



Driving Freedoms
NMA Foundation

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Driving Freedoms (permit # 0716556-KWP) is the official publication of the NMA Foundation, Inc. *Driving Freedoms* is published bimonthly by the NMA Foundation, Inc., 402 W. 2nd St., Wauwaukee, 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

Managing Editor:.....Eric Skrum
Staff Writer:.....John Holevoet
Staff Writer:.....James J. Baxter
Staff Writer:.....Robert Talley
Guest Writer:.....Radley Balko
Guest Writer:.....Greg Mauz
Guest Writer:.....Bob Burg
Guest Writer:.....Ivan Sever

COVER
 "Texas At 80"
 Courtesy of Greg Mauz

Help Wanted

by James J. Baxter, President, NMA

Recently, the local weekly carried an editorial lamenting the passage of yet another child restraint law that seemed absurd in its specifications. I cut the editorial out and sent it to my state Representative. I suggested that legislation like this helps to explain why the minority political party was likely to become the majority political party next fall.

My Representative would never be described as a deep thinker, but his response caused me to ponder our current system for creating new laws. The comment that caught my attention was that he said no one opposed the bill during the public hearing.

I would speculate that no one opposed the bill because most people didn't know the bill existed, nor did they know there was a public hearing. This is the spot where the usual tirade would begin about how we, as responsible citizens, have an obligation to know what our government is doing and to weigh in, forcefully, with our opinions. This and other "Civics 101" homilies overlook the fact that every legislative session generates hundreds if not thousands of proposed laws, rules, and administrative codes that effect great swaths of the population.

It is not humanly possible to keep track of this flood of initiatives. In fact, it is frequently proven that the legislators themselves do not know what they are voting on! Further, even if citizens knew about a bill and the hearing, they would not be able or willing to leave work or abandon their other responsibilities to spend a day traveling to the state capitol, preparing testimony, sitting through a hearing where most of the legislators are absent, and then give their testimony to a disinterested audience.

The magnitude of this process is

compounded by at least a factor of ten, when applied to the Federal Government.

The only restraint in place to weed out the truly awful and bizarre of these "good ideas from government" are those obstructionists known as "special interests." Not that the special interests don't do their share of generating new laws and rules, but they spend most of their time fending off proposals that would harm their constituencies.

The term "special interest" has a negative connotation, sometimes deserved, but usually resulting from elected officials who resent being held accountable or having their constituents being informed of their actions. The NMA is considered a "special interest" organization. We're also a grassroots organization which means we don't employ platoons of wingtip-shod lobbyists to work our legislative magic. We depend on our members to express their opinions and their wishes to their elected representatives.

Our members, in turn, depend on the NMA to let them know when something of importance to them is transpiring in legislative or regulatory circles. To this end we monitor news outlets, exchange information with kindred organizations, communicate with legislators, and, as you know, we have hired a lobbyist to follow the legislative gyrations in Washington, D.C.

One of the more daunting challenges is deciding which of the thousands of bills that effect motorists are likely to receive serious legislative attention. If we reported on every introduced bill or amendment that involved motorists' interests, you would receive e-mails or letters from us every single day. The great danger is the "crying

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NMA Washington Report by Robert Talley, NMA Lobbyist

EDR Sponsors Announced!

On Wednesday, June 14, Congresswoman Mary Bono (R-CA) and Congressman Michael Capuano (D-MA) introduced HR 5609, a bipartisan bill to address the NMA's concerns about "black boxes." This legislation will require automobile dealers to disclose to consumers the presence of these devices, which are also called Event Data Recorders, in new automobiles, and will require manufacturers to provide the consumer with the option to enable or disable such devices on future automobiles.

Today, many vehicles are equipped with black boxes that record specific data when triggered by an event, such as an accident. This information is then collected and can be used by the police or others. There are instances where

this data has been used against the owner in the judicial system.

Whether you have a right to prevent this intrusion or self-incrimination is unclear. However, data collection during an accident is only the tip of the iceberg. The technology exists today to record any number of variables such as your vehicle's location, travel speed, or direction. We need to assure that the pace of technology deployment does not outstrip our ownership rights, our right to privacy, and our ability to prevent future abuses.

We have worked hard to get HR 5609 introduced and need your help now to move forward to the next stage: consideration of the legislation by Congress. NMA members should take quick action to endorse this legislation and express your support for the bill by writing to your Congressman in the House

of Representatives and asking that they support this bill. If you are uncertain of the name of your representative, you can go to the website www.house.gov and enter your zip code to find out. A sample draft letter for your use can be found on the NMA website (www.motorists.org).

Passage of this bill into law is part one of our legislative agenda this year. In addition to advocating on this bill we are now in discussions with legislators about steps we can pursue at a federal level to address the abuse of red-light cameras (RLCs) and other photo enforcement techniques.

This invasion of privacy and abuse of technology, often solely for the purpose of revenue generation, has become increasingly controversial and is primed for federal regulation. Specifically, the use of RLCs at intersections where traffic variables encourage violations and the application of photo-enforcement systems in areas with control parameters that encourage "gotcha" violations are all too transparent. ■

Help Wanted

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wolf" phenomenon. If we deluge our members with "take action" alerts, it's inevitable that fatigue and irritation will set in, and our communications will be ignored. So, we weigh the importance of the subject matter, the likelihood that the bill will be actively considered, and the probability that we might affect or influence the outcome of the legislation. Based on these considerations, we decide whether or not to take action, including issuing a special alert to our members.

Here's where the title of this

article comes into play. If you receive an **Action Alert** from the NMA, you should assume the legislation is viable, it most likely affects your interests, and we need your help to affect a positive outcome. (That usually means killing the bill.) We try to do our part, and that includes contacting policy makers and making our arguments directly to them. But, in the end, a few good constituent letters can sometimes turn the tide. This doesn't mean you have to respond to every special alert. But when the issue at hand is one of your hot buttons, take action and write that letter or

make that call and let your legislators know that you're aware of what they are voting on, even if they aren't.

As a footnote: We usually send our Action Alerts via email. If you haven't received an Action Alert from us recently, it may be that we don't have your current email address. If you want to be involved in this process, please send your email address along with your name and address (we want to know whose email we have) to nma@motorists.org. The NMA will enroll you on the Action Alert list immediately. ■

Political Posturing On Gas Prices Mostly Hot Air

by Radley Balko, Columnist

Three gas station owners report for their first day in prison. The prison guard asks one of them, "What are you in for?" He replies, "The government says I charged customers more for my gasoline than other gas stations. I'm in for price gouging."

The guard looks at the second man. "And you?" He answers, "I charged less for my gasoline than everyone else. I'm in for anti-competitive pricing."

The guard looks to the third. "And you?" He shrugs. "I charged the same price for my gasoline as all the other gas stations. I'm in for collusion."

Like many jokes, this one has a lot of truth to it. I'd imagine many Americans wouldn't mind at all to see just about everyone involved in the oil industry do some time in the pokey these days. What's been even more disheartening has been to see Americans turn to their politicians, and ask them to "do something" about the price of gas. We seem to love the free market until it inconveniences us. Then we want someone punished.

Of course, the politicians only fuel the fire (pardon the pun). Ignoring the fact that such measures have led to shortages, long lines, and generally fallen flat every time they've been tried, last summer the state of Hawaii put a cap on wholesale gas prices. The cap was revoked this month when, again, it failed to yield cheap, plentiful gas for everyone.

In Maryland, lawmakers actually did some good. Or rather, undid some bad. Maryland, believe it or not, had a law preventing gas stations from charging too little for gasoline, making the joke that opened this column all too real. They've revoked that law, at least for now.

At the national level, the Republicans in Congress attempted to buy motorists off with a \$100 rebate, conveniently proposed just six months before the mid-term elections. Which shows that the GOP not only believes we're whores, but cheap whores, at that.

Democrats, meanwhile, have

revealed a stunning ignorance for how energy markets work. Nancy Pelosi seems to think that there's a grand conspiracy among President Bush, Vice President Cheney, and every single oil company operating in the U.S. to keep gas prices high.

Here's a quick economics lesson for Pelosi: Oil companies want to sell oil. The best way to do that is to let the market flourish, so prices settle at a level that produces an efficient mix of value and profit. It doesn't do them any good to be sitting on gas no one will buy, no matter how expensive it is.

People buy less of a good when it's more expensive. When gas is expensive, for example, we cut back on driving. We walk, or take public transportation. Which means the oil companies sell less gas. If the oil companies are colluding to keep prices high, then, it's to their own detriment.

The funny thing is, there are a few things government could do to bring down gas prices, but they mostly involve undoing things government has already done. EPA regulations requiring oil companies to change gas formulas each summer, for example, are primarily responsible for the bumps in gas prices in spring and fall.

Congress could also revoke the federal gas tax if it were serious about feeling the motorist's pain. And, if it really wanted to send a message to the oil companies, Congress could end the tax loopholes, federal subsidies, and other preferential treatment it throws the industry's way.

The media isn't much better, often suggesting that a quick fix to gas prices could be possible. The price of a gallon of gasoline is set, of course, by about a

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NHTSA Head Confirmed

by Eric Skrum, Managing Editor

The National Highway Traffic Safety Administration (NHTSA) has a new Administrator. Nicole R. Nason was confirmed by the U.S. Senate in May 2006.

The last two appointments to this position have been medical doctors. This latest administrator is different. Nason comes to DOT from the U.S. Customs Service, where she was Assistant Commissioner of the Office of Congressional Affairs. She also served as counsel for the House Judiciary Committee under Chairman Henry Hyde of Illinois and as counsel and Communications Director for former Intelligence Committee Chairman Porter Goss of Florida.

Past administrators have steadfastly ignored the NMA's proposals due to their medical backgrounds. "Speed kills" was

the mantra by which they lived. However, the appointment of Nason affords the NMA the opportunity to introduce ourselves and our ideas to a person who may not be predisposed against them.

We are heartened by the fact that since Nason became the acting NHTSA head, the agency has completely dropped the previous administrations' "anti-speeding" priority and replaced it with "easing congestion." As you may recall, the most recent administration wanted to nationalize the campaign to install speed cameras everywhere.

The NMA Lobbyist Rob Talley will be introducing himself and the NMA to Nason very soon and we are optimistic that we will be able to work more closely with the new administrator. ■



Tomorrow, Jim Steadman will buy a radar detector

Today, Jim received an unfair ticket. He's accused of driving 52 in a 40 mph zone.

Radar makes mistakes

The thing is, Jim Steadman wasn't going 52 mph. Not even close.

Government studies have found nine types of errors that can cause



Traffic radar merely flashes a number, it does not indicate which vehicle is being clocked.

traffic radar to show false readings. That's why Jim decided to protect himself from unreliable traffic radar and the unfair process that can stack the odds against the motorist, even when he is innocent.

Then there's the expense: ticket costs and higher insurance premiums can run into the thousands of dollars.

Protect yourself

Today it was Jim. Tomorrow it could be you. Protect yourself by joining millions of motorists who stay informed with radar detectors from Escort — the brand rated best by

independent testers for more than 25 years.

For more information, call toll free today.



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Lane Courtesy Month 2006

For the fourth year, the NMA Foundation designated June as Lane Courtesy Month in an effort to promote the concept of yielding to faster traffic. This year's campaign included the release of two national press releases to nearly 400 media contacts throughout the United States. The first dealt with the general concept of lane courtesy. The second focused on how proper lane courtesy can help motorists save money on gas.

State-specific releases were also sent

out in California, Florida, Maryland, Massachusetts, New Jersey, and Pennsylvania. Particular attention was paid to the releases in both Florida and Maryland, where legislators considered strengthening lane courtesy laws last year.

The two national releases, the six state-specific releases, and a newly redesigned lane courtesy web site (www.lanecourtesy.org), all helped to draw attention to this important issue. Throughout the month, our staff and

volunteers handled numerous press interviews on the subject.

The foundation would like to thank everyone who helped to get out the word about lane courtesy during June, and we encourage you to keep educating people about it all year long. A special "thanks" also goes to Jim Thomas, Henry Stowe, Chuck Terlizzi, Ivan Sever, Steve Carrellas, and Tom McCarey for helping to distribute specific releases for their state and field local media inquiries. ■

NMA Seeks "Buzz Agents"

by John Holevoet, Director of Development

One of the best parts of my job is talking to NMA members that are excited about growing our organization. In the past couple of years, we've built closer relationships with different car clubs, handed out NMA materials at various events, distributed membership brochures at a number of businesses, and most recently, become an associate sponsor for this year's BMW Car Club Racing Series.

The one thing that all of these divergent projects have in common is that they began as ideas that excited members had. They brought them to us and we worked with them to see their concepts become reality. If you've ever thought about how you can increase NMA membership, but weren't sure where to begin, I have the perfect first step for you: Talk to people about the NMA. Tell them that you belong and why.

Anyone who has ever had trouble sleeping has inevitably seen the "Infomercial King" Ron Popeil. His standard pitch and the pitches of his many imitators almost always include a special appeal for you to tell a friend about the product. There's a good reason for this: *It works.*

It is estimated that the average person is bombarded by at least 500 marketing impressions each day. These include radio ads, television commercials, newspaper coupons, direct mail, billboards, business placards, product packaging, and more. Marketers also estimate that we only respond directly to one of these impressions every five days. So we typically see at least 2,500 marketing pitches before we act on one of them.

On the other hand, if a trusted friend, coworker, or family member tells you about a product or service they like, there is a one in three chance that you'll try it too. That's no small difference, which has led a number of companies to actually hire so-called "buzz agents," people who are paid simply to mention their business.

For example, if you were a buzz agent for BurgerWorld, and your friend was mentioning a bad sub sandwich he had recently, you would nonchalantly mention to him that BurgerWorld is a great place to eat and that he should go their next time instead of the sub place. It seems amazing that people are being paid to do this, but it's really a growing trend.

The NMA's marketing budget won't allow us to spend thousands of dollars on buzz agents, but we have something that is better than their phony lip service. We have thousands of supportive and sincere NMA members. We hope that you can be *our* buzz agents. When speeding tickets, traffic laws, or other driving concerns come up in conversation, please mention the NMA and what we do.

Ron Popeil would offer you a bonus set of steak knives for mentioning his product to a friend. Well, we're short on steak knives, but your efforts will be rewarded. First of all, you'll receive three extra months of membership for free for each new member that mentions you as the way they heard about the NMA. In a broader sense, your efforts will also make the NMA a more effective advocate for you and other motorists. Both our funding and clout are directly related to how many members we have.

So, what do you say? If you're looking for an easy and innovative way to help the NMA, become our newest buzz agent. You can start immediately. ■

Pay Up Or Shut Up

Henry Shavitz, a former city council member, from High Point, North Carolina wanted schools in his city to receive all the funding they deserve. In particular, Shavitz planned to ensure that the "clear proceeds" from traffic tickets would go to the local district as specified by Article IX, section 7 of the North Carolina Constitution.

Cities like High Point, which have been using red-light cameras for years, have not been paying their fair share. Unlike other traffic fines, the majority of the money generated by camera tickets was not helping education. Instead, most of the \$50 fine goes to photo enforcement companies out to make a profit and the remaining money benefits city programs.

When Shavitz received a camera ticket himself, he refused to pay it. Instead, he filed suit against the city and the company that installed the cameras. Initially, a federal judge ruled in favor of High Point, but the local school district, which joined Shavitz in his suit, appealed. The case was remanded back to a county Superior Court, where the court agreed that the "clear proceeds" from red-light-camera

tickets must go to the schools.

High Point officials knew the decision would mean the end for the city's profitable ticket-camera program. So, the city appealed the decision. Fortunately, the appellate court sided with Shavitz. It found that High



Point must pay 90 percent of the proceeds from its cameras to the local school system.

In court, High Point argued that the state constitution did not apply to red-light-camera tickets because they imposed a "penalty" not a "fine." They also contended that payments to contractors should be deducted first before the contribution to local schools is calculated. Judge J. Douglas McCullough rightfully called this weak reasoning "nonsensical."

High Point, Greensboro, and

Greenville suspended their red-light-camera programs last year pending the outcome of the appeal. Following the latest decision, Charlotte also turned its cameras off to limit the city's financial liability. In the meantime, High Point may appeal to the North Carolina Supreme Court.

It would certainly be disappointing if High Point were able to overturn this crucial decision. Regardless, the cities that use this technology in North Carolina have already shown the true motivations behind the use of cameras. That is a victory in and of itself. For years, cities have claimed that the cameras were for safety only, but when the "pay up or shut up" moment came, they threw in the towel.

The reality is that genuine safety programs are not meant to be profitable businesses. If the cameras really have a significant positive effect on safety, wouldn't cities explore ways to keep them even if it cost some money? However, the program was never really about safety. Now that there is no money to be made, these important "safety" devices have been quickly turned off. ■

The Saga Continues...

Past articles in *Driving Freedoms* have touched on the continuing controversy over red-light cameras in Gulf Breeze, Florida. The state legislature has not made the necessary changes to Florida law for cameras to be allowed, but that didn't stop officials in Gulf Breeze from moving forward with their plans.

They wrote to Attorney General Crist and asked him about the legal implications of using cameras without legislative approval. Crist advised the community against it, but Gulf Breeze ignored his response and began negotiating a contract for the installation of cameras. Neither Crist nor Governor Bush was willing to press the issue, so Gulf Breeze installed their cameras and began issuing tickets.

Just when it looked as though nobody in state government was willing to stand up to Gulf Breeze's city government, the Florida Department of Transportation (FDOT) stepped in and ordered the removal of the cameras. Not surprisingly, the city's initial reaction was to ignore the FDOT. They claimed the FDOT did not have the authority to make such a demand.

Then, the FDOT presented clear proof that the system was located on its right-of-way and that it could request its removal because the city had not received the appropriate utility permit. An uninformed observer might think this would mean the cameras would be turned off, but this is Gulf Breeze we're talking about. City officials there will stop at nothing for more ticket revenue.

Gulf Breeze's City Manager, Edwin Eddy, said the city will not turn off the cameras. Instead, it has moved them off the road onto private property, just a few feet from the FDOT's right-of-way. Eddy said that was the "only" option because they could not obtain the required permit. "We spent two years trying to get the permit," Eddy said, emphasizing that the FDOT would not approve their application.

The audacity of this community knows no bounds. Eddy never stopped to ask himself why the FDOT refused to issue the permit in the first place. He just marched forward undaunted, secure in the knowledge that these cameras are a cash cow. ■

Seat Belt Laws:

Click It or What?

In 1984, the adult seat belt law was born. That's the year that New York passed the very first law of its kind. Within a decade, almost every other state had followed suit. Only New Hampshire continues to hold off the growing pressure for seat belt laws.

At first, these laws were subject only to secondary enforcement, meaning that an officer had to observe another traffic violation before issuing a citation for a seat belt infraction. There were assurances that this would never change, but of course, it did. Primary enforcement laws allow the police to issue a seat belt ticket even without observing another offense.

"Click It or Ticket" campaigns are a byproduct of these new stricter laws. In 1993, the governor of North

Carolina, Jim Hunt, started the ball rolling with a statewide program to promote what was then North Carolina's new primary enforcement law. It didn't take long for the folks at the National Highway Traffic Safety Administration (NHTSA) to glom onto the idea. Since then, this particular government effort to save us from ourselves (there are many others) has grown by leaps and bounds.

Twenty states have primary seat belt laws, and that number is on the rise. The rest of the states have secondary enforcement laws, and are also eager to cash in on "Click It or Ticket." Additional money for special enforcement blitzes is handed out, seemingly by the wheelbarrow full. Plus, the resulting tickets are also moneymakers.

Millions are also spent each year at the beginning of the summer driving season to get you to buckle up whether you want to or not. This includes millions for both television and radio advertisements, which normally look or sound like they were produced in someone's basement. (You would think that the millions spent could produce a descent product, but no.)

Of course, advertisements prepared for "Click It or Ticket" in secondary states like Wisconsin make it sound as though there is a primary enforcement law in effect. The ads are misleading and the enforcement tactics oppressive. They're promoting belt laws at the expense of freedom and the truth. ■

"Click It Or Ticket" A Slippery Slope

by Bob Burg, Author

Over the past few weeks an ongoing television and radio campaign developed by the Department of Transportation and embraced by many of the states warned us that the government was watching out for you over Memorial Day weekend and would ticket you (for your own good, of course) if you didn't wear your seat belt. And, not just those under the legal age, but adults, as well. If you didn't know enough to buckle up for your own good, then a police officer with a disgusted look on his face (I'm just relating what I saw on tv) would make sure you "learned your lesson."

So, let me ask you this: as an adult citizen of a free country, how did you feel when you watched the "Click-It or Ticket" commercial on television or heard it on the radio?

Did you say, "Wow, that is sure nice of them to care" or did you instead think, "Hmmm, seems like I can make

those types of decisions for myself and it ain't anybody's business what I do as long as I'm not causing danger to the other drivers."?

I'm hoping it was the latter.

Now, before you think I don't believe in wearing seatbelts, please be assured otherwise. While reasonable people with good intent can debate both sides of the issue, it's been proven beyond a shadow of a doubt that—all things being equal—it is indeed much, much safer to wear seat belts. They work. They save lives. I should wear them and you should wear them. In fact, I know I do, and fanatically so. I hope you do, as well.

So, first, let's establish as fact—yes, it's safer to wear seat belts. It's smarter to do that and could save your life.

But, that's hardly the issue.

The issue is, "who owns your life and who is responsible for your life . . . you (assuming you are of adult age) or

the government?"

I hope you answered that it is you.

You own your life and you are responsible to make decisions that benefit it, just as you are responsible for eating right, working out, not running up debt, not gambling away your paycheck, not smoking, not drinking excessively, not cheating on your spouse, and everything else that could be hurtful to you or your loved ones.

The seatbelt issue is no different. As adults, we must—we must!—decide who is responsible for our lives; we the adult individual or our politicians such as the I'm sure well-meaning but "in your business" state representative from a city near mine who is quoted in Thursday's article in the local newspaper saying, "We've tried to

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Where Do They Stop?

Primary Enforcement Fails In Massachusetts

The Bay State first experimented with a seat belt law in the 1980s. A voter initiative overturned that law, which was wildly unpopular. A decade later, the legislature passed another seat belt law. It survived a new referendum, but only after legislators promised it would always be secondary enforcement.

After another decade, many within the legislature had forgotten all about their promise. A primary enforcement bill was introduced, but it was narrowly defeated. It was reintroduced the next session, but it was again defeated. Another primary enforcement bill was introduced this session for the third consecutive time.

The Massachusetts Senate passed the most recent bill 24-15, a surprisingly large margin. In January,

the House had approved the same measure by only three votes, but the bill had to be approved by the House and Senate again before it could move on to Governor Romney, who promised to sign it into law.

In dramatic reversal, the House voted to kill the controversial bill by a very narrow margin, 76-74. The vote to reject the primary enforcement bill came in the midst of this year's "click it or ticket" enforcement blitz. The House indicated it might reconsider the vote, but then voted against reconsideration, which killed the bill for this session.

At least four House members changed their vote since the January vote. Representatives Coughlin, Perry, and Reinstein all changed their vote from "yes" to "no." Representative

Goguen changed from "no" to "yes." Perry said he changed his mind after listening to constituents and reflecting on his own political views. He said he supports seat belt use, but described his vote as a vote for personal responsibility and against big government.

Supporters of the primary seat belt law say it is needed because Massachusetts seat belt usage is the second lowest in the country. They claim the new law would dramatically reduce driving fatalities. All the while, they ignore the fact that Massachusetts has the lowest fatality rate in the nation, without the "benefit" of a primary seat belt law. Apparently, when you have safety on your side, the facts don't matter. ■

Slippery Slope

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educate the people; now the only thing that can be done is enforce the law."

But, not only is this a bogus law (according to our Constitution, Bill of Rights and ensuing amendments, government's only legitimate function is to protect us from force and fraud—in other words, protect us from the aggression of others; not protect us from ourselves), it is a slippery slope leading to many other "unintended consequences" that laws with good intent often do.

First, it's diverting the attention of our excellent law enforcement officers from going after violent criminals such as robbers, muggers, rapists, child molesters and others who truly menace our society.

Secondly, it also sets the stage (hence the "slippery slope") where other well-intended politicians or activist groups will one day look to

control you in other areas such as the food you eat (don't think that could ever happen? As columnist Walter Williams points out, "there are already busy-body groups looking to control the amount of junk food you can ingest").

To quote 19th century English Philosopher and economist, John Stuart Mill, "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant."

This is America. Are we free citizens, free to live our lives as we see fit (providing we don't infringe upon the rights of others) or are we children of a "Nanny State" living under the will of our rulers?

Next Sunday I'll be at my local Dunkin' Donuts as I am every Sunday when in town. It's my treat to myself for being "good" the other six days of

the week. And, if I over-do it and eat too many, that's up to me and I'll pay the consequence of feeling lousy and an extra, unwanted pound or two. In America, I can do that, providing I don't force the guy at the table next to mine to do the same thing.

Meanwhile, as one adult citizen to another, I urge you to buckle your seat belts. Not because it's the law . . . but because is safer than not buckling up.

Bob Burg <<http://www.burg.com/>> is a nationally-known business speaker and author of "Endless Referrals: Network Your Everyday Contacts into Sales" (over 150,000 copies sold). His email address is bob@burg.com. He recently chaired a Florida citizen committee that, with the help of many, resulted in the state legislature reversing their decision and pulling from the ballot a proposed amendment to lengthen their term limits from 8 years to 12 years. ■

See, It Works!

In the last issue of *Driving Freedoms*, Aarne Frobom explained Michigan's new speed law. Recent changes to the way Michigan is supposed to set speed limits has opened the door to new legal challenges for underposted speed limits. More reasonable limits are already becoming a reality as a result.

The Lenawee Hills Highway, located near the town of Adrian in Lenawee County, has been posted at 35 mph since it was rebuilt more than 30 years ago. County officials installed new 45-mph signs after they were contacted by the Michigan State Police and told to do so. The issue was brought to the state police's attention because of a disputed traffic ticket.

Susan Wilson contacted Lansing shortly after receiving a ticket for driving 45 mph. "I'm not in the habit of driving over the speed limit," Wilson

said. She sensed the 35-mph speed limit was too low. Subsequent research showed a traffic control order from 1965 authorizing a 45-mph speed limit and it had never been changed.

"It was an illegal speed trap," Wilson said upon learning the news. "The people in the county need to know what's going on." Wilson said she was upset to learn that such a mistake had gone undiscovered for so long. "It shouldn't be John Q. Citizen's responsibility to double check all that," she said. "All the other people were getting tickets who shouldn't have gotten them."

Some locals are not happy with the change. Orrin Gregg, the managing director of the county's road commission noted that his office has received many negative calls regarding the higher limit. However, Gregg defends the increase and he correctly

points out that actual travel speeds play a key role in determining proper limits. A state police survey showed the road's average speed to be 46 mph.

Gregg also mentioned that some people who live on the road have asked about petitioning to create a legal 35-mph limit. He told them that the state police could be asked to do another speed study, but the limit would probably not change. In fact, since it is likely that the 85th percentile speed is faster than 45 mph, a new survey would prompt an increased limit.

"I would be hard pressed to go against the state police," said Lenawee County Board Chairman Merrill Bales. Board member Robert Emery agreed. Emery went on to praise the long-established system of determining speed limits and said he felt forty-five isn't an unreasonable speed for the road in question. ■

Gas Prices

continued from page four

million different variables—variables that reach all corners of the earth, and that involve millions of people drilling, trading, refining, shipping, buying, and selling.

Look, I don't like paying \$60 to fill up my small car any more than anyone else. But we seem to have adopted the idea that we have a right to gas under \$3 a gallon. No such right exists. Until the gas hits the tank in your car, someone else owns it. Asking the government to force a gas station to sell you gas at the price you want is like asking them to force the baker to sell you cheaper bread, or the vineyard cheaper wine. That's not how capitalist societies work.

The really perverse thing about all of this is that at the same time they're carrying on about high gas prices, the same politicians are talking about the importance of alternative energy and our "oil dependence." But alternative energy sources will emerge the day they become more efficient and

profitable than gasoline.

So long as gas is cheap, gas will continue to be our preferred source of energy. Once gas grows scarce, and consequently more expensive, other fuel sources will become lucrative—at which point someone will develop them, sell them, and get rich from them.

But politicians can't just sit back and let the market take its course. They need to control things. So even as they're bending over backward to keep gas artificially inexpensive (staving off market incentives to develop alternative fuels), they're giving billions of taxpayer dollars to research and development boondoggles (read: corporate welfare) to find replacements for gas. It's waste stacked on waste stacked on waste.

Of course, "waste" is the one thing Congress seems to do pretty efficiently.

This article originally appeared on www.foxnews.com. Radley Balko is a policy analyst for the Cato Institute. He also maintains a personal weblog at www.theagitator.com. ■

MINIs On Top by Ivan Sever, Massachusetts State Chapter Coordinator

For the second year in a row, the National Motorists Association was one of the sponsors of "MINIs On Top," the yearly gathering of over 500 MINI Cooper enthusiasts at the base of Mt. Washington, New Hampshire. Pictured are the winners of the Automobilia Trivia Contest, celebrating their accomplishment with travel mugs donated by the NMA. ■



Supreme Camera Ticket

David Cain of Scottsdale, Arizona has been fighting a photo radar ticket for over a year and his next stop is the U.S. Supreme Court. Cain estimates that he spent over \$20,000 fighting the ticket with the help of attorney Mark Jewett. Cain's defense is based on his contention that Scottsdale's photo enforcement system illegally issued him the ticket because it wasn't certified by a human.

His citation was stamped with a computer-generated signature of Bill Harper of Redflex Traffic Systems, Scottsdale's camera vendor. "The process the city is using is a clear violation of the law," Cain said. "There's no other avenue to go except to the feds."

Cain was initially found guilty and lost on appeal, but by watching a similar case unfold in late 2005, he found a new method to continue his challenge. That case had involved defense attorney Craig Gillespie who successfully argued on appeal that a machine couldn't legally issue a speeding ticket.

During the Gillespie trial, Redflex's Harper admitted that he does not see the complaint before the computer signs it, and that no one compares the photo on the photo radar record with the photo on a driver's license, unless it is contested by someone who has hired an attorney. The judge ruled this was unacceptable.

Since the Gillespie decision, Scottsdale has changed its camera-ticket-review process. However, Cain's ticket was issued before this change, so he was eager to use Gillespie's argument in a new appeal.

When he attempted to do so at the state level, the Arizona Court of Appeals and the Arizona Supreme Court claimed they did not have jurisdiction over the matter. Cain's only recourse was to take the matter before the U.S. Supreme Court. If the high court rules that lower courts should have taken jurisdiction, Cain said he still plans to pursue the matter. ■

Lone Star Goes 80!

by Greg Mauz, Texas Activist

While the nation's police agencies engaged in their "Click It or Ticket" campaign over the Memorial Day weekend, a miracle happened in Texas. The state's Department of Transportation (DOT) posted new 80-mph speed limit signs along over 500 miles of West Texas interstates. Limits increased from 75 to 80 mph on the 432-mile stretch of I-10 between Kerrville and El Paso. And, the new limit also graces the western most 89-miles of I-20, which merges into I-10, en route to El Paso. The Lone Star State now contains the nation's highest speed limit!

In predictable fashion, the so-called "safety advocates" (read: profiteers of speed enforcement) parroted their usual, many-times-refuted arguments. "People will now 'push 90 mph' and there will be a large increase in deaths."

The Martin Parker Report (Federal Highway Administration, 1997) analyzed 100 sites where speed limits were changed. Whether limits went up or down,

travel speeds remained the same (+/- 1.5 mph). However, where speed limits were reduced, crashes increased. When limits went up, crashes went down! In reality, underposted speed limits cause crashes by causing increased speed conflicts between vehicles.

Thanks to the National Motorists Association, the Texas Legislature unanimously voted for 80 mph last year. The postings were delayed to study the safety aspects. DOT data recorded 92 fatalities on the affected stretches of I-10 and I-20, from 1999-2001, when speed limits were 70 mph. After raising limits to 75 mph, the deaths dropped 13 percent to 80, from 2002-2004.

The Texas DOT logged 85th percentile speeds of 79 mph. Federal Law (*Manual On Uniform Traffic Control Devices*, MUTCD, Section 2B.11) recommends a speed limit be set at "the 85th percentile of free flowing traffic..." The 85th percentile is the most democratic and safest speed. ■




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News From Around The Country

Arizona

Bureaucratic delays and a lack of oversight have resulted in Mesa's ticket cameras being turned off. The cameras haven't worked since Mesa switched camera contractors in March. However, news that the cameras are no longer functioning was made public months later.

California

A new California Supreme Court ruling would allow police to enter Californians' homes without warrants to arrest those suspected of driving under the influence. The 6-1 decision follows similar rulings in about a dozen other states. The dissenting justice said the majority handed authorities a "free pass" to unlawfully enter private homes and arrest people without warrants.

Colorado

The state senate just approved SB 138, which would mandate that 75 percent of the gasoline sold in the state during the winter contain at least ten percent ethanol. It would also provide tax credits to encourage the E85 blends and the production of ethanol from nontraditional sources, such as trees and grasses. The House Agriculture, Livestock, and Natural Resources Committee is currently considering the bill.

Hawaii

The governor of Hawaii has signed a law suspending price controls on wholesale gasoline sales because the policy failed. The price control law did not effectively lower the price of gasoline and caused some oil companies to consider pulling out of the state altogether. Interestingly, the legislature has not considered cutting the state's 60-cent-per-gallon gas tax, which is the second highest in the country.

Illinois

Photo-radar vans have made their debut in Chicago-area work zones. The vans are currently being used along the Dan Ryan and Kingery Expressways as well as portions of the Tri-State Tollway in construction zones with 45-mph speed limits. Speed violations in work zones result in a \$375 fine for the first offense and a startling \$1,000 plus a 90-day driver's license suspension for subsequent violations. The photo-radar vans are used only when workers are present.

Illinois

SB 1221 was signed into law. This bill would allow the police to issue a ticket to any driver for possession of a radar or laser jammer. However, police can't stop or search any vehicle solely on the basis of a violation or suspected violation. The fine for a first offense is \$50.

Kansas

The city of Lawrence is considering a cell phone ban that would be the strictest in the nation. It would even prohibit hands-free devices. The proposed ordinance lists a maximum fine of \$100 for violating the ban. Traffic safety commissioners will also consider an ordinance that would double the fine for inattentive driving from \$60 to \$120 for any motorist involved in an accident while using a cell phone.

Kentucky

A bill that would have raised the state's speed limit to 70 mph died in the state legislature. The measure, HB 117, was amended to include a primary seat belt law.

Louisiana

A recent bill concerning raising speed limits failed to pass the house. SB 158 would have raised the

maximum speed limit from 70 to 75 mph on stretches of Louisiana's interstate highways. The measure would also have allowed the state Department of Transportation and Development to raise speed limits from 65 to 70 mph on some four-lane roads and from 55 to 65 miles per hour on stretches of some two-lane roads. The bill had passed the Senate. However, when the bill went to the full house, the final house vote was 50-42. It needed 53 votes to pass.

Massachusetts

The city of Springfield is seeking proposals from private companies to install red-light cameras at various intersections. The city is asking companies to detail how they would establish a red-light-camera program and provide related services. The city seems unconcerned that such a program would be illegal in Massachusetts. Except for a very few specific situations, a traffic law violator must be handed a ticket in person by a police officer.

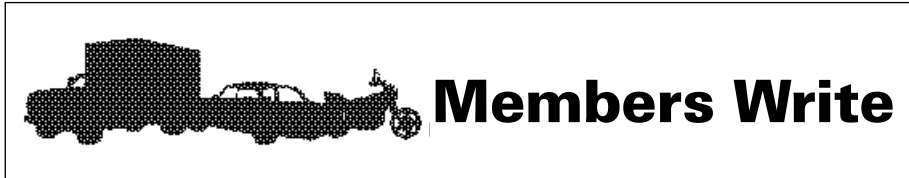
Michigan

Detroit has passed a ban on using handheld cell phones while driving. The city council passed the measure by a vote of 8-1. Motorists that violate the new ordinance can be ticketed and are subject to a modest fine.

Virginia

Governor Kaine has signed into law a bill that provides motorists basic protections against the misuse of "black box" data retrieved from their vehicles. Under the new law data cannot be accessed by anyone other than the vehicle owner unless they have the owner's permission or a court order. The bill also specifically addresses the concern that motorists might be penalized for refusing to disclose "black box" data to their insurance companies. ■

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



Members Write

I greatly appreciate the effort the NMA is making to bring some control to the rampant use of surveillance devices in our lives. I thought you might be interested in the letter I recently wrote to Bill Ford. Keep up the good work.

Dear Mr. Ford:

I recently purchased a 2006 Ford F-150 FX4 pickup, with a sticker price of nearly \$45,000. Prior to the purchase I contacted your Customer Service Division and asked whether the 06 F-150 had an EDR installed. I asked two Ford dealerships if the truck had an EDR and they claimed total ignorance, never having heard of an EDR.

After an unreasonable time of hearing nothing, I purchased the truck. Shortly thereafter I received a letter from your Customer Service Division in which they would not put the answer into writing. Their response was "Due to the nature of your recent letter, we would like to address this matter with you personally." Naturally when I called the 800 number I was informed that indeed an event data recorder was installed.

I feel personally violated. I can understand why you love the EDRs. In case of an accident you can pass off your company's potential liability to the driver. At the very least, you have the responsibility to inform a potential buyer that they are driving with "Big Brother" looking over their shoulder and the fact that your sales people don't even have knowledge of the existence of EDRs is shameful.

I own four automobiles and trade at least one each year. I want to let you know that my F-150 is the last Ford I will ever own. I consider the EDR an invasion of my privacy

but view the fact that its existence was hidden from me a greater sin. Your company has violated my trust.

*Charles J. Carlson
Gig Harbor, WA*

I recently tried to contest a ticket and got put through a circus like you would not believe. People in Los Angeles are packed like sardines in a can at this so-called "traffic court." I have long known that raising revenue is the name of the game, but here there is not even a pretense of fair treatment. We are told "plead guilty, don't ask questions, and keep the line moving." Then you are out the door, shoved into the clerk's office, and told that your "small fine" (with fees added) comes to \$500!

In fairness, I saw a disability lawyer who helped me demand a re-hearing with a real judge. It was granted, I pled no contest,

and the fine was reduced to community service.

I think you should print an article in your newsletter about these money factories that try very hard not to give anyone a fair chance. Thanks to NMA for encouraging us not to take this treatment!

*Suzanne Moore
Long Beach, CA*

This isn't the kind of editorial I expect to see in this magazine. "Oh, dear we're out of gas?" We have more petroleum than you can evaluate, including in Alaska and off shore. We also have lots of natural gas off shore. If the politicians can't get it for me, I can get a new batch of politicians.

*Jerry Blahut
Bensalem, PA*

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 us.

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The Experts' Corner

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If you would like to join this list, contact us with your field of expertise, contact address, and preferably a telephone number. This is not intended for listing of commercial business services.

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

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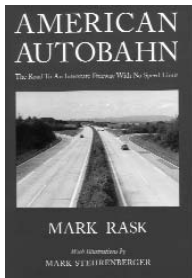
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Smile For The Speed Camera: Photo Radar Exposed!

The author, Susan Kayler, is a practicing attorney who is considered to be 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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American Autobahn

This book takes a tough but enthusiastic look at the state of American highway safety, exposing some of the half-truths and myths about the single most misunderstood factor in traffic accidents today—Speed. It also offers a good overview of the German Autobahn and America's Interstate System as well as some interesting suggestions from the author on how to improve safety on our roads.

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

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