Driving Freedoms

NMA Foundation

Vol. 23 • Issue 4

Fall 2012

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

Automated License Plate Readers

Security Benefits vs. Privacy Concerns

If your NMA membership expiration date is on (or before) 10/1/12, this is your last issue of

Driving Freedoms

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Driving Freedoms

TABLE OF CONTENTS

Volume 23 • Issue 4

Driving Freedoms (permit # 0716556-KWP) is the official publication of the NMA Foundation, Inc. ***Driving Freedoms*** is published quarterly by the NMA Foundation, Inc., 402 W. 2nd St., Waunakee, WI 53597. (608/849-6000) Email: nma@motorists.org Web site: www.motorists.org. Nonprofit bulk permit paid Madison, WI. Annual membership in the National Motorists Association includes a subscription to ***Driving Freedoms***.

Editorial Staff

Cover
"Automated License Plate Readers"

Change the Dynamic

by Gary Biller, President, NMA

The title is a phrase that appeared in the subject line of a recent NMA email that was sent to 7,300 subscribers to our weekly email newsletter and legislative alerts. The email was designed to stir up votes for the NMA Foundation in the Chase Community Giving program, and stir it did. While the Foundation fell short of the vote total needed to win a $10,000 grant from Chase, a final surge of online voting almost got us there.

"Change the Dynamic" has been the NMA's credo since the early days of the fight to repeal the 55 mph National Maximum Speed Limit. If apathy had reigned, traffic would still be tottering along at that absurd limit on the nation's interstate highways (and we'd be getting a boatload more of speeding tickets).

With surveillance technology enabling astounding levels of intrusion, drivers' rights advocates (and citizens in general) must get actively involved to protect the rights afforded us since the days of the founding fathers. Needed reforms don't happen without significant push back by the populous.

I was meeting with NMA members in Maryland a few weekends ago. We talked about the pervasiveness of photo enforcement in the state and discussed how difficult it has been to get residents engaged in an issue that profoundly affects them during every morning and afternoon drive.

Shortly after returning to Wisconsin, I was confronted with reports that Prince George's County, Maryland is installing security cameras to keep tabs on its red-light and speed cameras, which have undergone a spate of vandalism.

Cameras begetting cameras. We live in a bizarre technocratic society where gadgets paid for by taxpayers are often used to unjustly penalize many of those same taxpayers. Yet too few of us—the drivers—are raising our voices in protest, even when confronted with evidence that most ticket camera installations are rigged with short yellow light intervals and set with flash-happy triggers to nab right-turn-on-red "offenders."

During the same trip to the Washington, D.C. area, I met separately with Virginia members. We had a lively discussion about growing NMA membership, increasing the effectiveness of our fundraising, and, of course, the issues confronting drivers in the commonwealth. At the end of the three-hour session, a wonderful thing happened. A member challenged the group with "Which issue do we tackle first?"

An action committee was formed to focus on legislative priorities for drivers in Virginia. Within days, the group was working on proposed language for legislative bills that would (a) increase the threshold for reckless driving ($2,500 fine and 12 months in jail) from 81 to 86 mph to coincide with the 5 mph increase in the maximum Virginia speed limit to 70 mph two years ago, (b) require engineering justification for maintaining a 55 mph limit on any multi-lane divided

(Continued on Page 3)

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NMA Washington Report

by Robert Talley, NMA Lobbyist

Congress completed its "impressive" session in September when the Senate, in an early morning session, voted to fund the federal government for six months at a rate slightly greater than for 2012. The vote came as the culmination of Congressional failure to agree on a budget for fiscal 2013, failure to pass any of the 13 appropriations bills necessary to fund the government and failure to address serious issues related to deficit spending. Congressional torpidity also leaves an important series of tax issues unresolved until after the November election. How this happens will decide how much you will pay in taxes next year.

For motorists, it's worth considering the implications of the changing federal Renewable Fuels Standard (RFS), which each year requires an increasing volume of corn- and cellulosic-based ethanol be sold to consumers. This has resulted in blending a percentage of ethanol with petroleum. This blend has been 10 percent (E10), but in June the EPA approved a 15 percent blend (E15).

The E15 mandate is not without controversy or consequences, potentially harming engines and raising drivers' costs. Why? Older vehicle engines (pre-2001), small engines and marine engines are not only incompatible with E15, it is illegal to burn the fuel in them. Some manufacturers including Toyota note that their cars are not compatible with E15 and state they will not be responsible for engine damage caused by E15. In response, EPA has mandated signs alerting customers to the risks of engine failure if E15 is burned in these engines.

The mandate also raises costs to consumers. Although ethanol is less expensive than petroleum, it is less energy intensive as well. This means the cost per mile for E15 is greater than for petroleum-based gasoline. Ethanol consumption also inflates food costs by diverting 40 percent of U.S. corn production from the food supply chain, thus increasing the cost of corn used for food production. This is a bonus for corn farmers but perhaps not for the rest of us.

Finally, the mandate not only provides no environmental benefits but also creates implementation problems, forcing EPA to take unprecedented steps impacting consumers. Research indicates ethanol blending does not lower the greenhouse gas impacts of automobile driving nor does it change the pollution impacts of fuel consumption.

It is causing implementation headaches as well. EPA has advised E15 retailers that use single hose pumps to dispense multiple fuels that they cannot sell less than four gallons of gasoline to customers. The reason is that residual E15 fuel may still be in the line. By requiring a minimum four-gallon pump, EPA hopes to dilute it enough to prevent engine damage to subsequent vehicles. So motorcyclists and homeowners seeking to fill a one-gallon gas can for the lawnmower will simply have to find another station since they don't need or can't take four gallons of gas.

As arguments mount against this increasingly stringent standard, Congress will likely revisit this issue. How it addresses the policy debate will affect your wallet and what you buy at the pump. ■

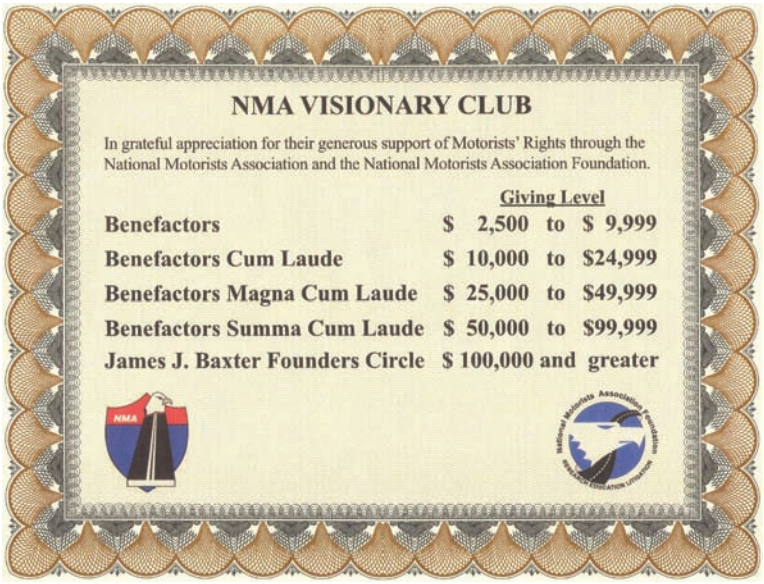
Change the Dynamic

(Continued from Page 1)

highway, (c) eliminate the grandfather clause for maintaining a 25 mph speed limit without engineering justification on multi-lane divided highways passing through business or residential districts, and (d) prevent red-light camera citations from being issued for right-turn-on-red movements done in a safe and prudent manner, such as crossing the stop bar prior to the turn at 12 mph or less where no conflicting pedestrian or vehicular traffic exists.

That is an ambitious agenda, one helped by the fact that one of the NMA Virginia committee members is well-acquainted with a state senator who we are hoping will introduce and garner support for our proposed legislation.

In the coming months, I will be traveling around the country to meet with members in other states to better understand local issues and to receive valuable feedback on NMA matters. My hope is that the Virginia model will become the blueprint to achieve the primary goal of these meetings: *Change the Dynamic*. ■



Members of the **Visionary Club** have demonstrated a commitment to furthering the rights of motorists through their gifts to the NMA and the NMA Foundation. We are very pleased to recognize their contributions.

You too have an opportunity to become a **Visionary Club** member. Please contact the NMA to get more information about becoming a **Visionary**. All gifts are applied toward improving and protecting the interests of motorists throughout North America.

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Martin Swig: Auto Enthusiast, Supporter of Drivers' Rights

by Gary Biller, NMA President

I lost my opportunity to meet Martin in person and will forever regret it. I was just a few short weeks from meeting him in Sausalito, California at a gathering of National Motorists Association members. Martin was helping me organize that meeting, but he suffered a stroke at home and died on July 3rd.

His passing is a huge loss to the automotive community. Martin was a successful, self-made businessman who never took a back seat to anyone when it came to helping out or getting things done.

Martin and I chatted by phone many times and exchanged innumerable emails over the past few years. Whenever I had a need, Martin was one of the first people I thought of. I cannot recall a single time that he turned down an opportunity to lend a hand.

Martin's legacy is rich on many fronts, but many will memorialize him as the founder of the California Mille, an annual touring event for drivers of classic cars. From the first Mille running in 1991 and for each of the next 21 years, Martin organized the event that attracted devoted car collectors from around the world to Northern California.

In 2009, Martin personally paid for several dozen individual NMA memberships and gifted them to his fellow California Mille participants so that they could get directly involved in drivers' advocacy issues.

This year, in the weeks leading up to the Mille event in late April, Martin called me and suggested a most creative fundraising opportunity that he would organize on our behalf. Martin's plan was highlighted in a NMA email alert distributed just before the 2012 California Mille tour:

Martin Swig

This unique automotive apparel assemblage was recently discovered by California Mille organizer Martin Swig during his regular warehouse cleaning. Now, all items will be offered at a fraction of their original cost at the kickoff to the 22nd California Mille. Proceeds will benefit the National Motorists Association and the NMA Foundation.

"There are scores of items, maybe hundreds, dating from the California Mille of 1992," says Swig. "With a little luck and a gently aggressive retail sales approach we're hoping to donate several thousand dollars to the National Motorists Association to help in their watchdog efforts to control ridiculous driving laws, speed traps and red-light cameras timed to insure tickets to unsuspecting motorists."

The clothing sale generated a $3,800 donation from the California Mille to the nonprofit NMA Foundation. Pure Martin.

I never met Martin Swig in-person, but I knew him. I quickly determined that he was "one of a kind." I hope I am wrong in that regard. We need more Martin Swigs in this world. ■

Winners of 2012 NMA Legislative Sweepstakes Announced

The National Motorists Association is pleased to announce the prize winners of its Spring 2012 Legislative Sweepstakes.

The Grand Prize, a week-long stay at Newtown Park, the English country estate of NMA Life Member Charles Burnett III, went to Ronald Stern (Potomoc, MD). First Runners-Up, JP Beaudry (Lowell, MA) and Terence Murphee

Newtown Park

(Houston, TX), each received a nVision60195VA Rearview Camera System. And Second Runners-Up, H Bruce Gallun (Cypress, TX) and Bill Racolin (Port Jefferson, NY), each won a Wagan Power Dome EX 400-Watt Jump Starter with Built-In Compressor. We sincerely thank everyone who participated in the fundraiser. The NMA and the NMAF rely on the generous donations of members and supporters to continue our important work of protecting the rights of North American motorists. ■

Point/Counterpoint: Automated License Plate Readers

Editor's Note: The following exchange was prompted by a recent NMA weekly email newsletter, "ALPRs—Coming to a Street Near You," (see excerpt on page 7) in which we provided an update and some perspectives on automated license plate readers. ALPRs are high-speed cameras that photograph every license plate they see and send it to a database for analysis.

NMA member and attorney TW Cresswell wrote back asking for some clarification while providing some thoughtful and informed views of his own. NMA Communications Director John Bowman responded. As you can see, we have some differences in how we regard the potential benefits and threats associated with widespread ALPR deployment.

We encourage member feedback and thought Mr. Cresswell's correspondence provided an excellent opportunity to further explore the extent to which ALPRs encroach on motorist privacy. We thank him for taking the time to write.

TW Cresswell:

Just curious, what kind of abuses of the ALPRs do you fear? It seems like this is a good technology to have for purposes of locating stolen vehicles, confirming alibis, terrorist movements, stalking, personal protection orders and tracking patterns.

For instance, if Washington, D.C. had this technology when the D.C. shooter was shooting people at random from inside the trunk, he would have been caught much sooner by having the computer look for license plate matches for all of the murder locations and times (detection) and then alert police when his vehicle was on the move (prevention).

As for privacy, I think the realities of urban living negate any privacy to my movements in a vehicle. When I am in a car I am not incognito because folks can look into my windows and see me driving. Although no one is tracking me specifically at this time that I know of (until now), I could be without my knowledge anyway. It seems the only way to avoid this kind of thing is to move to a rural area; but where you have high-density living, this kind of surveillance is a good thing.

The ratio of privacy loss to prevention/detection of crime seems to be good on this one. I think the loss of privacy is low because unless someone chooses to pull up this information on a particular person, no one ever would and there could be warrant requirements put on this.

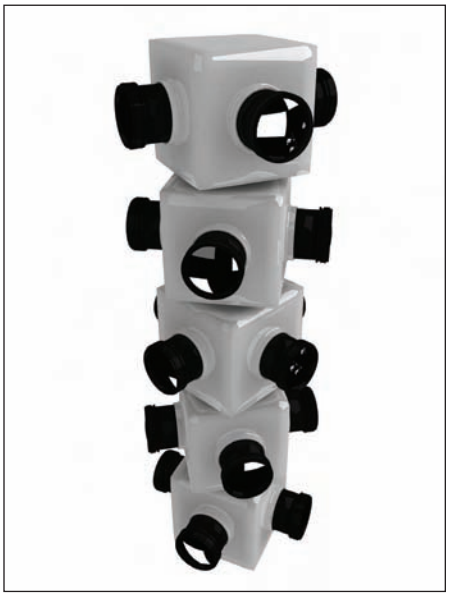
Also I don't believe this kind of technology could be used to look at the papers on your dashboard any more than satellite photos already do. But even a face photo would seem to be in order given the level of crime we deal with. I think the crime prevention and detection value of this kind of technology is very high, the privacy vs. protection comparison favorable.

What do you think?

John Bowman:

Thanks for the note and for the thoughtful comments. One area we should have discussed in more detail in the newsletter is the possibility of mistaken identity. The camera systems themselves are not foolproof (some cannot distinguish between license plates from different states, for example), and they rely on correlating data from vehicle and license registration databases, which are not always up-to-date and contain errors of their own.

As a result, we're concerned that innocent drivers will be targeted for crimes they did not commit. They will then have to face the prospect of hiring a lawyer, appearing in court, navigating the bureaucracy to clear their names—and a host of other inconveniences, costs



and humiliations, from which they may never fully recover. Some may argue that it's worth snatching up a few innocent drivers if it gets a bad guy off the streets. But how many innocent people is it OK to ensnare? Is there a limit beyond which we say it's not worth it?

As you point out, motorists lost any expectation of privacy while driving long ago, much to our concern. In addition, ALPR technology can be a valuable tool for law enforcement. But is there any valid law enforcement reason to maintain tracking data on virtually everyone who drives?

Hasn't history taught us that this kind of data repository is ripe for abuse? Even if a driver's movements are public, some of the places he goes could be considered sensitive: the doctor's office, church/synagogue, AA meetings, whatever. Why should there be a record of that? (It's also worth noting the U.S. Supreme Court recently ruled against warrantless GPS surveillance of a motorist [Jones]. So, the notion of motorist privacy isn't completely dead and gone.)

The NMA understands that the cat is out of the bag in terms of motorist privacy,

(Continued top of next page)

but as an advocacy organization, it's our duty to call attention to the potential abuses that exist and to help our members understand the complicated driving environment in which we all operate.

TW:

It is a reminder that such information can be turned to illegal use. It's always true. It is the cost of the safety and protection the technology provides as I described. You consider the cost too high I suppose. I view the cost as acceptable. Maybe that is where we part company. While I am unwilling to give up freedom to move about, I am not unwilling to give up information about my driving routes for a good cause. The invasion of privacy seems minimal to me. I tell my doctors, lawyers, and others very private things on the assumption the information will not be misused.

In fact, it is my opinion that the cost imposed upon society by such legislation as HIPAA (Health Insurance Portability and Accountability Act) and all the hoops we must jump through to gain access to our own information is collective insanity. No one I know of is happy about it, yet here it is. I can't view this information but government can. Seems backwards. Maybe this is a different issue.

Anyway, my disagreement with you does not diminish my appreciation of what you do.

TW (Addendum):

I looked up and read excerpts of the Jones decision from the SCOTUS that you referenced. It is a significant difference from our discussion that the GPS unit was clandestinely placed in Jones' car, and he was specifically targeted for tracking. Justice Sotomayor made my same point saying: "People disclose the phone numbers that they dial or text to their cellular providers; the URLs that they visit and the e-mail addresses with which they correspond to their Internet service providers; and the books, groceries, and medications they purchase to online retailers," but "I for one doubt that people would accept without complaint the warrantless disclosure to the Government of a list of every Web site they had visited in the last week, month, or year."

It's when we transition from the anonymity of large numbers to a person who gets targeted for individual surveillance that my expectation of privacy comes into play, and the warrant requirement arises.

The ALPR technology doesn't invade privacy until its data are analyzed to specifically track an individual. Until the individual is identified and his

movements scrutinized it would seem to me that our privacy is preserved while we are anonymous among the large amount of data. Also, it isn't so clandestine as the GPS case because I will know that the data are being recorded. In Jones, it was clandestine.

Maybe the data should be recorded and kept by a private agency. That might increase the level of assurance. ■

Excerpts from NMA E-Newsletter #191: ALPRs

With enough cameras, ALPR systems can blanket a city and essentially track the day-to-day movements of thousands of vehicles at a time. For example, Washington D.C. has quietly installed more than 250 ALPR cameras throughout the district. That's more than one camera per square mile...

Millions in federal grant dollars have been made available to law enforcement agencies for the purchase of ALPR systems. System suppliers have been quick to facilitate the grant-making process by offering extensive assistance to agencies looking for grant money...

The result? Countless police agencies adopting a surveillance technology capable of tracking countless motorists, all with the financial support of the federal government...

In an effort to target relatively few drivers for legitimate law enforcement purposes, detailed information on millions of others is swept up in the process, creating what amounts to a warrantless tracking tool. The privacy implications are staggering: How long is that information stored? Who has access to it? How can they use it? What protections exist to make sure abuses such as mistaken identification don't occur?

The potential for data sharing is huge. The ACLU has reported that states are beginning to pool their ALPR data into huge databases which are easily accessible by law enforcement officials at all levels. All with no judicial oversight...

Vigilant Solutions, a California-based company, has built what may be the largest repository of ALPR information anywhere. Using the same technology as law enforcement, the company claims to have compiled a database of more than 825 million license plate records. All of which it makes available to law enforcement agencies...

What, if any, motorist privacy policies Vigilant has put in place remain unclear. Establishing ALPR oversight in the public sector is important, but doing so in the private sector may be more critical in the long run. ■

Court Delays and the Sixth Amendment: Know Your Rights

by Michael Aneson, NMA New Jersey Member

Editor's Note: Mr. Aneson is not an attorney, but because of his extensive experience with the New Jersey judicial system fighting his traffic case, he is sharing his thoughts with our readers.

In the Spring issue of ***Driving Freedoms*** I wrote an article about my experience with the court's delaying tactics. I decided to write a follow-up piece to inform readers as to why the prosecution's actions were unconstitutional. And perhaps give insight into how to defend your rights if in this predicament.

The Sixth Amendment protects American's right to a speedy trial. But what constitutes a speedy trial? The Supreme Court created a methodology of defining a speedy trial on an ad hoc basis, through the *Barker v. Wingo* decision. By balancing the "length of and reason for the delay, the defendant's assertion of his right, and prejudice to the defendant" the court can assess whether a case violates the Constitution.

Let's assess the implications of this definition in my trial. My trial took place a year after the incident. This is an absurd length of time for such a simple traffic matter. The Supreme Court even stated, "unreasonable delay in run-of-the-mill criminal cases cannot be justified."

Even though traffic matters are typically not criminal cases the rule should still apply. Furthermore the reason for the delay in my case was the officer's lack of presence. This is not a valid reason to delay the case for more than two months let alone a year. Lastly I exemplified my assertion of my right through four motions for dismissal.

Cases involving minor traffic offenses should be dropped after the prosecution's failure to bring a witness for the second time. Every time the prosecution delays it infringes on an individual's time and wastes taxpayers' money. The reason for the prosecution's delay needs to be valid each time and not repetitive. In New Jersey the court has 60 days to find a verdict for DUI cases. This rule should also apply to less serious cases; however, it sadly does not.

The length of the delay corrupts the prosecution's integrity. Officers write hundreds of traffic tickets a year. It is difficult enough for them to discern one routine stop from another. But after a substantial period of time, their ability to recount the situation accurately to the court becomes even more damaged.

What made things worse in my case was that the officer was not appearing in court. He has a duty to enforce the law, and if he felt a law was broken he should have been present to uphold it.

Remember, not all the blame can be on the prosecution. As a defendant, you must assert your constitutional right promptly and emphatically. Barker lost his case because he did not assert his right until after a substantial period of time. Even though this was before his conviction, the fact that he accepted several continuances from the prosecution showed the court that he had waived his right to a speedy trial. If a continuance is given to the prosecution, you should move to dismiss your case immediately. Remember the court will be looking at this on an ad hoc basis, "in which the conduct of the prosecution and that of the defendant are weighed."

Since the Sixth Amendment is determined on an ad hoc basis you may or may not convince the judge. Ad hoc rules are vital to the criminal justice system because of their adaptability. This system, however, is intrinsically flawed, allowing the law to be contorted for or against the defendant.

If you believe your rights are being abused you do have alternate resources. You can make an interlocutory appeal. This is an appeal of a decision made by a lower court to a higher one before your case has been tried. If you have made several motions for dismissal, the reasons are weak or repetitive, and the trial has become prolonged, you may want to bring it to the attention of a higher court.

Also if you do have your trial and are found guilty, you can appeal the case entirely and have the higher court examine if your right to a speedy trial was abused.

We live in a country founded by those who felt the hand of oppression. These great men established rules to protect themselves and others from abuses akin to their plight. Your constitutional rights will never be infringed as long as you remain steadfast against all prejudices. Do not allow the judicial system to intimidate you or obstruct your right to justice. Fear not, the law is on your side and so is the National Motorists Association. ■

Build Your Legacy for Motorists' Rights with Planned Giving

There is no better way to help the NMA and the NMA Foundation fight for motorists' rights than with a gift through our Planned Giving Program. A variety of asset classes are eligible, and a gift to the foundation may be tax deductible. We can work with you to tailor a plan to meet your needs and maintain a significant financial base for both organizations to continue their vital work.

Your gift will help ensure that the NMA will continue its lobbying efforts at all levels for legislation favorable to the driving public. Your gift to the NMA Foundation will support vital causes that can be advanced through targeted education, research and litigation.

Gift of Cash

In these days of sophisticated financial tools, a gift of cash is often overlooked. This is one of the simplest and most effective ways you can aid in the fight to improve and protect motorists' rights.

Gifts of Securities

Your donation of stock, bonds, mutual fund shares, treasury bills, or certificates of deposit can include those made directly from a mutual fund or electronically through a brokerage account. Your gift to the foundation may greatly benefit you by providing an income tax deduction equal to the securities' market value and exemption from capital gains taxes.

Vehicle Donations

We have joined with Car Program LLC to offer you the option of donating your car, truck, or RV to the NMA Foundation. Contact us, and we will arrange for the timely pick-up of your vehicle. It does not even have to be in working order, and you will be eligible for a tax deduction equal to the fair-market value of the vehicle.

Real Estate

This may include either appreciated developed property (such as a personal residence, summer home, farm/ranch, condominium, and commercial or industrial properties) or undeveloped land. You may choose between giving an outright gift—and immediate transfer of property—or retained life estate, which allows you to make the gift of a personal residence while retaining the right to live there during your lifetime.

Other Appreciable Personal Property

There are numerous types of personal property to consider donating to the NMA or the NMA Foundation. These include boats, works of art, jewelry and other items of significant value. You can also help by donating in-kind gifts such as computer equipment, software and other office supplies.

Life Insurance

Donors are often able to give a great deal more through a gift of a life insurance policy than would otherwise be possible. Such gifts can take several forms—an outright gift of either a paid-up or partially paid-up policy, a policy that names the NMA or the NMA Foundation as the beneficiary, or an existing policy in which either organization is listed as a contingency beneficiary. If you donate to the foundation, you would be eligible for a federal income tax deduction for the approximate value of the policy that was gifted and receive tax deductions for annual insurance premiums if they still must be paid.

Retirement Plans

Most retirement plans can serve as excellent charitable gifts. Balances remaining at the time of death from plans such as an IRA, 401(k), 403 and others are subject to both income and estate taxes. If the plan is properly willed to the NMA Foundation, these taxes can be avoided. Your retirement plan can be donated to the foundation as an outright gift, a traditional bequest or a trust established through the use of retirement plan assets. You can also simply designate the NMA or NMA Foundation as your plan's beneficiary.

For more information about our Planned Giving Program and about using a bequest to accomplish your charitable giving goals, please contact Gary Biller at 608-849-6000 or nma@motorists.org. You should consult with your financial and tax adviser before deciding on which planned giving opportunity is right for you. ■

Members Write

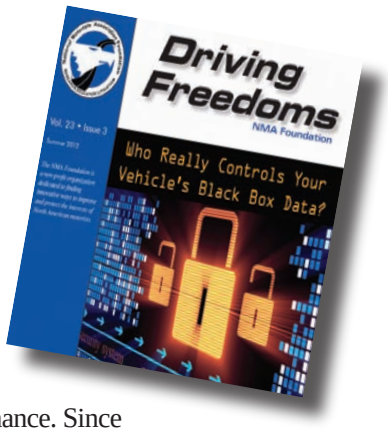
"This is not the time to be silent," writes Thomas Kowalick in the *Driving Freedoms* Summer 2012 interview, "Who Really Controls Your Vehicle's Black Box Data?"

On such advice, I must state that the interview with Kowalick has deeply disturbed me. Kowalick is described as an author of seven books and a specialist on EDR technology, chairman of the IEEE and writer for EDR technology standards, advocator at the table with federal regulators and Congress since 1997, and businessman for future ventures associated with EDR technology. It seems to me that Kowalick and the members at the table have been conspiring toward slow and silent infringement of citizen rights, while Kowalick has been working toward personal monetary gain.

His so-called "solution" is nothing more than a marketing venture that profits his own business. He compares his product's benefit to locking a glove box; the defining difference, however, is a citizen can choose what to place and store inside of their glove box, whereas no citizen controls what goes in and is stored in the EDR.

Kowalick's lock-and-key product does not protect rights, but merely delays theft or court order access. Kowalick admits that EDR technology has already "been used in civil and criminal cases in several states…" Even with Kowalick's product, the courts can still seize the information that Kowalick calls "very valuable property." This infringes upon constitutional rights, especially self-incrimination.

Regarding citizens' rights to disable EDR devices, Kowalick states that there is no going back, but had the issue been raised in 1997 there may have been a



chance. Since Kowalick and his associates were the pioneers of EDR technology, thus instrumental in causing our current predicament, and have failed to raise citizens' rights while at the table in 1997, I say Kowalick should now take responsibility.

I invite Kowalick to right the civil liberty injustices he has ignored before and since 1997. I challenge him to take an official stand and his own advice: "Support organizations such as the NMA and gain control of the data that vehicles generate."

Greg Miller
Ardmore, Tennessee

Mr. Kowalick, who is a NMA Supporting member, responds:

I welcomed the opportunity to do the National Motorist Association *Driving Freedoms* Summer 2012 interview and am surprised by both the number and the quality of responses received. It has always been my goal to spark discussion of this important topic to break the silence.

Thankfully, the up-front Editor's Note to the article wisely informed NMA readers that I was proposing a solution to the current status of EDR technologies in vehicles, after 15 years in the trenches, and as president of AIRMIKA, Inc., the manufacturer of a nationwide product – the AUTOcyb™ automotive cyber lock.

In the article, I discussed how I tried and failed to get NHTSA and Congress to protect consumers. I also stated my motivation to commercialize the IEEE standardized technology as an automotive aftermarket product to fill the void that NHTSA created by regulation and Congress neglected during legislation. Neither I, nor you should view the NMA article as an endorsement of either me or the product.

My research papers, articles, and books are now posted at www.autocyb.com. Take a look and you will see that I am an "extreme advocate" for motorist EDR consumer protection. I always have been and always will be. There's plenty more online, especially at www.regulations.gov or see Google Scholar for 50 plus citations. I've argued since 1997 that consumers need a simple means to safeguard access to EDR data.

I have petitioned NHTSA several times during EDR rulemakings to include consumer protection, and they denied my petitions. They eventually told me to try Congress. Everyone knows Congress failed American motorists this year by excluding EDR data ownership from the Surface Transportation legislation.

I got tired of waiting for somebody to do something. That's why I'm now offering a simple aftermarket solution to put the keys to the data in your hands. Thus far, nobody thinks I will be richer than Bill Gates. If they do, all I can say is don't worry, I've only sold five!

Thomas M. Kowalick
Southern Pines, NC

■

The views expressed in member letters do not necessarily represent those of the NMA. 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 and should not exceed 600 words. Submissions may be emailed to **nma@motorists.org** or mailed to **402 W 2nd St., Waunakee, WI 53597**

News From Around The Country

Now featured, with daily updates, as "NMA Driving News" at *www.motorists.org*

United States

A new report predicted that futuristic robot cars and widespread advances in safety technology could eventually drive auto accident rates down to zero or close to it and cause insurance premiums to plummet in the near future, or even end auto insurance as we know it. The study's author called the results a "provocative, but plausible scenario for the not-so-distant future."

You can take the driver away from the cell phone, but you can't take the risky behavior away from the driver. That's the conclusion of a new study, which found that people who talk on their phones while driving may already be unsafe drivers who are nearly as prone to crash with or without the device. The findings may explain why laws banning cell phone use in motor vehicles have had little impact on accident rates.

Arizona

A 50-year-old California resident may lose everything she has due to a 19-year-old traffic ticket she received in Arizona. On Sept. 17, 1993, she was given a traffic ticket for lacking proof of insurance and an Arizona driver's license. Nineteen years later, the traffic court in Phoenix wants more than $1,200 in fines to clear up the matter.

California

The Metropolitan Transportation Commission and Association of Bay Area Governments began examining a plan to tax drivers by the number of miles driven instead of number of gallons burned. To do that, cars registered in the area would be fitted with a GPS device to track the number of miles traveled.

Florida

In St. Petersburg, cameras belonging to ATS accused vehicle owners of doing the impossible. If the camera was to be believed, one driver blasted through the intersection of 66th Street and 38th Avenue at 215 mph.

Maryland

A whistleblowing police officer in Riverdale Park refused to be a party to fraud and was put in the position of having his name signed to speed camera citations that he did not review. A class action lawsuit seeks to nullify every photo ticket the town and vendor Optotraffic issued since the program began in 2010. That could cost the town significant cash as the cameras brought in $1.9 million in revenue last year—30 percent of Riverdale Park's budget.

North Carolina

With little fanfare, Cary officials axed one of the state's last red-light photo enforcement systems. The motion to discontinue the town's SafeLight program drew no comment from the Cary Town Council. The town continued to issue citations for two weeks while it voided its contract with Redflex.

Pennsylvania

In a late-night session, the Pennsylvania legislature approved House Bill 254 to extend the red-light traffic camera program in Philadelphia and to allow other selected communities, including Pittsburgh, to use ticket cameras as well.

The Philadelphia Parking Authority will refund about $800,000 in red-light-camera fines issued earlier in the year. The agency said the refunds are necessary because the PPA failed to post the required warning signs when the cameras were first installed.

Tennessee

Knox County law enforcement officials implemented their first "No Refusal Weekend" in which all suspected impaired drivers caught during the enforcement period were subjected to mandatory chemical testing to determine the alcohol and drug content of their blood. The action was the result of a new law that allows police to quickly obtain search warrants to draw blood and determine the alcohol/drug content in a suspected drunken driver's blood.

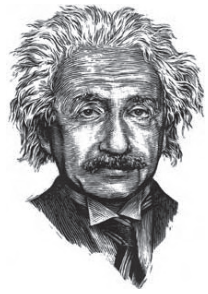
Texas

A Houston woman was arrested after she attempted to warn drivers about a speed trap. Natalie Plummer noted police pulling over speeders as she rode her bicycle home from the grocery store. After she turned one of her grocery bags into a makeshift warning sign, an officer drove up and arrested her. She was jailed for 12 hours.

More than a thousand residents of Cleveland, Texas went on record opposing the use of red-light cameras in their community. Anti-camera activists presented petitions to the city secretary that, if verified, will put the future of automated ticketing on the city's November 6 ballot. ■

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

The Experts Corner



If you have a question that only an expert can answer, the NMA can help. The experts here have volunteered to help you. Please mention that you're an NMA member when you contact them.

This is not intended for listing of commercial business services.

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