



Driving Freedom

NMA Foundation

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The NMA Foundation is a non-profit group dedicated to finding innovative ways to improve and protect the interests of North American motorists.

The Coercive Tactics of the Traffic Justice System



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Driving Freedoms

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Cover

“Coercive Tactics of Traffic Justice System”



Justice

by James J. Baxter, President, NMA

For 30 years I have observed the traffic justice system in North America, watching it evolve toward a far more punitive, complicated, expensive, and authoritarian enterprise.

I include enforcement practices in this same trend. Public confidence in the fairness or ethical nature of enforcement, and adjudication, has all but evaporated. Ticket cameras are the last nail in the coffin that contains the claim that traffic enforcement is all about “safety.” The safety argument is very hard to swallow when there is unequivocal proof that ticket cameras cause crashes.

The by-products of this adversarial “us against them” mentality include the erosion of public confidence in important civil institutions such as enforcement agencies and the courts. Meanwhile, legislative bodies are running hard to catch up.

The trust is just about gone. As my wife once rhetorically observed “do you really feel safer and more comfortable when you see a cop car in the rearview mirror?”

Think about it, does anyone with an I.Q. over 50 really believe a group of Congressmen or state legislators who claim that some new multi-billion dollar highway users tax is really going to end up building and maintaining highways?

How about the judicial claim that the police officer always tells the truth and the defendant always lies? Or, “we don’t have speed traps in our community” when most of the speed limits are posted 10 to 15 mph below safe prevailing speeds.

Looking for salvation in the courts is like jumping into the lake to avoid a rain storm. Classic examples are the US Supreme Court decisions that curtailed access to jury trials, legalized roadblocks, have allowed pretextual traffic stops, and have cemented into place the argument that citizens in cars have no right or expectation of privacy.

And state and local courts are incredibly inventive when it comes to pronouncing legal theories that diminish due process rights. Or cycling fees, fines and surcharges back to their own coffers, instead of following constitutional directives.

Despite these ominous trends and obstacles, more and more people are not rolling over and submissively accepting their fate. They are taking their fight to the courts, with or without attorneys, mostly without.

The courts hate it and do whatever they can to discourage the trend. Defendants are belittled, their arguments and motions ignored, and yet some prevail. Not able to stem the tide by being insolent, haughty, and uncooperative, the “Justice” system, with legislative assistance, is launching a new, more formal assault on due process rights. The system’s main weapon is to make it too costly to defend against a traffic ticket.

The feature article in this issue of *Driving Freedoms* offers some outrageous examples of this attempt to price motorists out of the justice system. It’s a trend that must be stopped, and then rolled back. If it isn’t, our rule of law will be seriously diminished. ■

Challenging the Visual Estimation of Speed

by David Estes, NMA Member

Editor's Note: Visual speed estimates are part and parcel to most radar or laser-based speeding tickets. A police officer is supposed to perform such an estimate before training his radar/laser gun on the target vehicle to confirm its speed.

An American pundit once stated, "No good deed goes unpunished!"

In October 2007, this statement developed new meaning for me. I had taken a couple, who were disabled, to a doctor's appointment in Moscow, Idaho. Afterwards, I was returning to my home in Lewiston, traveling southbound on Highway 95. I had to descend what



is popularly known in the area as the Lewiston hill or Lewiston grade. This is a hill that has a five mile grade.

About halfway down the hill, I encountered a state trooper who later claimed that I was traveling in excess of the 50 mph speed limit. I took exception, and challenged the ticket. It took two years to overturn the speeding charge, but it was a small victory for the driving public in the State of Idaho.

At issue was the concept known as the "visual estimation of speed." At my initial trial, I was successful at having the radar reading excluded. The prosecutor had failed to provide me with the correct discovery.

The court then allowed the State to proceed to trial, and a conviction was sustained based solely on the officer's testimony that he visually estimated my speed at 60 mph in that 50 mph zone. The officer stated that he was a 22-year veteran of the Idaho State Police, and had

been certified in the visual estimation of speed. That claim was later contradicted by the trooper's own police academy legal advisor.

I appealed the conviction because there was no other evidence beyond the officer's testimony, in which he claimed he stood at the side of the road while estimating my speed. My appeal was denied by the District Court of Nez Perce County, Idaho which led to an appeal with the State Appellate Division.

The most important thing I did in preparing my appeal was to contact the National Motorists Association, and speak to NMA staff. Based on information they supplied, I formed a research plan that eventually led me to communicate with scientists as far away as Munich, Germany. What I found was that there is no scientific study on the visual estimation of speed.

The decision in my case may be peculiar to jurisprudence in Idaho. The State has declared that certain traffic violations are civil infractions with a penalty of \$75. However, the standard used for a conviction of a traffic offense is based on criminal, not civil, rules. This means that the burden of proof has to be beyond a shadow of a doubt, rather than a preponderance of evidence.

The Idaho State Appeals Court found that the evidence was not sufficient to support a finding of guilty beyond a reasonable doubt. The Court based its decision on, a) the officer's accuracy rate in judging vehicle speed, b) the distance between the defendant's vehicle and the trooper's roadside position, c) the angle of view, d) the amount of time the trooper observed the defendant's vehicle, and e) the estimated speed of the defendant's vehicle.

Any person who contests a conviction

based on visual estimation of speed should inquire as to the ticketing officer's accuracy rate, and obtain the officer's training records that support that degree of expertise. The items listed in the preceding paragraph should also be documented. ■

Sight, Sound . . . What's Next, Smell?

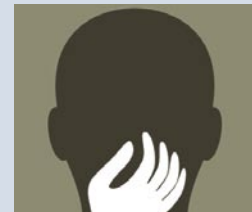
An Ohio trial judge accepted the testimony of an officer who said that he could hear a vehicle speeding, and thus found the driver guilty.



The officer, who ticketed Daniel Freitag for driving 42 mph in a 35 mph zone, said, "As it (a 2006 Lincoln Navigator) approached, I could hear the vehicle on the roadway which, based on my training and experience, it is consistent with a vehicle that was in excess of the posted speed limit."

The Ohio Court of Appeals felt differently, writing in its final ruling that, ". . . it is simply incredible, in the absence of reliable scientific, technical, or other specialized information, to believe that one could hear an unidentified vehicle 'speeding' without being able to determine the actual speed of the vehicle."

The court thus reversed the Freitag conviction. ■





NMA Washington Report

by Robert Talley, NMA Lobbyist



Funding for the federal government and its programs remains a key issue in Congress, and significant political infighting is hampering progress towards a long term solution for our national highway system.

In late December, the House of Representatives passed legislation, commonly referred to as the "Jobs Bill," that would provide our national transportation programs with an additional \$36 billion, and extend the current authority for the programs through September 2010.

The prospects for the transportation provisions in the bill, which passed by the narrowest of margins, remain uncertain as Democratic leaders in the House and Senate disagree how to proceed with the thorny issue of paying for new transportation infrastructure.

House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) feels it is imperative for Congress to

take responsibility for developing and passing a new transportation program that will set long term priorities for projects across the country.

Senate Environment and Public Works Committee Chair Barbara Boxer (D-CA) is concerned that making these decisions in an election year will have serious consequences for Democrats as policy leaders consider politically-charged ways to fund the next generation of transportation projects.

Boxer is clearly right, but leaders are going to have to face this reality some day. Delay only makes the issues more difficult.

Part of the Congressional flurry of activity before the Christmas exodus was passage of general funding for the Department of Transportation.

While funding for DOT programs should normally be complete by October 1, Congress has missed that deadline for many

years. Included in the funding package is significant funding for the National Highway Traffic Safety Administration including \$139 million for Alcohol-Impaired Driving Countermeasures Incentive Grants, \$29 million for High Visibility Enforcement Programs, and \$124.5 million for Safety Belt Performance Grants.

Environmental regulations continue to play a role in future funding projections for new transportation programs.

In December, the Environmental Protection Agency formally announced that greenhouse gas emissions were a threat to human health and welfare, paving the way for a new industry mandate on auto manufacturers to increase average fuel economy, on a fleet basis, for passenger vehicles to 35.5 miles per gallon by 2016.

This new mandate, expected in March, will further erode income to the Highway Trust Fund from gasoline taxes. ■

Changing of the Guard



The NMA lives or dies by the actions of its volunteer activists and the members at large. We are a grass roots organization in

the truest sense of the word.

Steve Carrellas, our New Jersey State Chapter Coordinator,

has been in the trenches, fighting the good fight on behalf of the NMA, for 25 years – volunteering his time, talent, and effort to protect the rights and interests of motorists.

Although Steve is not alone in his long term dedication to our cause, his successes and achievements are a testimony to his persistence and skill.

Steve has decided to shift his focus more fully to legislative and media relations. This will require

that he step down from the State Chapter Coordinator position so he can more fully devote his volunteer activities to legislative matters and public relations, on behalf of the National Motorists Association.

His new title will be New Jersey Director of Government and Public Affairs. We're looking forward to many more years of Steve's service to the NMA, its members, and the driving public in general. ■

Fundamental Flaws of Driver Education

by Kenneth L. Zuber, NMA Member

The fact is that traditional high school driver education does not work. Moreover, the National Safety Council, on page 16 of its 2004 *TEEN DRIVER: A Family Guide to Teen Driving Safety*, matter-of-factly reports that the failure is global.

That's not the worst of it though. This information is anything but new. At least as far back as 1962, Dr. Edward A. Tenney's book, *The Highway Jungle*, told "The Story of the Hoax in Our Schools that is Putting Death at the Wheel."

Any honest, careful analysis of traditional high school driver education can lead to only one conclusion: It does not teach driving, let alone *good* driving. Thus, it can never succeed. Its philosophy, psychology, content, and method are all wrong.

PHILOSOPHY: The idea behind traditional driver education is to get teenagers their driver's licenses, and to teach them good citizenship as defined by driver education. Driver education proponents believe driving is developmental – learned naturally as part of growing up, like walking and talking.

Therefore, little actual coaching is given in the car. It's pretty much up to the student to learn to drive by himself while the teacher figuratively holds his hand, as an adult literally holds the hands of the baby he is "teaching" to walk.

Classroom instruction is preaching and attempting to scare students into using "mature judgment" without giving them the knowledge necessary to do so.

PSYCHOLOGY: Teenagers' primary job is becoming adults. That's why the phase is called "adolescence." They labor tirelessly to stop mindlessly obeying orders. They are being forced by nature itself to achieve a reasonable



degree of control in their own lives.

Driving equals control, and teens understand that at the very deepest level. Driver education, instead of using this powerful motivation, does everything it can to kill it. It harangues endlessly about yielding and obeying. Is it any wonder that kids are not receptive?

CONTENT: Driver education has been called a Mickey Mouse course. Enough said.

METHOD: Traditional driver education employs tricks and gimmicks to simulate genuine skills and understanding. The initial introduction to driving should never be done with simulators.

The kids need to feel the car's reaction to their control inputs. Driving ranges virtually ensure a lifelong habit of aiming and scanning much too near the front of the car. Instructional time behind the wheel is absurdly brief.

Traditional high school driver education produces kids who can't drive but believe they can, because they've "earned" their licenses. Many crash. Some die. Others mutilate or kill, and live the rest of their lives wracked by remorse.

Appalled adults ask why and request reform. To date, that reform consists of Graduated Driver Licensing (GDL).

Years ago, a student of mine told me that Stirling Moss had once said that practice does make perfect, but only if one practices the right things.

Well, look around at what passes for driving on our roads. The people performing those atrocities include the parents charged by GDL with the major responsibility for teaching their teen-aged children to drive.

The problem is not insoluble. Proper philosophy, psychology, content, and method do exist. Driver education's nonsense can be stopped.

Do the very best you can for your children, including having them attend high performance driving school(s), if feasible.

Spread the truth, expose the irrational, set good examples, keep learning, and keep intolerable pressure on those who can deliver the radical changes necessary to replace what constitutes current driver education with real education for inexperienced drivers. ■

Getting Rear-Ended in Massachusetts

by Ivan Sever, NMA Massachusetts State Chapter Coordinator

As part of his fiscal year 2010 budget proposal, Governor Deval Patrick slipped in a rider that would permit cities and towns to install red-light cameras at intersections, allowing them to reap the benefits of rarely-contested, lucrative ticket revenues. It is no coincidence that photo enforcement firms encouraged the Governor's move by giving him and Massachusetts lawmakers each \$10,245 in campaign donations.

At first glance, installing red-light cameras (RLCs) may seem like a win/win situation (unless, of course, you are an NMA member or dig beneath the surface of the story): red-light runners get caught, and municipalities rake in the funds they need during trying times. Among the many problems with this scenario is that RLCs have been shown time and time again to increase rear-end collisions.

There is no law in Massachusetts that says what to do when faced with a yellow light. The only guidance is provided by the Registry's Driver Manual, which says, "A steady yellow light means the traffic signal is changing from green to red. You must stop if it is safe to do so." This subjective, split-second decision-making process typically means, "You must stop no matter what" to police, but "it is unsafe to stop that quickly, I need to clear the intersection" to motorists.

At a monitored intersection, the only way to avoid the photo sting is to make certain that you are nowhere near the camera's coverage zone when the light turns from yellow to red. That means you can choose to either enter the intersection quick enough to clear it, or stop suddenly even though it is both safe and legal to proceed. Either of these actions can be dangerous and contrary to basic driver education, which teaches us that sud-

den vehicle movements cause accidents. Acerbating this conflict is the fact that RLCs are a for-profit business. Some cities have been caught short-timing their yellow lights, below legal levels, in what surely seems like an attempt to boost ticket revenues, while seriously increasing accident rates.

Running red lights is illegal, and for good reason. However, motorists do not casually drive through red lights. Even the most flagrant of red-light violators will not drive blindly into a crowded intersection against the light. More likely, they do not see a given traffic signal because of distractions, impairment, or they are unfamiliar with their surroundings. Putting up cameras and taking pictures/video of them will not stop these kinds of accidents.

Any excessive rate of red-light violations is primarily the result of poorly designed, poorly maintained, or improperly operated traffic lights. Simple engineering solutions, such as retiming and synchronizing the lights, enlarging the red, yellow and green lenses, improving lane markings, cutting back obstructions, and adding sun shading to lights facing east and west, have been used to reduce the incidence of red-light running at countless intersections nationwide.

Back in 2006, the town of Swampscott, MA had already rejected RLCs. "Analysis of data revealed that, over the four year period, there has been a combined total of 10-13 angle crashes caused by red light running," a report developed for the town stated. "The limited number of angle crashes, combined with the likelihood that RLCs increase rear-end crashes, led the committee to conclude that the installation of RLCs is contraindicated at all signalized intersections in Swampscott. Strictly on the basis of public safety, the committee recommends against the use of RLCs in Swampscott."

The report added, "The committee feels that utilizing the town's law enforcement powers to raise revenue is inappropriate."

Perhaps the best testament to properly engineered traffic intersections is at the end of the Exit 18 off-ramp from the Mass Pike to Cambridge. There is a short overpass over Soldiers Field Road where the traffic flow is one-way northbound during one part of the traffic cycle, and then one-way southbound during the next phase.

You would think that red-light runners would crash into each other when the traffic flow switches directions hundreds of times daily. That is not the case.

Traffic lights that are properly timed is the answer. ■



Courtesy of Governor Patrick

The Coercive Tactics of the Traffic Justice System

by Gary Biller, NMA Executive Director

Traffic enforcement is big business. It is estimated that between 75,000 and 100,000 traffic tickets are issued daily in the United States, resulting in annual revenue of \$4.5 to \$6 billion.

The financial well-being of many community-based agencies – and, in some cases, of the communities themselves – is deeply dependent on the regular collection of this money stream from motorists.

It is also estimated that something well over 95 percent of ticketed drivers pay the penalty without so much as a murmur. Think about it: Traffic courts across the country would come to a grinding halt if even 15 percent of alleged violators contested their tickets on a regular basis.

Is there any doubt why the traffic justice system has adopted tactics that are normally associated with flimflam artists, from “bait and switch” and “let’s make a deal” to overt threats and intimidation of people simply trying to exercise their constitutional rights?

The NMA receives reports on a daily basis, from members and nonmembers alike, about the various tactics employed by the police and the courts to minimize the number of people who contest their tickets and to maximize cash flow.

The following examples illustrate some of the more blatant tactics used across the country to persuade traffic defendants to meekly let the “justice” system operate with impunity. To effectively combat such ploys, to even have a chance of getting the process changed, more defendants need to fight for their rights in traffic court, and force the justice process to treat them fairly.

A Pennsylvania member recently called about a speeding ticket he received in New Jersey. The local pros-

ecutor pointed to the penalty for driving 9 mph over the limit (2 points and \$185 in fines) and offered a friendly alternative: the violation could be reclassified as unsafe driving, which carries 0 points and a \$400 fine. Knowing that most people want to avoid points against their driving records, the prosecutor coolly more than doubled the fine as the likely alternative.

Georgia has a super speeder law that applies when a motorist is cited either for driving 75+ mph on a two-lane road or 85+ mph on a multi-lane



road. When the ticket is issued, the driver is not told about an automatic “super speeder” surcharge of \$200 that is levied against them by the state. So he pays the ticket, and puts the episode behind him, only to find the surcharge notice in the mail several weeks later, past the time to contest the original citation.

The super speeder notice is sent by regular, not certified, mail and is bumped by another \$50, with a possible license suspension, if the \$200 is not paid on time, regardless of whether the

motorist received the surcharge notice or not.

To add insult to (financial) injury, Georgia state auditors have found that none of these ticket surcharges were being directed to designated programs; the money was placed in a general fund for unrestricted use.

Massachusetts charges a fee to defendants who have the audacity to exercise their constitutional rights in court. To challenge a traffic ticket, the accused must file a request for a hearing, and pay \$25 for the privilege of explaining to a clerk why they aren’t guilty. If the clerk doesn’t find in the defendant’s favor, a judge’s appeal can be requested, which will cost the ticketed driver another \$50. Neither of the fees are refundable, even if the defendant wins the case. If you dare protect your rights by challenging the system, you will pay the price, whether you are found guilty or not.

Indianapolis, Indiana is even more blatant in its threats to those who defend themselves. To the disbelief of a local attorney (who has filed a class action lawsuit to stop the practice), the city has threatened to fine motorists up to \$2500 when they challenge minor parking or traffic tickets.

One judge in Indianapolis traffic court has taken the policy to heart, agreeing with police officers on virtually all disputed tickets and levying additional fines of \$500 on defendants who challenge any type of moving violation, thereby more than doubling the normal penalties.

Florida has a similarly odious policy in place. Per Section 318.18 of the Florida Motor Vehicles Code, the standard penalty for exceeding the

(Continued top of next page)

speed limit by 1-5 mph is a warning, while driving in excess of the speed limit by 6-9 mph or 10-14 mph result in fines of \$25 and \$100, respectively. But Section 318.14 of the same Code maintains that any person who has elected or been required to appear in court shall be deemed to have waived his or her right to the standard penalty schedule of 318.18, and can have a civil penalty of up to \$500 imposed.

That's right; those who appear in court to fight a speeding ticket of, say, 66 mph in a 55 mph zone can

have their fine quintupled simply by wanting their day in court. Are there many people you know who would be willing to take that risk?

There are even signs that the traffic justice system is beginning to cannibalize itself, with a concerted effort by some civil authorities to stop sharing ticket revenue with others.

We reported in the Nov/Dec 2009 issue of *Driving Freedoms* that Corona, CA was considering setting up a ticketing plan that would have the city keep a larger share of the revenue,

while lessening Riverside County's and the State of California's piece of the pie.

Similarly, the common council of Kokomo, IN is debating the rewriting of city ordinances so that traffic violations

would become local ordinance violations, instead of state tickets. This would enable Kokomo to retain most, if not all, of the fines and fees from traffic violations instead of the current setup where all but \$3 or \$4 per ticket in the Kokomo jurisdiction goes to the state of Indiana.

These are just a few examples of coercive tactics by players within the traffic justice system. Two ways to keep this tug-of-war reasonably fair for motorists are, 1) for many more traffic defendants to stand up and fight for their due process rights, using techniques such as those outlined in the NMA Foundation's *Guerilla Ticket Fighter* CD, and 2) for motorists in the impacted areas to make their opposition known to lawmakers.

The NMA has been sending targeted emails to affected communities, contacting media outlets and encouraging resident members to play a vocal role in shaping the policies of their local governments. Meaningful reform starts with local grassroots opposition. ■



Ohio Residents Fight Back Successfully!

We reported in the September/October 2009 issue of *Driving Freedoms* that the residents of Heath and Chillicothe had gathered enough signatures to place a referendum on their November 2009 ballots that would ban existing red-light cameras at their locales.

Heath, a city with a population of about 9,000, became infamous for issuing over 10,000 tickets during the first four weeks of red-light camera operation. Residents, commuters and local business owners, such as NMA member Duane Goodwin, organized an effective campaign that resulted in voters passing the measure to remove the cameras.

Almost three-quarters of Chillicothe voters approved a similar referendum,

resulting in that city's elimination of their ticket cameras.

Heading into the November vote, Chillicothe authorities were considering the options of either taking legal action to get the camera referendum removed from the ballot or petitioning the courts to overturn the vote if the referendum passed.

The mayor advocated against changing the ballot, but the city law director mentioned the possibility of taking later legal action. It is hoped that the Chillicothe director was watching the Heath results; in the same November elections, Heath voters ousted the mayor who played a significant role in bringing in the red-light cameras to begin with. ■

Justice Served in College Station, TX?

This city's voters approved a November 2009 measure to have existing red-light cameras removed. A judge overturned that result, however, ruling that the proposed ordinance should have originally been classified as a referendum petition, with earlier filing requirements.

College Station officials subsequently shut down the cameras, in an acknowledgement of the peoples' will.

City officials come and go; sooner or later, a new administrator will revisit the cash-generating prowess of red-light cameras. When that happens, the people of College Station will not have the protection of a city ordinance banning the cameras, even though that is what they just voted in favor of. ■

Stand Up for Yourself in Traffic Court!*by John Dowling**Chief Driving Instructor for National Auto Sports Association, and NMA Member*

On June 11, 2009, I was returning a Porsche 911 race car from a track event. The vehicle was street legal, registered and insured as an historic vehicle in Arizona.

When I launched the 911 with a heavy duty clutch after a traffic signal turned green, two cars next to me felt we were in a race and accelerated, going through a mobile radar trap and beating the chase car through traffic.

I pulled up adjacent to the chase car at the next traffic light, and the officer pulled me over. He came up to my window, and after a very long delay, said he was going to let me off easy with just three tickets. Another officer arrived on the scene, stuck his head in the car and shouted, "You're lucky we did not get you for speeding!" I don't know what that meant; I had not been speeding.

The three citations were for a cracked windshield, not having a license plate mounted clearly at the rear of the vehicle, and not having proof of insurance. The charges carried a potential penalty of \$1300.

On July 9th, I appeared for arraignment. The judge was reasonable in the cases heard before mine, reducing penalties and generally giving defendants some leeway. I figured he would tell me to fix the windshield, mount the license plate, and then accept my insurance card as proof of coverage.

I was right on the last count; the insurance charge was dismissed. When the judge then asked what was wrong with the windshield, I cited Section 29.957.01 of the Arizona Vehicle Code, and said the windshield was adequate.

Mr. Nice Guy lost it. He angrily stated that without the officer's

testimony, he couldn't rule on the windshield issue. The judge shook his finger and said that if I wanted an argument, go see the bailiff and get a court date.

The ticketing officer subsequently made a motion to continue the trial to August 31st, which I then countered with a motion for a continuance until September 14th. I also sent a registered letter to the court, and included the NMA language for compelling discovery from the ticketing officer, who would be acting as the prosecutor. The court did not reply, so I continued my study of the law and courtroom procedures through the Internet. The NMA was always there by phone or email to answer my questions.

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I appeared in court on September 14th, saw the two officers involved with my citations, and asked them for their notes under the rules of discovery. After a hostile "NO," the ticketing officer consulted with some fellow

officers, and then came back to tell me that I could read the notes in front of the judge when my case was called.

A different judge was hearing my case this time. She asked if I had an opportunity for discovery, and when she heard what the officer had told me, I was offered 20 or 30 minutes for review. I indicated that wasn't ample time, and made a motion to dismiss the case. The motion wasn't granted, and I was told to take a seat while a few short cases were to be heard first.

When I was called back up, I asked if I could make an offer of remedy. The judge finally smiled, as did the officers, and she agreed to hear my proposal. I said I would repair the windshield and permanently affix a license plate to the rear of the car within 30 days. Several minutes passed as the judge spoke separately to the officers, and then she asked me, "Do you have a cracked windshield?"

I said that I was not schooled in law, that I didn't fully understand the question, and probably should not answer. She allowed me to leave with the instructions that I should bring back proof, by photograph and receipt, of the changes to the vehicle within 30 days. On October 14th, I returned with that proof for the judge. She dismissed both of the remaining charges.

You have to be willing to stand up for your rights in court. Is it easy? No, and there is no set of magic statements that will guarantee you a dismissal of charges. But you can find organizations, like the National Motorists Association, with the understanding of judicial processes to help you preserve your personal freedoms by fighting traffic citations such as the ones I faced. ■



News From Around The Country

California

Moreno Valley is ready to stop its red-light camera program, partly because the city only made approximately \$48,000 during its 18 months of operation. After hearing about the high fines for residents and little benefit to the city, council members decided at a study session to end the pilot program on January 31, 2010.

From late 2007 to the present (a period that mirrors the current economic woes across the U.S.), Los Angeles has doubled their annual red-light camera revenue from \$2.4 million to \$4.8 million. About eight in 10 photo tickets last year in L.A. were issued for right turns on red; the city increased the right-turn penalty from \$156 to \$381 per ticket during this time.

Colorado

At least 82 motorists in Colorado Springs, Colorado may have been falsely accused of driving under the influence of alcohol (DUI) based on unreliable blood test results. After double-checking its own work, the city's Metro Crime Lab admitted that out of 1000 tests conducted since January, no fewer than 82 results were inflated above the driver's true blood alcohol content.

Florida

Three journalists at TheLedger.com personally witnessed City of Lakeland vehicles turning right on red without properly stopping, but the drivers were never ticketed. This has reignited questions about whether city officials are being held to a different standard.

Illinois

Accidents rose – in some cases, significantly – at half of the 14 suburban intersections outfitted with traffic cameras by the end of 2007, the data show. The number of crashes fell at just five of those intersections after cameras went in, while two others showed little change.

Ohio

Post-election campaign finance reports revealed that Redflex Traffic Systems, a ticket camera corporation, outspent local residents almost 3-to-1 in its failed bid to keep red light cameras in Chillicothe.

Maryland

Citing the number of cars illegally passing school buses that are stopped to pick up or discharge students, Frederick County Public Schools officials are lobbying for legislative support of placing cameras in buses to catch violators.

Missouri

St. Louis Circuit Judge Robert Dierker, who had lost an earlier constitutional challenge to the use of red-light cameras, was found not guilty of running a red light at a camera-equipped intersection. Dierker waived trial, so visiting Judge Ralph H. Jaynes made his decision based on documents filed by both sides. Jaynes ruled that the city failed to meet its burden of proof, and then sealed the case documents.

New Mexico

Albuquerque Mayor Richard Berry has ordered an independent study of the city's red-light camera program. The study will look at crashes, citations, timing of yellow lights, fiscal

data, and the terms of the city's contract with Redflex, the company that provides the equipment for the traffic enforcement program.

New York

According to the *Daily News*, Manhattan District Attorney Robert Morgenthau's official city vehicle has a translucent cover over its license plate – these covers are often used to avoid camera tickets – an offense punishable by a \$65 city fine.

Tennessee

After the East Ridge city council voted to install speed cameras on main roads in the city, residents immediately decided to fight back by circulating several anti-camera petitions. As usual, the city has claimed the cameras are being installed to improve safety.

Texas

According to the *Texas Tribune*, a single red-light camera in Duncanville (at the intersection of Daniel Dale Road and U.S. 67) issued more than 19,000 citations and generated more than \$1 million in revenue over the past year. The Tribune has set up a website (www.texastribune.org/library/data/red-light-cameras/), where citation, accident, and revenue statistics can be viewed for each camera intersection.

Washington D.C.

Speed and red-light cameras have raked in \$40.5 million in fines from drivers in the District and Montgomery County, MD in fiscal year 2009. Over 640,000 photo tickets were issued in D.C. alone during this period. ■

As of this printing, this information is current. For more information on this and other motorist news, visit www.motorists.org



Members Write

The following is a letter sent to AAA in protest of that auto insurer's support of red-light cameras:

Keep up support for traffic camera tickets and I will once again let my AAA membership expire. I fought this ticket camera thing when my son got a ticket for a slight rolling right turn against a red light. Why did I fight it? The turn was legal unless you fail to stop and look – he probably thought he stopped while watching for cross-traffic, but had a slightly forward motion, according to the video link.

The ticket arrived many weeks later by mail. My son was driving my 2003 Mustang Cobra, so the ticket was written against me. The Minnesota ticket was marked as observed by a deputized employee in Las Vegas, and processed under legal supervision of our local police. The ticket instructions said to pay up or tell them who was driving.

I hated the whole setup, and resisted paying. I spent about \$500 on a top traffic attorney to avoid what would have been turning in my 28-year-old son, who had been visiting from another state, for perhaps a \$150 violation with points. The lawyer made a court appearance, and brought back this plea from the court system to me, the defendant: "Please do not contest this, we will drop all charges."

The Minneapolis newspapers reported shortly thereafter that the red-light camera program was extremely unpopular, speculating that a few challenges (like mine) would crush the whole thing. Eventually the city did close down their red-light cameras.

Ticket cameras are promoted as a way to stop blatant red-light runners and speeders. But more often than not,

they turn into huge revenue-generators, picking off slight errors by responsible, well-meaning drivers. A good cop has a sense of balance and decency, but we are subjected to penalties judged by a technician in front of a computer thousands of miles away. I hate everything about red-light camera programs.

George
NMA Member in Minnesota

*A letter by member Lonnie Pfeifer was published in the Sep/Oct 2009 issue of **Driving Freedoms**, advocating that the NMA focus on overturning compulsory seat belt laws. The Nov/Dec 2009 issue contained a response by member Mike Denholm who, while agreeing that back seat belts should not be compulsory, related how he felt his wife's life was likely saved by wearing a front seat belt during a broadside collision.*

The following two letters are in rebuttal to Mr. Denholm's position.

With a story about his wife being saved by a seat belt in a T-bone accident, Mike Denholm wrote in to justify mandatory seat belt laws.

I am glad for her safety, but I know someone who lived through a T-bone precisely because he was not wearing a belt. The incoming car punched through the driver's side, continuing clear through the center of his car and, had he been belted in, he would have been crushed. He was unhurt because of being unbelted and thrown to the passenger side of the car.

Because seat belts can both save and kill, their use in a supposedly free society must be decided upon by vehicle occupants, and not by others who claim a superior knowledge. By the government's own (suspect) figures, seat belts are effective only 57 percent of the time. For this we are being browbeaten with checkpoints and fines?!

It is distressing that in 234 years, we have gone from "Give me liberty or give me death" to "Click it or ticket."

Warren Woodward
Sedona, AZ

I extend my congratulations to your wife for surviving a horrific ordeal.

I can understand your point, and will even concede the *possibility* of a very small number of such incidents where seat belts have protected the driver in such a collision. However, I contend that seat belts have also contributed to the death or serious injury of a driver – fire entrapment, drowning entrapment, abdominal injuries, etc.

Whether seat belts can be considered live-savers or injury-contributors, neither of these scenarios justify the creation or abolishment of any law.

Let me be clear: I do not advocate not wearing your seatbelt! I advocate CHOICE, period. For thousands of us wearing seat belts, especially with shoulder straps, it is not only uncomfortable but it can be a real distraction. A distracted driver is a dangerous driver.

A person without a choice should not be an American, or more to the point, an American should not be a person without a choice.

Lonnie Pfeifer
Nampa, ID ■

Your letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered for publication and should not exceed 600 words. Submissions may be emailed to nma@motorists.org or mailed to 402 W 2nd St., Waunakee, WI 53597

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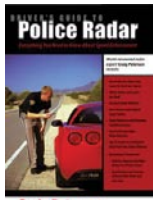
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State and local governments are increasingly relying on traffic ticket revenue for daily operations. This book gives responsible motorists the means to protect their rights by addressing many types of tickets: speeding, reckless driving, defective equipment, and more.

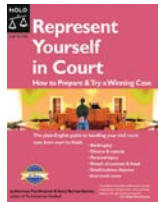
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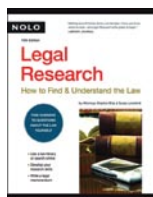
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Represent Yourself In Court

Represent Yourself In Court is written for the non-lawyer. This book offers a step-by-step guide to representing yourself in a civil trial, from start to finish. It does double duty in that you can use this information for any civil matter, not just traffic tickets.

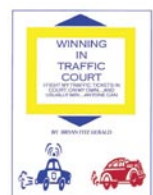
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Legal Research

Many laws and statutes that you need to prepare your case are state specific, which means that you will have to do the research. This book gives you the basic understanding of how to conduct legal research. The book explains everything in easy-to-understand terms.

Non-Member Price: \$29.95 **Member Price: \$22.95**



Winning In Traffic Court

This book is a helpful, enjoyable read on how to fight a traffic ticket. The author not only explains how to fight a traffic ticket, but also offers amusing anecdotes along with his justification for fighting every ticket you receive.

Non-Member Price: \$19.95 **Member Price: \$9.95**

NMA Foundation Legal Defense Kit

Represent yourself in traffic court and win! In addition to covering court procedures and strategy, this ten-pound kit includes technical information on speed enforcement devices, and state-specific information on Discovery and Public Records Laws (this is how you get information from the police on your case!). Remember, this resource is being constantly updated and improved.

Call 800-882-2785 to order the Kit and tailor it specifically to your ticket!

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Your best defense against radar

(choose one): **Situation Awareness?**
 Situation Ignorance?



Mike Valentine: Electronics Engineer and Co-Inventor of the original Escort® detector.

Situation Awareness.

Fighter pilots just say "SA." When you peel off the military jargon, SA turns out to be man's oldest survival technique: *know what's going on around you.*

For combat pilots, SA is a two-step process. First: know all the threats — where they are and how many. Second: identify each one, friend or foe? A jet warrior will never be surprised by a bogey closing on his six if he has SA.

The Shrug Factor

When a beeper gives two beeps and then goes quiet, most drivers shrug: "It's probably nothing," they say. Wrong! Two beeps is exactly the warning when instant-on ambushes somebody ahead. You could be next. Every beep may not be radar, but it's a threat until you know otherwise.

V1 has antennas facing both forward and behind, for radar and for laser. It scans all around your car. This patented SA system reports to you through locating arrows and the Bogey Counter. With V1, you won't shrug.

Situation Awareness:
V1 says 2 radars ahead.

Situation Ignorance:
 Other detectors always say "BEEP!"

SA on the Road

The Valentine One Radar Locator is born of my personal passion for SA. I want to know the threats, both radar and laser. All of them. As far away as possible.

Situation Awareness:
V1 says 2 radars, ahead and behind.

When Valentine One finds radar or laser, a red arrow points toward the source. Ahead? Behind? Off to the side? V1 tells you instantly. Other detectors? They all go "beep" and leave you guessing, just like they did in the Seventies. Situation Ignorance, in other words.

Situation Ignorance

Our patents prevent our competitors from matching V1's SA. So they try to distract you with technology. "Intelligence" is the latest claim for a GPS scheme aimed at reducing your Shrug Factor by reducing beeps. But GPS doesn't find new threats, just false alarms you already know about.

Arrows and the Bogey Counter

V1's advanced computer analysis tracks each signal separately. And the arrows point toward each one. A digital display called the Bogey Counter tells "how many." V1 won't keep you ignorant. Example: you see one radar, but there's another ahead. V1 tells you about each one. The beepers just go "beep."

I guarantee V1 to be free of bells, whistles, and distracting gizmos. It's an instrument of Situation Awareness, pure and simple.

"Awesome...the patented arrows are a huge advantage."

— MPH

What others say about V1

"The Valentine One radar detector provides the best, most comprehensive, most useful, and least annoying alerts."

PC Magazine

"Best detection range in our tests."

Wired

"This is the only unit that can track radar and laser in 360 degrees, and it can detect multiple threats, helping drivers to better identify false signals."

Popular Science

"The controls and interface are a marvel of logical design."

Wired

"The only radar detector that works at all is the Valentine One. It shows if the signal is forward, rear, or side, as well as the number of signals."

Best Life, quoting Alex Roy, four-time trophy winner of the Gumball Rally

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Please call toll-free **1-800-331-3030** or visit **www.valentine1.com**

- Valentine One Radar Locator with Laser Detection - \$399
- Carrying Case - \$29

- Concealed Display Module - \$39

For covert operation: remotes all visual warnings to a location of your choosing (1" x 2" x 1.5")

- Plus Shipping
- Ohio residents add sales tax
- 30-Day Money-Back Guarantee

"...it's worth every penny." — Wired