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**EDITORIAL STAFF**

*Managing Editor:*.....Eric Skrum  
*Staff Writer:*.....John Holevoet  
*Editorial Assistant:* .....Heidi Katchkey  
*Guest Writer:* .....Walter E. Williams  
*Guest Writer:* .....Richard Diamond

**COVER**

“The State Of Speed Limits”

**The Courts Have Lost Their Way**

by James J. Baxter, President, NMA

There are endless tales about the downfall of people who tell one lie that snowballs into a myriad of lies intended to cover up their initial ethical lapse. This same pattern is evidenced when those entrusted to enforce the rule of law manipulate the law to serve unintended purposes. Often the intentions are meant to serve a perceived public good, but other times the "creative" legal theories serve government's purposes to citizens' detriment. In both situations "the rule of law" is undermined.

*Oh what a tangled web we weave, When first we practice to deceive."—Sir Walter Scott*

Ideally, if the words in a law are clear, they should stand on their own. If the words are ambiguous or their meanings have changed over the years, the courts may have to review the history and circumstances at the time the law was created to understand the original authors' intentions. Because the government, courts, or influential elements in society have sometimes found the plain language of certain laws contrary to their interests, they have invented excuses to claim the words don't really mean what they appear to mean.

For example, the Sixth Amendment to the US Constitution says, "In ALL criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." Seems pretty simple doesn't it? A person charged with a crime has a right to a jury trial. Do you see anything in here that says this right doesn't apply unless the crime can result in six months or more in jail? Me neither. Yet, that is the law of the land as determined by the U.S. Supreme Court. Many state courts adopted this interpretation even though their state constitutions, most written long after the U.S. Constitution, reinforced the right to a jury trial for anyone

charged with a crime.

Jury trials are expensive and have unpredictable outcomes, often to the disadvantage of the prosecutors. However, they are also the most important bastion for the protection of individual rights. Jury trials dilute the influence and power of judges and prosecutors. Human nature dictates

that judges, and the state, will seek ways to diminish the use and power of the jury system. Consequently, despite the clear and unambiguous language

of the Sixth Amendment, persons charged with crimes that invoke penalties of less than six months in jail are denied a jury trial.

How did this happen? When the U.S. Supreme Court could not get the interpretation it wanted from the actual words in the Sixth Amendment, it chose to do a historical review of the circumstances prior to the drafting of the U.S. Constitution. Sure enough, it found instances where, under English common law, persons could be tried for minor crimes without access to a jury trial. That the drafters of the Constitution were obviously aware of this practice and chose to obliterate it by granting jury trials to anyone charged with a crime, as a constitutional right, did not phase the great judicial minds of the day. This knowledge didn't fit their agenda, i.e. reducing access to jury trials for criminal defendants.

An NMA member assisted by an NMA Foundation Legal Aid Grant just experienced a first-hand lesson on the subjects of judicial perversion. I discuss this case in greater detail on page four. When reading that article, I hope you will begin to see how far astray our courts have gone. Their actions are more corrosive to the heart and soul of our nation than any collection of terrorists or extremists. ☹



## NMA Washington Report

### by Robert Talley, NMA Lobbyist

**A**fter three years, two conference committees, and 11 temporary extensions, a \$286.5 billion highway bill was approved by Congress and signed by President Bush. The journey started in 2002. Bush proposed a \$247 billion package in 2003, while House Transportation and Infrastructure Committee Chairman Don Young, R-Alaska, proposed \$375 billion in spending and a 5-cents-per-gallon gas-tax increase.

After start-and-stall negotiations, the final six-year conference report contains no gas-tax hike, but it does boost transportation spending by 31 percent over the previous, \$218 billion highway bill, which expired in September 2003. The new bill guarantees that states will get back 92 cents on every dollar that their drivers send to the federal Highway Trust Fund through gas taxes, up

from a previous guarantee of 90.5 cents. The bill also streamlines environmental review processes for highway projects and provides billions of dollars to specific projects that lawmakers can claim credit for in their home states and districts.

Despite getting a late start, the National Motorists Association entered the debate over this legislation and was active in preventing further erosion of states' ability to determine their own penalties for traffic violations. The NMA also joined with others to minimize the future threat to motorists' privacy posed by electronic monitoring.

Unfortunately, not all of the news out of Washington is as positive. Legislators still chose to link funding for transportation projects to the passage of mandatory seatbelt laws, increasing penalties

for repeat DWI offenders, and increased traffic enforcement. Though in the final bill, these measures were substantially watered down from their initial hard-nosed wording.

In addition to mandating additional enforcement initiatives, Congress has also set the stage for a new driving tax that will be based on vehicle use rather than gas usage. Ten million dollars is directed to research the feasibility of creating a national grid to monitor and bill individuals based on when and where they drive. Implementation of this program on a national scale is at least five years away, and will almost certainly only occur after significant additional discussion. Luckily, the NMA will be fully engaged in the coming debate, and we'll be looking out for your interests. 🐾

## NMA Foundation And ACLU Win Critical Victory

As we reported to you in the last issue of the *NMAF NEWS*, the NMA Foundation issued a *Legal Aid Grant* to American Civil Liberties Union (ACLU)—New Mexico to help with its recent legal challenge to a new vehicle seizure ordinance in Albuquerque.

The law would have allowed the city to seize the car of anyone *suspected* of a DWI, even first-time offenders. The ordinance didn't require a conviction. The vehicle would have been seized when the suspect is stopped. He or she could then contest the seizure with a city hearing officer or agree to have an immobilizing "boot" placed on the vehicle for 30 days. To get the

boot removed, offenders would have had to install an ignition interlock on the vehicle for six months or a year. In "extreme" cases, the city would simply sell the vehicle at auction.

The ACLU convinced District Court Judge Theresa Baca to issue a temporary injunction against the enforcement of the ordinance, while they prepared their case. In August, the ACLU took the city to court, and Judge Baca struck down the ordinance.

In her decision, Baca cited "serious procedural due process problems" with the city's law. Baca said her ruling was on constitutional grounds, and focused

primarily on one sentence in the ordinance: "The city hearing officer shall only determine whether the law enforcement officer had probable cause to seize the vehicle." The judge said the ordinance didn't spell out what the hearing officer would do to ensure drivers would have a fair, timely and constitutionally mandated hearing.

"We're very happy and feel like the judge ruled as we would've liked," said Peter Simonson, Executive Director of the ACLU—New Mexico. Simonson also said Baca's decision could pave the way for similar rulings in ACLU challenges to other laws that allow the city to seize people's vehicles.

## Wisconsin Supreme Court Rules?

by James J. Baxter, President, NMA

**P**ast articles have discussed the saga of NMA member Ken McGrew beating his way through a hostile state court system in an attempt to contest a bogus speeding ticket. Ken was issued a ticket for allegedly driving 82 mph in a 55-mph zone on a busy urban expressway. He wasn't driving that speed and when the officer said he clocked Ken with RADAR, Ken started to ask intelligent

have read 27 mph. To display 82 mph, Ken would have had to have been traveling at 137 mph. Next, the officer said he set out to pace Ken's car by accelerating his truck to 85 mph and thereby confirmed his RADAR reading—all within about a quarter mile. This whole scenario is totally absurd.

In reality, the sheriff's truck was parked alongside the road with a "This is your speed" RADAR sign in the rear bed. The sheriff saw an 82-mph reading on his monitor, looked in the rearview mirror, and saw Ken's car approaching. When Ken went by, the sheriff pulled out, put on his lights, and pulled Ken over. Ken's car was *not* the vehicle that caused the 82-mph reading, the sheriff was *not* moving and he did *not* pace Ken. The officer's version of events is simply impossible.

Ken demanded a jury trial, a jury of 12, not the six jurors offered by state statutes. All other cases in Wisconsin, except traffic tickets, grant a defendant or civil litigant the right to a 12-person jury. Ken also made several discovery requests; all stonewalled by the DA or denied by the judge. The judge bullied Ken's attorney during the trial and prevented Ken from proving his innocence by rushing the trial.

Ken lost because his attorney could not effectively present the evidence that would have proved the deputy was lying under oath. This whole fiasco was a serious miscarriage of justice. Ultimately, Ken appealed, but the Appellate Court summarily dismissed several solid issues that Ken raised.

Ken then took his case to the State Supreme Court, which also dismissed all but one of his objections: Does a traffic ticket defendant have a right to a 12-person jury? If Ken could win on this one issue, he could get a new trial and then present the evidence the judge had prevented the first time.

I felt we had a very promising case. We had an experienced, appellate-court lawyer; our state constitution

clearly grants the right to a jury trial for any criminal or civil case; and all court precedents confirmed that a jury by definition meant 12 jurors.

I was wrong. In what I described in this month's newsletter editorial as a tortured decision that attempted to rationalize an irrational conclusion, the Wisconsin Supreme Court ruled that traffic ticket defendants had a right to a jury trial, but six jurors was okay. They said their previous decisions requiring 12-person juries were related to criminal cases—while forgetting that those decisions depended largely on precedents from civil cases that upheld the right to a 12-person jury.

One of the justices even claimed that if a crime or violation did not exist when the constitution was drafted, constitutional protections do not apply. The argument goes like this: since motor vehicle speeding tickets did not exist in 1847, the constitutional right to a jury trial does not apply. If you think I'm exaggerating, you can read the decision at <http://tinyurl.com/dh2ke>.

The NMA Foundation helped Ken with the funding of his case and we were proud to do so. We took some lumps and we were run over by a system biased against us, but next time we will be better prepared and not so easily ignored. The NMA Foundation isn't going away and neither are defenders of individual rights, like Ken McGrew. ☺



*Pictured at the doors of the Wisconsin Supreme Court. From right to left: Attorney Rex Anderegg, NMA Member Ken McGrew, and NMA President James J. Baxter*

questions about how he was clocked. Realizing his RADAR reading wasn't likely to stick, the officer rewrote the ticket and claimed he paced Ken's car with his fully loaded emergency service truck (which was not supposed to be used for enforcement purposes).

At trial, the sheriff's deputy claimed he was traveling in the right lane at 55 mph and that Ken passed him on the left. The sheriff said he clocked Ken at 82 mph with his radar unit, which was a stationary model that should

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# Click It Or Ticket: Who Owns You?

by Walter E. Williams

**T**he National Highway Traffic Safety Administration (NHTSA), an office within the U.S. Department of Transportation, just finished its annual campaign to get us to wear our seatbelts under a program called "Click It or Ticket." States receive federal subsidies to ticket drivers if they or their passengers are not buckled up.

Some states, such as Maryland, are so eager that they've equipped their officers with night vision goggles, similar to those used by our servicemen in Iraq. Maryland state troopers bagged 44 drivers traveling unbuckled under the cover of darkness. The NHTSA's "Click It or Ticket" program is another step toward making Americans serfs of the state.

Let's look at it. I personally believe that wearing seatbelts is a good idea, and I buckle up and remind my passengers to do so as well. Because seatbelt usage saves lives, mandating such is an abomination in a free society. There are many other legislative actions that are offensive to liberty and can have saving as their justification, a matter I'll turn to later. But let's talk about the immorality of mandated seatbelt usage.

Let's start with the question: Who owns Walter E. Williams? Is it President Bush, the U.S. Congress, the Commonwealth of Pennsylvania, or do I own myself? I'm guessing that any reasonable person would agree that I own Walter E. Williams. The fact that I own myself means that I have the right to take risks with my own life but not others'. That's why it's consistent with morality to mandate that my car have working brakes. If my car doesn't have working brakes, then I risk the lives of others, and I have no right to do so. If I choose not to wear a seatbelt, then I risk my own life, which I have every right to do.

Of course, if it's stipulated that President Bush, the Congress or the Commonwealth of Pennsylvania owns

me, I have no such right; I'd be risking their property. Some might rejoin by saying, "Williams, if you're not wearing a seatbelt, and don't do us the favor of dying in an accident and become an incapacitated vegetable, society will have to bear the expense of taking care of you." That's not a problem of liberty and self-ownership. It's a problem of socialism.

There's no moral case for forcing anyone to care for me for any reason. When we buy into socialism, we buy into paternalistic government. It reminds me of what my mother used to say during my rebellious adolescent years: "Boy, as long as you're living in my house and I'm paying the bills, you're going to do what I say!" Paternalism is OK for children, but is it suitable for adults? For those who agree with "Click It or Ticket" because it saves lives, would they agree with other possible lifesaving mandates?

Each year, obesity claims the lives of 300,000 Americans and adds over \$100 billion to health care costs. Should government enforce a 2,000-

calorie intake limit per day? There's absolutely no dietary reason to add salt to our meals. Salt can lead to hypertension-induced heart attacks that kill thousands. Should government outlaw salt consumption? Sedentary lifestyles have been shown to lead to shorter and less healthy lives. Should there be government-mandated exercise programs?

The justifications used for "Click It or Ticket" can easily provide the template for government control of our diets and other lifestyle features. Maybe I'm a bit out of touch with today's Americans. With the silence in the face of attacks on Burger King and McDonald's, alleging they cause obesity, maybe Americans are pining for more government control over their lives—and "Click It Or Ticket" is just softening up the rest of us for what lies ahead in the future.

*Walter E. Williams is a syndicated columnist who is also a professor of economics at George Mason University in Fairfax, Virginia.*

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## Unreasonable Search And Seizure

by Richard Diamond, NMA Foundation Board Member

**J**ust days after the Supreme Court ruled that cities could take homes from private owners to build strip malls, the U.S. House of Representatives issued a non-binding condemnation of the court's decision. While the publicity firestorm could eventually result in stronger laws against public seizure of private property, state governments are happy to continue confiscating automobiles like property rights never existed.

The number of excuses given for government automobile seizures is expanding dramatically. Since 1991, the Commonwealth of Virginia has permanently seized 6,450 automobiles for crimes ranging from drug-running to "frequenting a bawdy place." Now other jurisdictions are deploying new technologies to seize cars for the most minor offenses imaginable. The case of New Haven, Connecticut resident Kathy Martone illustrates this appalling erosion of property rights.

Earlier this year, when Martone left her house to walk her dog, she discovered that her Plymouth Neon had been grabbed right out of her driveway. The culprit: The City of New Haven. Using a handheld camera with Automatic Number Plate Recognition (ANPR) technology, a marshal identified her car as a vehicle with \$85 in unpaid parking tickets. Like 1,800 other individuals, Martone's car was seized by the city and held for ransom (original fine plus recovery costs).

The ANPR technology that helped New Haven police nab Martone's car was originally developed to locate stolen vehicles. Last year, in a large-scale ANPR test, UK police officers snapped 28 million digital photos, stopped 180,000 individuals for questioning and recovered some 1,100 stolen vehicles. They also

discovered a new purpose for their cameras: revenue generation. Police used the system to issue 51,000 tickets to drivers for offenses ranging from speeding, to drinking from a water bottle, to talking on a mobile phone. Ecstatic UK officials now plan to equip every police force in the country with ANPR.

When Arlington, Virginia Treasurer Frank O'Leary learned of the technology, he too was ecstatic. "I rub my hands together in great glee and anticipation," he said in a television interview. "I think it's beautiful. It gives us a whole new dimension to collection." Currently, Arlington's Bootfinder targets anyone owing \$120 to the city for any reason—even overdue library books. It has generated hundreds of thousands of dollars in "new" revenue. New Haven's setup likewise pulled in a cool million in just the first six months of operation.

Predictably enough, that kind of cash has drawn a lot of attention from cities across the country. Chicago, Detroit, Los Angeles, San Diego and Tampa have all tested similar systems. Although each considers the ANPR test a "success," none care that city databases contain a built-in margin of error. For example, the city of Annapolis, Maryland recently accused 2,000 residents of not paying their parking fines—even though they had done so. The city quickly compounded the error by sending another round of delinquency notices to 5,000 innocent residents.

Before ANPR-facilitated seizure was deemed acceptable, a screwed-up parking ticket database was a minor hassle. Now it's a Constitutional nightmare, mocking fundamental and cherished legal protections: the right to be presumed innocent, the right to a trial by jury, the right not to have excessive fines

imposed, the right not to be searched or have your property seized without reason or warrant, and the right to due process.

States conducting automotive seizure rely on a doctrine found in a 1931 Supreme Court ruling stating, "It is the property which is preceded against, and, by resort to a legal fiction, held guilty and condemned as though it were conscious instead of inanimate and insentient." In other words, it's OK to confiscate your car because you forgot to pay an \$85 parking ticket; you didn't commit the crime, your car did. In 1980, the 7th Circuit Court of Appeals reaffirmed the concept, convicting a 1976 Mercedes Benz 280S of drug-running. The Bill of Rights, the court argued, applies to people not to cars.

Albuquerque, New Mexico agrees. It's the first jurisdiction to combine a seizure ordinance with a red light camera. If your car—no matter who was driving—blows through two red lights, they'll take it for thirty days. The more cities follow suit, adopting get-rich-quick red light and speed camera schemes, the more likely you are to lose your wheels. If you forget to file a change of address form with the city, or the post offices loses your ticket in the mail, the first time you realize you've committed a "crime" will be when your car disappears.

The Supreme Court's ruling on home seizures is a wakeup call to every American. While the issue is hot, contact your state legislator and demand repeal of automobile seizure laws as well. Otherwise, the state will soon become the number one practitioner of grand theft auto, with your car constantly in its sights.

*Richard Diamond is the editor of [thenewspaper.com](http://thenewspaper.com) and is also an NMA Foundation Board Member.* ☺

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## Continuing Trends

Preliminary numbers for 2004 show that the number of traffic deaths in the United States decreased from 2003. More importantly, the nation's

fatality rate also dropped, continuing a decades-long trend. Based on every 100 million-vehicle miles traveled, the 2004 fatality rate is 1.46—the lowest it has ever been.

At the same time, another trend of higher maximum speed limits has also been under way. Since the NMA successfully lobbied for the repeal of the National Maximum Speed Limit, a number of states have raised their limits. In fact, the majority of states now have speed limits higher than 65 mph, which was the standard before the repeal.

Yet, despite these two concurrent trends, few public

policy makers are willing to acknowledge the relationship between higher speed limits and lower fatality rates. Higher limits that are patterned on actual driver behavior, reduce dangerous differences in speed and improve overall traffic flow. Both help to reduce the number of accidents and traffic fatalities.

This is why higher speed limits have not caused higher fatalities rates; rather, they have coincided with the lowest fatality rates ever. The good news is that while many officials continue to ignore the benefits of higher speed limits, others are finally wising up, as evidenced by the handful of states that chose 2005 as the year to raise their speed limits.

# The State Of

## Limits Down, Revenue Up In Coopertown

by Eric Skrum, Managing Editor

NMA members may not agree on every motorist issue, but the one thing we all agree on is that the majority of speeding tickets are issued for the sake of generating money, not to increase safety. In all the years that I have worked with the NMA, this is the one truism that has been repeated over and over again.

We also know that this revenue generation is cloaked in terms of safety. The mantra chanted by these officials is that speed kills and reckless drivers who exceed the speed limit are making our roads more dangerous every day (never mind the fact that our roads become safer every year). Thus, officials need to crack down on these dangerous individuals. Yes, money is generated, but this is a "safety" issue.

This is the same song that I have heard for years. Until now... Coopertown, Tennessee has done what I thought would never happen. The mayor specifically

reduced speed limits to generate money. And, he is admitting that was the reason behind the reduction. Bragging might be an even better term.

It seems that the police department was costing the city money to operate. For example, during the 2003-04 fiscal year, the police department needed \$125,123 in operating costs. Revenue from tickets was \$17,689 which meant that the town had to pay the remaining \$107,434.

"In response, Coopertown lowered speed limits and began enforcing them creating a big jump in revenue," said Mayor Danny Crosby. "A big jump happens with good management."

According to city records, court fines from July 1, 2004 until December 31, 2004 totaled \$10,172.25. Then the ticket blitz began. From January 1 to June 30, 2005 court fine revenue jumped to \$152,324.

"Our police department will no longer cost the citizens of Coopertown. It will be self-sufficient from now on," said Crosby.

Of course it is going to cost the

citizens. The only difference is that it may cost them even more than before. The citizens (as well as others who travel in the area) will be receiving unjustified traffic tickets. Tack on insurance surcharges and the price goes higher. An additional cost could be the loss of business in the area. As Coopertown's unsavory reputation increases, the amount of people who wish to do business there will decrease.

What do others have to say about this?

"I've seen court dockets in the past that prove only two tickets were given in Coopertown during one month's time," said Coopertown City Recorder Kacie Reynolds. "I mean Coopertown is called a speed trap now, but I would rather know our police department is out there working rather than just giving out two tickets a month."

If this type of attitude continues, I have a feeling that there may be a change in personnel at city hall after the next election cycle. ☞

**SPEED  
LIMIT  
70**



# Speed Limits!

**SPEED  
LIMIT  
65**

## What's Up With Speed Limits

For advocates of higher, more rational speed limits, it has been an excellent year. Bills were introduced in numerous states that would increase speed limits on a variety of different types of roadways. This spring, three states moved to raise their maximum statutory limits on freeways and expressways.

Iowa was first to act. In April, Governor Vilsack surprised many by signing into law a measure that raised the maximum interstate speed limit from 65 to 70 mph. Even a few days before the signing, it was unclear how Vilsack would act, but in the end he erred on the side of good engineering practices. The new limit went into effect on July 1st, just in time for vacationers to enjoy the higher limit during the Fourth of July weekend.

In May, another Midwestern state, Indiana, joined Iowa. Governor Daniels's signature on SB 217 cleared

the way for an increase in the limit on interstates. Like Iowa, the limit was raised from 65 to 70 mph, although the new law excluded portions of the interstate system that passed through urban areas. Travelers had to wait only slightly longer than those in Iowa for the new signs to be posted—the state began installing the new speed limit signs on July 5th.

Last, but truly not least, Texas Governor's Rick Perry agreed to raising the speed limit to 80 mph on rural portions of I-10 and I-20, while other rural, two-lane highways could see limits of 75 mph. The Texas proposal is of great significance given that 80 mph is now the highest posted speed limit in the United States.

Closer to home for NMA and NMA Foundation staff, there is a real possibility that Wisconsin may join Iowa, Indiana, and Texas with a higher speed limit on our freeways

and expressways.

In July, Senator Reynolds introduced SB 270, which would raise the state's limit to 75 mph. Reynolds's proposal has drawn criticism from the media, but a large portion of the public appears to be supportive.

The NMA has been supportive of the measure, and has been in close contact with the senator's office. At the same time, the NMA is exploring the possibility of developing a companion bill that would not focus on a solid numeric increase, but would instead rewrite state statutes to ensure that all of Wisconsin's speed limits be based on the 85th percentile rule and sound engineering principles. The feasibility of this approach will be determined within the next several months. 🐾

### Speeds At A Glance

With all this focus on speed limits, we thought now would be a great time to take a look at where we stand with maximum speed limits across the United States. You can also find a map of the states and their limits at [www.mit.edu/~jfc/speed/states.gif](http://www.mit.edu/~jfc/speed/states.gif)

**55 mph**

Hawaii

**80 mph**

Texas

**65 mph**

Alaska  
Connecticut  
Delaware  
Illinois  
Kentucky  
Maine  
Maryland  
Massachusetts  
New Hampshire  
New Jersey  
New York  
Ohio  
Oregon  
Pennsylvania  
Rhode Island  
Vermont  
Virginia  
Wisconsin

**70 mph**

Alabama  
Arkansas  
California  
Florida  
Georgia  
Indiana  
Iowa  
Kansas  
Louisiana  
Michigan  
Minnesota  
Mississippi  
Missouri  
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Thank you, to all of our 2004 business members. 🐾

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## Davenport RLC Results Are Lackluster

by Heidi Katchkey, Editorial Assistant

Last year, Davenport officials decided to install red light cameras at five of its busiest intersections. However, the results were not exactly what city officials expected to find. While it's true that the revenue from the cameras increased the funds going to the driver education program, rear-end collisions also increased at some intersections by over 50 percent.

This increase in accidents is due to several factors. The first is that many motorists are slamming on their brakes because they are afraid they will receive a ticket, even though in many conditions it would have been safer for them to proceed through the intersection. The second factor is more nuanced.

When a city has an intersection with

a violation or crash problem, in most instances, there are engineering flaws with the intersection that are causing the problem. When a camera is installed, these flaws aren't fixed... they are covered up. Combined with the above scenario, you will see an increase in the number of accidents at these intersections.

Citizens and city officials from other areas of Iowa have begun to see these and other problems with the cameras. Des Moines Police Chief Bill McCarthy is one of those who is now speaking against the cameras.

He believes they have removed the opportunity for police officers to educate drivers during a traffic stop, along with the ability for the officer to use his discretion whether the motorist

was able to stop depending on the road conditions.

McCarthy claims the cameras are used mostly for revenue, because at least 40 percent of the profits from the tickets are given to the camera company. McCarthy also had problems with the idea that vehicle owners will receive the red light camera citations even though they might not be the ones driving the vehicle at the time.

It is reassuring to see some officials in Iowa speaking out against red light cameras using arguments similar to ones we advocate. With this growing dissatisfaction with the cameras in Iowa, hopefully, Davenport will explore other solutions such as an engineering approach. ☞

### ***Business Members***

*continued from page ten*

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## News From Around The Country

**A**t 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](http://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](http://www.motorists.org/issues/index.html).

### Colorado

The Colorado Department of Transportation (CDOT) has decided that state roads would be exempt from a new plan to install ticket cameras in the Denver area. The CDOT's position was formed in response to statistics that show cameras actually cause more accidents.

### Connecticut

HB 6206, which would have lowered the speed limit for large trucks from 65 mph to 55 mph on rural interstates, has died. The bill remained in the Joint Transportation Committee past the required deadline.

### Illinois

Chicago motorists not only have to worry about being nabbed by red-light cameras. They also risk being ticketed by new photo radar units. The city has already deployed mobile radar-equipped vans on streets adjacent to intersections with photo enforcement.

### Indiana

The Bureau of Motor Vehicles has decided to ban clocks at BMV's. This "brilliant" idea is an attempt to reduce customer complaints about the long waits at the BMV. For this to be truly "effective," the BMV will also have to ban watches.

### Maryland

Maryland authorities are using EZ-

Pass technology to cite thousands of motorists who drive above the speed limit at toll booths. Drivers who are observed violating the speed limit 20 times in a 90-day period of time will have their EZ-Pass privileges revoked.

### Massachusetts

The legislature is considering a bill that would require teenagers to have 30 instead of 12 hours driving experience before getting a license. Or, 20 hours if they agreed to participate in an advanced driving course, which features lessons in how to react properly to emergency situations, such as when a car starts to skid.

### Minnesota

A last-minute measure was added to the state transportation bill that prohibits learners permit holders and provisional drivers from using cell phones while driving. The new prohibition will take effect January 1, 2006.

### Mississippi

A bill that would have required drivers to slow down at night on major roads has failed. The speed limit would have dropped from 70 mph to 65 mph at night. The affected highways would have kept the 70-mph speed limit during the day.

### Montana

The Attorney General has put a stop to the State Patrol's new policy requiring troopers to stop at least one vehicle an hour, whether or not a ticket is issued. In fact, under the former policy a trooper could meet his or her quota by pulling over a driver who hadn't done anything wrong.

### New Jersey

Smoking in your car will be illegal if Assemblyman John McKeon has his way. His bill, AB 4306 would allow police to issue a \$250 ticket to a

smoking motorist who is pulled over for a primary offense such as speeding.

### North Dakota

North Dakota's Senate voted against increasing the speed limit to 60 mph on paved, unposted country roads. This would be a five-mph increase from the current 55 mph.

### Ohio

Cleveland has installed 30 red-light cameras, six of which also have the capacity for speed enforcement. Meanwhile, Cincinnati Mayor Charlie Luken vetoed an ordinance that would have allowed ticket cameras in his city.

### Pennsylvania

HB 1776 would prohibit drivers with learner's permits or junior driver's licenses from using mobile phones. Currently, the House Transportation Committee is considering this bill.

### Virginia

Just one week after the speed limit was raised to 60 mph, Albemarle County supervisors are requesting the limit on Highway 29 be changed back to 55 mph. This action comes despite the fact that no accidents have occurred since the speed limit was raised, and no studies have been conducted to justify this request. ☞

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## 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](mailto:nma@motorists.org) or mail to our NMA Foundation Office.*

An open letter to Mayor Chavez of Albuquerque, New Mexico:

I read in the July/August issue of *NMAF NEWS* that you and members of your city council have used the city's "public nuisance" ordinance to justify permanently seizing the vehicle of anyone "accused" of DWI or, anybody who receives a second red-light camera ticket will lose their vehicle for thirty days, even if the owner isn't driving the vehicle.

Has it ever occurred to you that this is a violation of due process laws and the Constitution of the United States of America? Police in your city are obviously being used by you and your city council to raise revenue. The cameras at stop lights are all about raising revenue, nothing more, and nothing less.

Rest assured Mayor Chavez, every fall and every spring, for years, my wife and I pass through Albuquerque on our way to our winter residence. We stay in Albuquerque at least fifty percent of the time we go through your city. No more will we go through Albuquerque, New Mexico. Whenever we stopped at one of your motels and ate and drank at one of your restaurants, we would spend upwards of \$125 at a time. You can be certain that from now on, we will avoid Albuquerque. Just so you know, there are other ways to get to where we're going.

**M.C. Gresser**  
Eagan, MN

I read the editorial comment by James Baxter regarding "Tickets And Taxes" about the Washington D.C. photo radar system with great interest. I live only a very short distance from D.C. having moved here about eighteen months ago and have read the comments about the system of ripping off motorists and the mayor's "we need the money" comments. I have my own personal method of protest and thought I might pass it on.

Despite my closeness to D.C, I rarely go into the city except on the rare occasion that I must for some reason. Since I've lived here, I've been in the city less than a dozen times. I don't do any shopping there, eating out or anything else that generates any tax money.

I'm not missing very much by staying out of D.C. If I must go to D.C., I take the metro and since the city spends about \$5 for each dollar it collects in revenue from metro riders, I make no contribution.

My point is this: My lone battle probably doesn't bother the mayor,

but if a large number of people were to act as I do and let the city know of their actions and the reasons for them, perhaps the city would change. Why not have the NMA start the protest and see if we as a group can't get the mayor to change?

**James R. Campbell**  
Arlington, VA

Thank you for all that the National Motorists Association does. I remember your articles on stopping red light cameras in Utah, and now that I'm here, thank you again. Utah, as well as a few other states, has a strange and dangerous law that average traffic violations are misdemeanors, not infractions.

In my opinion, that may be a good area for NMA to work on for all such states. Maybe I am taking it too seriously, but that seems like a very dangerous classification of "crime" in the hands of a court.

**Brian Ott**  
Washington, UT 🇺🇸



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## The Experts' Corner

**D**o 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.***

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

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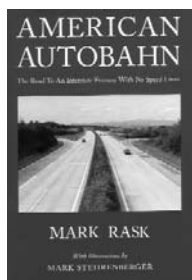
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**Smile For The Speed Camera: Photo Radar Exposed!**

The author is a practicing attorney who is considered one of the leading experts on photo radar law. She takes you inside the process and exposes the truth about winning in court. In these pages you will learn how you can beat the machine; when you can ignore a ticket; what a trigger speed is and why it matters; and how to prepare a solid case. And, that's just for starters! She also shows how these cameras are nothing more than a source of revenue generation for the cities and not the safety devices they claim to be.

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NATIONAL MOTORISTS ASSOCIATION NEWS

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