and drive aggressively to pass the unmarked police car. Those motorists entrapped by this practice are given "aggressive driving" citations, which come with harsh penalties and fines. This tactic continues despite the Delaware law that requires "slower traffic keep right."

District of Columbia

City officials recently allowed a contract to expire with the outside company that processes photo-radar citations. Council member Kathy Patterson and others critics of the camera program hope to use the new contract as an opportunity to better regulate how ticket cameras are used.

Illinois

The Illinois House upheld Governor Blagojevich's veto of a bill that would have eliminated the state's split speed limits. The vote means the state will continue to require that truck traffic go 55 mph on rural interstates, while other vehicles on those roads can travel 65 mph.

Indiana

State legislators are currently considering a proposal that would require people in Sport Utility Vehicles and light trucks to wear their seat belts. Currently, Indiana's seat belt law exempts both the driver and passenger in such vehicles.

Missouri

The speed limit for westbound traffic on the I-72 bridge over the Mississippi River was raised from 55 mph to 65 mph. Eastbound traffic had been permitted to travel 65 mph since the bridge opened in 2000. The change was largely the result of efforts by NMA member Alan Saeger.

Missouri Governor Bob Holden approved HB 795, which reduced the default speed limit on county roads in

several Missouri counties from 60 mph to 50 mph. The measure also prohibits counties from posting speed limits greater than 55 mph.

New Hampshire

Police officers in Rochester are handing out thank-you notes to some motorists who they observe "driving in a safe and respectful manner." Lt. Paul Callaghan said the goal of the program is to reassure people that they are not just handing out tickets. Although, the department's own statistics show that the police have written far more tickets than thank you notes.

Oregon

In November, state transportation officials increased the speed limits on four sections of Interstate 84 and Interstate 5 that pass through urban areas. The increase makes the speed limit in these areas 60 mph, instead of the former 55 mph. These changes come after state lawmakers voted to allow speeds as high as 70 mph on rural interstates.

Pennsylvania

The Pennsylvania State Police have announced a new policy that Executive Services Section members are authorized to exceed the speed limit only in emergency situations. The policy was developed in response to several instances during which troopers exceeded the posted speed limit while transporting the Governor or Lieutenant Governor along the Pennsylvania Turnpike.

A 65 mph speed limit is likely to be restored on a mountainous stretch of the Pennsylvania Turnpike in Westmoreland and Somerset counties. This move comes after this portion of the road was rebuilt and modernized from the ground up. Dangerous curves were straightened, 20 miles of the eastbound side were widened to three lanes, and a new truck-climbing lane was added westbound. 🏠



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 NMA member-authored articles are those of the author and do not necessarily reflect NMA Foundation policies or objectives. To submit, you can email us at nma@motorists.org or mail to our NMA Foundation Office.

As a long-time approving member of your association, I must finally disagree with you on something—the concept of a National ID.

Forgetting driver's license for the moment, the idea of a national ID has some merit. Prior to now, there has been almost no way to really have a positive identification when green cards, social security cards, and driver's licenses can be bought on the streets for twenty-five dollars or so. We need positive identification on a few occasions such as opening a bank account, getting a job, certain permits and payments, etc. I don't know about you, but I carry the equivalent of a national ID card,—a driver's license with my picture, a gun permit with my picture, a few credit cards without pictures, some medical information, and when I travel, a passport.

I think we now have the technical expertise, through modern electronics, to actually make a national identity card which would be complete and foolproof and not subject to forgery. Such a card might or might not be carried and could possibly be used only for very important identifications, and it might simplify the issuance of a number of the other things we carry. The driver's license you are concerned with is only a small part of the identification problem and in my opinion you are overly worried about the idea.

Robert Cox
Fort Lauderdale, FL

North Dakota has a "secondary enforcement" law on the books for safety belts. Recently, I made a left turn from a two-lane signalized intersection, onto a four-lane separated highway, two lanes each direction. A highway patrolman was parked down the highway and watched two cars make a left turn from the same lane I was in, but into the inside passing lane. I drove about three to four car lengths in the same left lane, then changed to the outside lane in order to go over a bridge and take a right turn onto a frontage road.

The highway patrolman gave me a "warning ticket" for "turning from wrong lane" with a note at the bottom of the warning stating "improper left turn." Needless to say, the officer was totally wrong, as I've been to numerous traffic engineering classes and know the North Dakota Century Code. I have the ordinance in front of me and it says nothing about a minimum distance to travel before switching to the outside lane. There was no other cross traffic at all, the traffic signal red light holding all traffic, which would have been coming behind me. I have documented this lane change location mainly because there is a 2x4 foot tar patch in the "outside lane" that I always drive "left of" because if I drive over it, you get a "one-inch bump" as your tires go over it.

The officer said when he approached me, "I know who YOU are!" (I am a retired Police Administrative Lieutenant, and I've

taught at both the state police academy and the University of North Dakota Peace Officer Training Program.) He then proceeded to give me the warning ticket plus the seat belt ticket for \$20.00. He said I had two weeks to post bond. I'm going to plead "not guilty" and request a "jury trial."

In addition, when the officer printed off the computer-generated tickets, he printed out the safety belt ticket first, then the warning ticket (you can tell by the way the paper was ripped from the rolled scroll of paper). When I was on patrol years ago, we would "pre-write" tickets for radar tickets, then fill out the driver information, etc. later. Seems that this is what he did this time as well. Watch for "safety belts"—justify the stop! Nobody will know!

Anyway, another case of "law enforcement gone wild" with their ticket and safety programs.

Dennis Smetana
Minot, North Dakota

Regarding the recent flurry of letters about cell phones, the fact is that the cell phone laws in New York and New Jersey are the result of fear mongering false propaganda created by headline seeking politicians and special interests (e.g. hands free device manufacturers) in order to further their own ends. "Hands free" devices increase danger. They do not decrease

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Members Write

continued from page twelve

danger. Cell phones, used while driving or not, can be a great aid to safety, in addition to many other benefits. I invite everyone to read an article I wrote about this subject. The article is a couple of years old, but it is still quite relevant. It can be found at www.lpct.org. Go to *The Connecticut Libertarian*. Then May, 2002. Then "Legislators Hang up on Your Rights."

Steve Weitzman
Fairfield, CT

I see that in the November/December issue you got the ticket requirement of Falls Church, Virginia out in the open. I live only a short distance from Falls Church and used to go there often to shop or have lunch or dinner. But, no longer will I support the highwaymen.

There is another speed trap in a city located a few miles south in Prince William County. The city of Haymarket, population 1,000, has seven patrol cops, and its one main road has a speed limit of 25 mph—which is rigidly enforced. I would recommend that you alert your members. Haymarket is located just south of I-66 southwest of Manassas and travelers along I-66 may be tempted to pull in there for gas or something to eat. If you do, you may be unpleasantly surprised to also get on a first name basis with one of those seven cops.

James R. Campbell
Arlington, VA

Just read the "Where The Money Goes" article in the last newsletter. Here's what I believe should happen: It's so simple! Local towns, cities, and villages should just stop writing tickets. You see, without the income from all the non-speeding traffic violations, these entities

would have to enact various budget cuts, and since many law enforcement activities are more important than traffic ticketing, it will be first on the chopping block. Voila! New York State loses not only the money it has just authorized itself, but also the previous money from speeding tickets.

The general public, of course, knows traffic would be murderous without the presence of ticket-writing law enforcement officers. The outcry would be thunderous: "Give our local officials back their monetary support or our roads will run red with blood!" Albany would hear this and something would change, or at least it *should* change. We must stay tuned here, and see what transpires.

John Kretschmann
Boscobel, WI

I'm included a copy of the letter I sent to the Sutton County Sheriff's Office and county attorney concerning their officer who I observed violating Texas law. I am tired of watching law enforcement violate traffic laws to catch motorists who are operating in a safe and reasonable manner for the conditions. I've been meaning to do this for years but this is my first attempt at it. I wanted to share this tactic with the NMA. If other members would do the same thing we might have some results.

Here is the letter:

Dear Sutton County Sheriff,

I'm writing concerning the poor driving of one of your officers. On 11/25/04 around 1430 I observed a Sutton County Sheriff's Crown Victoria driving for one to two miles in the left westbound lane of I-20 at approximately 50 mph. This violates the Keep Right Except to

Pass signs, Texas Transportation Code 544.004, 545.363(a) and 545.051(4)(b).

The driver then proceeded to turn left into the median without signaling in violation of 545.104 and 545.064. After turning into the median he parked there and was not in pursuit of any other vehicle. The officer did not at any time use the lights or siren, nor was he responding to a call, pursuing a vehicle, conducting a police escort, or directing traffic. Therefore sections 546.001 and 546.002 which permit a law enforcement official to break the law do not apply.

I am deeply disturbed by this officer's actions. It is not acceptable for a law enforcement official to violate the traffic laws he or she is supposed to be equitably enforcing. Actions like these cause a lack of respect from the public and perpetuates the perception that law enforcement feel they are above the law. It also creates a safety hazard on the highway.

I would like to know in writing what actions will be taken to correct this situation. If I were to have been observed doing this, I could have been issued enough citations to trigger suspension of my license. I have included all of the applicable Texas statutes.

Finn-Erik Juliussen
College Station, TX 📧

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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>

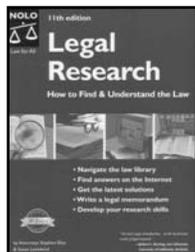
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Beat The Cops

NMA Member Alex Carroll has refined and published a great little ticket-fighter's book entitled Beat the Cops. Alex is not a lawyer and the book doesn't read like it was written by one. Its easy reading and casual style convey a lot of good information for anyone who wants to fight his/her ticket. It gives a good overview of the traffic ticket industry and the best strategies of how to avoid getting a traffic ticket. But, its real emphasis is on what to do after you've been stopped and issued a citation.

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State Chapter Coordinators and Activists



dedicated volunteers who monitor, publicize, and lobby critical motorists' issues, for you, within your state. They can also provide insights on how to best fight a traffic ticket in your state.

As an NMA member, the State Chapter Coordinators and Activists are available to you online at <http://www.motorists.org/join/membersonly/sccact.html>