

THE DAILY RIDER

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6

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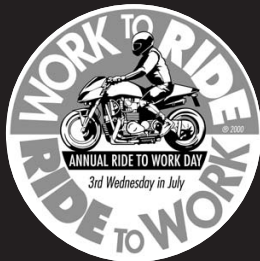
♦ Cops

♦ Laws

♦ Gettin' Run over

♦ Justice for some

♦ But not all



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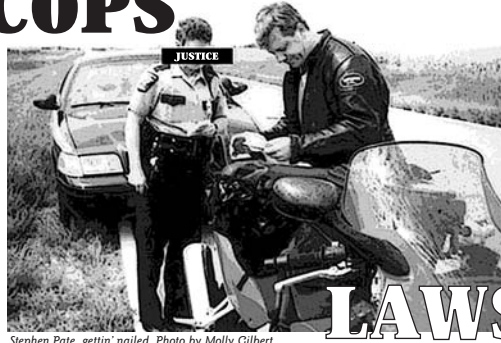
THE MISSION

To advocate and support the use of motorcycles for transportation, and to provide information about transportation riding to motorcyclists and to the public.

The annual nationwide **Ride to Work Day** is the third Wednesday in July (every year). Riding your motorcycle to work on this day will demonstrate:

- A) The number of motorcyclists to the general public and to politicians.
 - B) That motorcyclists are from all occupations and all walks of life.
 - C) That motorcyclists can reduce traffic congestion in large cities.
 - D) That motorcycles are for transportation as well as recreation.
- We can change public attitudes about motorcycling in ways that will benefit everyone. Please tell your friends.

EDITORIAL COPS



Stephen Pate, gettin' nailed. Photo by Molly Gilbert

In the afterword of his book *Goodbye To All That*, Robert Graves refers to his growing up in an era when any motor vehicle was legally required to be proceeded by a man on foot with a red flag, presumably to protect the hapless populace from their infernal trifecta of noise, speed, and generally alarming nature. One suspects such a rule was in effect due to the fact that no one had gathered enough information regarding motorized vehicles to know how to react and/or enforce their drivers' behavior short of hoping the things would just go away, somehow.

They figured it out eventually though, didn't they?

Although the tradition of motorcycling undoubtedly has its roots in exuberant young men with mechanical aptitude and perhaps more than a bit of 'vinegar' (the Royal Tank Corps in WWI pointedly recruited such types), Bikers As Rampaging Societal Menace is largely a post-WW2 phenomenon, the salient watershed of which (In these United States) was the Hollister rally/riot in 1947. A genie was uncorked in popular culture and media perception that has never quite been put back in the bottle after that one...

I had a retired neighbor some years ago who, when I arrove home on my 1000cc sportbike, would good-naturedly refer to me as being a 'sickle bum', a term I found curious. After some plying with malted hops one evening, he quite reluctantly admitted to having once been affiliated with a certain 'outfit' in the postwar SoCal outlaw scene and after a while, admitted to having been at the rally in question. My brief (and, by now, somewhat slurred) question as to 'what exactly went on' was answered with a somewhat-evasive 'well, not THAT much, really, but we did put a few cops in garbage cans...'

And boy, they never forgot, did they?

Sometimes we all pay the price, deserving or no. Maybe you've never so much as gotten a ticket in your life. Maybe you've been yanked for no reason and physically threatened when you ask what's going on. Maybe you've had the validity of your parentage called loudly into question. Maybe...

Maybe you've had some wildly unprofessional interactions with the Long Arm Of The Law. (send 'em in!) And maybe, like one of our contributors this month, you've been

injured, maybe seriously, by a motorist who got little more than a slap on the wrist. And maybe you're wondering how that can be allowed to happen.

We're legally recognized users of the transportation infrastructure, i.e., we're permitted on the roads. We pay taxes and licensing fees. We carry insurance and required safety equipment on our vehicles. As delivered, they're as DOT legal as anything out there. And with that, one would think, should come equal protection under the law.

It doesn't. And there's a lot of evidence to support this conclusion.

I'm not talking about getting singled out and picked on by cops here. I (and probably you) have had that happen, but it's not the big problem we face as riders. Later in this issue an excellent article reprint by Bob Higdon addresses what is.

It's called injustice.

We and others have managed to convince the culture that we're a bunch of idiot lepers that deserve everything we get because we're running around on two wheels and obviously having way too much fun to be taken seriously.

And that running one or more of us over (as long as you're in a car or truck) is not that big a deal.

Things are bad when the law, whatever it is, is enforced differently for different vehicle types.

Riding To Work is one of the few motorcycling activities that highlights the practical, everyday aspects of motorcycling and shows why they are a positive, good thing. Not just hooligan toys or status-fetish objects for those with way too much cash, hubris, or 'tude... They're a real transportation alternative that happen to be fun as hell.

Riding to work and for mundane, banal transportation reasons shouldn't be punished. We ought to be rewarded, not ostracized. We're easier on the roads, take up less space overall including parking, and generally tread lighter than any other motorized vehicle on the public roadways. We help car drivers get where they're going faster. We need to get all of the positive, utilitarian social good we accomplish by travelling on two wheels out to the public in a way they will understand and appreciate. State our case sans the silliness. Just for a few minutes, everybody...

We shouldn't receive a lesson in injustice because of our transportation choice. Nobody gets chided for being in a car that's involved in an accident or an airplane that crashes. Let's remind people that motorcycles are a legitimate part of the surface-transportation mix and not some sort of loony sideshow.

Ride To Work Day is the third Wednesday in July.

-Edward Peterson

LETTERS

Where have you guys been. Greatgrandpop has been riding to work daily and year round (except in snow for over 50 years. In the early 50.s work was only 10 miles from home and good thing because the old Triumph and BSAs were not the most reliable of transportation. In the 60s and 70s, Honda came along and GGP would put 10k a year on a CB450, CB750 Supersport, and in the 80s a VFRI 100S Honda Sabre. The Sabre was the most roadworthy long distance daily commuter. I use to ride it daily from Bethesda MD to the Naval Research Lab near in Anacostia DC around the beltway 35 miles each way. After 63,000 miles on the Sabre, I was transfered to a position in Manassas Virginia for a daily work commute of 37 miles each way around the Washington Beltway. Maybe a lot of coworkers and company management considered my bike riding a little unprofessional. Being an engineer, I loved to ride. Figured that if I had to go to work each day, may as well have fun doing it. Was a little inconvenient in the winter months, putting on all the necessary clothing and logistics of changing into suit and tie for meetings, but hey, I'm retired now and can ride daily at age 76 for pleasure in the countryside without all the traffic. God only knows how many miles I've put in riding, but it kept me healthy and wealthy with all the money in gas I've saved. And must add that in all these years of riding, I have never had an accident or been given any traffic ticket violations. In Y2K, at age 73, GGP bought his first Harley, a Sportster XLH1200. After 15K miles it was shaking the cholesterol out of my arteries so I sold it and bought an 02 Harley Dyna Superglide. So much for Malcolm Forbes. Bought the Sportster because wasn't sure I could handle a Heavyweight machine having just come from a 97 Triumph TBird and 20K miles. Harleys are real pussycats. Easiest motorcycles in the world to ride and believe me, I've just about ridden them all. My first bike was a '37 250 Rudge basketcase that cost 10 bucks in 1948.

P.S. This is not propaganda, but truth that you can count on and verify. sincerely, Emanuel Briguglio

Hi Emanuel,

Thanks for your message and inspiring account of a lifetime of riding to work. I appreciate your support for RTW Day and hope that you will be riding everywhere on this years RTW Day, even though you are now retired. If you have any old photos, please send them along with your next message. Andy

Mark Garvey wrote:

A note here. I ride my motorcycle (or a bicycle!) to work most days and for much of my running around town too. So I will undoubtedly be riding July 16, (2003) whether motorcycle or bicycle is unknown at this point!

A small additional point. My favored motorcycle for commuting is a 1985 Honda CB125S. It gets nearly 100 mpg and will keep up with traffic even with ME aboard! (I weigh about 235)and costs me less than \$100 a year to operate. contrast that with any automobile! My bicycles are even cheaper to run! but not by much!

I realize that you are a motorcycle organization, but bicycles too are a good part of the transportation mix. I use a mix of bicycles, my motorcycle and occasionally my car. You need to use what works best for the situation! Cheers, Mark

Hi Mark,

Thanks for your message and encouragement. I use a bicycle for transportation, too. And because I live 3 miles from my workplace I also sometimes walk or roller blade (my skate's wheels detach from the boots <www.hypno.com>). As a tool for personal transportation, motorcycles fit somewhere between cars and bicycles. Ride to Work day is important because it shows everyone that motorcycles provide great benefits when they are used for transportation.

Your comment about 'using what works best for the situation' is what every-

one should do.

I appreciate your support and hope you will join riders everywhere on RTW Day.

Andy

Peter Urda wrote:

My company is thinking about promoting Ride Your Motorbike to Work Day on July 16th, 2003. What types of things should my company consider when endorsing this event? What do other companies do to make this event more festive? I am the organizer for this event and I want to make sure I have all my bases covered.

Thanks,

Pete Urda
Health and Fitness Coordinator
AOL Columbus

Hi Peter,

Thanks for your message and question. RTW day is a fairly informal grass roots event. There are posters, press releases, pass-along cards and other propaganda materials available for free downloading from the RTW website. You can also download and print out a few copies of The Daily Rider, the newsletter of the RTW Day program.

Beyond putting up some posters on company bulletin boards and passing out some propaganda, you can encourage participation by allowing riders to park in a high profile spot in the company parking area. Some companies have an organized ride either before work, during lunch, or after work. One of the RTW press releases on the RTW website describes how to have a commuter challenge that local media can cover.

The reasons for promoting RTW Day at your company are because motorcycles are a social good. You can find the explanations of why they are on the RTW website or in any downloadable issue of 'The Daily Rider.'

I appreciate your support for RTW Day. Please take advantage of the material on the RTW website to make your company a leader in this demonstration. It will help everyone who likes motorcycles.

Andy

Hello All,

I thought I might submit a few photos of one of my machines displaying a Ride to Work decal, and then some. I not only ride to work on this bike, I ride it for work. I have a part-time contract with a bicycle courier service in Louisville, KY; the first and only at the present time. The bicyclists carry parcels within and around downtown, the central business district; I get called when an item needs to go from downtown to an office elsewhere in the metro area. I ride my 70 MPG Kawasaki EX250 for this purpose, specially outfitted for the task.

I am also a freelance graphic artist, and I use the same machine for taking proposals and proofs to my clients. This motorcycle is strictly for business, not pleasure (though I do enjoy riding it, of course); I keep track of my mileage, and deduct it from my taxes. I have other bikes that I ride when I take personal trips.

Part of the purpose of CBD Courier, and my involvement with them, is to reduce city traffic and infrastructure load, but also to make a political state-

ment. We ride every day. We wear the proper gear. We make a statement with our continuous presence that riding a bicycle or motorcycle is not radical, it is reasonable and appropriate, if not ideal for certain tasks. For commuting, carrying small loads and running errands, the bike is hard to beat in terms of fuel efficiency, traffic maneuvering and parking capabilities, and overall environmental impact.

Cheers,
Jeff Blanchard

PS= I have a website dedicated to the EX250, much of which addresses its usefulness as a machine for every day use: <www.ninja250.com>



Jeff Blanchard

Hi Jeff,

Thanks for your message great photos, which were forwarded to me by my associate Christine. Your report on your riding is terrific and I'll add it and the photos to the items we're saving for possible use in a future Daily Rider newsletter.

I really like the personalized license plate on your bike and your EX 250 website. Our accountant Pete here at Aerostich commutes on his EX 250 almost every day 9 months of the year. He is currently on a 9 month national guard posting overseas, but as soon as he gets back here, I'm sure the third thing he will do is take the bike out. (He is married and has children, so that will be #1 and #2).

I appreciate your encouragement and support for Ride to Work Day and the related programs. I hope you've enjoyed the Daily Rider newsletters, too.
Andy

Susanna wrote:

I have always ridden to work, and school before that, as I cannot tolerate being trapped in a cage. I moved back to LA about 2 years ago, and find it shocking that 400 bikers will show up for bike night in Woodland Hills alone on any given wednesday, but I often see no other bikers on my (admittedly brief) commute to downtown LA. I think we should have some billboards on the major freeways here, simply stating: "If you'd ridden to work, you'd be home by now" or "lanesharing is not a crime, enjoy it while you can!" Anyway, I'd happily download the posters and all, but I think there needs to be more focus on getting people to ride everyday, not just on July 16th.(2003 RTW Day)

Hi Susanna,

Thanks for your message and kind comments. I agree that the RTW Day event needs to grow and broaden. Our resources are extremely small. Everything we do is supported by individual private contributions, so there is not much money available.

I agree that more effort could be focused on encouraging motorcyclists to ride every day, not just on RTW Day. This will become more important over time, but right now I hope the one day RTW event becomes a higher-profile demonstration about the potential social good of motorcycling. I think we are making progress in this direction. We are working on other things to help support and encourage everyday transportation riding, too. But with the limited resources available, emphasizing the 'demonstration' aspects of RTW Day seems most logical.

I have been working on developing and organizing the RTW Day event for three years. It will continue to grow, and more resources will become available as a result. As RTW Day grows, more people will recognize the value (and satisfaction) of riding to work. Hopefully they will then start do so more regularly.

I want to see those pro-RTW billboards just as bad as you do. I know we will have them someday.

I appreciate your support for RTW Day.
Andy

Don Muther wrote:

Hey Andy,

Just wanted to let you know that after receiving some Ride to Work propaganda yesterday, I forwarded it out. This morning i rode in early and went to our morning staff meeting. One of our managers asked why so many people were missing this morning, (RTW Day 2003) noting that the parking lot wasn't crammed full of cars. I took a look out there afterward. No one missed work. the parking lot isn't crammed with cars because so many guys "and gal" had bikes parked up by the building. Just amazing the amount of weekend riders that showed up. Of course we're having fantastic weather for it here in Germany right now so that helps. I think this ride to work campaign is really worth the effort. Its also nice to see more smiling faces in the AM. From folks who change their zombie-mobile routine. "You ever notice how many people look like zombies behind the wheel in the morning, I like to think of them more as sheep mindlessly following the pastor". Hope things are going as well there.

Take care,
Don

Hi Don,

Thanks for your message and wonderful report. In the Phillipines this morning (RTW Day '03) a RTW advocacy group planned for 300 rider breakfasts and served 430. How about that!

I appreciate your support. Remember, tomorrow (The day after RTW Day) is 'the heck with work, I'm going riding day'...

Andy

Joanne wrote:

The ride to work idea is a good one..However my Husband rides to work every-day, he owns no car & will not!!
he rides rain, sleet, snow. & we ride to Daytona, Myrtle Beach, Ohio, & Laconia. We have 11 motorcycles, restore, collect memorabilia, and study the history of motorcycles, we are leaving NC for Ohio tomorrow for vintage motorcycle days...our house has motorcycle art, decor, and a 69 trident frame in the bedroom waiting resto.. and my 1973 aermacchi sprint 350SS in the living room, waiting seat, gas tank, & wiring...hey we only have a small garage :).... keep the word out...RIDE UM DON'T HIDE UM!!!!!! Joanne ..a.k.a. harleywld1

Hi Joanne,

Thanks for your message. Your husband and you understand what riding to work and RTW Day means. I appreciate your encouragement and support.

Andy



Ride To Work

You say you want to be "faster in the twisties?" Ride to work. You want to become a more competent motorcyclist? Ride to work. You want to feel empowered? Ride to work. You want to save time and money? Ride to work. Is this beginning to sound redundant? Be assured whether your round trip is 5 miles or 200 miles, preparing for your daily ride will improve your skill level and develop confidence. Guaranteed. And, there's one more really important consideration that I find near and dear to my heart. The BEST part of my work day is the "riding there" and the "ride home." Riding to work every morning is stimulating, like a wake up shower or a good cup of strong coffee. Your brain engages and you mentally turn on for your day. By the time you arrive at work you're stimulated and ready to go! I prefer stimulation to the frustration of being in a capsule driving my car, any day of the week. The ride home is like a good yoga class. The tension of the day falls off you as you focus on your ride and enjoy the freedom of two wheels. My daily commute used to be 88 miles. Now it is 12.5. The awareness you develop from a daily ride to and from work is apparent, regardless of the distance. Try it yourself for a few days. I challenge you to prove me wrong.

The 3rd Wednesday in July each year is designated as the national Ride To Work Day. Ride to Work (the organization) advocates and supports the use of motorcycles for transportation, and provides information about transportation riding to the public. Riding to work is fun. Riding to work reduces traffic and parking congestion. Riding to work leaves us alert and energized. Riding to work results in less pollution than commuting in a larger vehicle. Riding to

work is less destructive to roads. Riding to work gets us to work (and back home) faster. Riding to work demonstrates motorcycling as a social good. Etc. You can learn more and contribute at www.ridetowork.org. Ride To Work is a 401C-4 Non-Profit organization.

Submitted by Charla Jean

Live, love, laugh and ride well!
F650 GSi, EX 500, RT 180



Ride to Work Day at HP in Corvallis

It was great! Between 90-100 bikes. Everyone, bikers and spectators, loved it. Local shop donated some stuff and we had a raffle. People hung out and talked throughout the day. Management in transportation department loved it, and says "definitely an annual event." Next year thinking about having vendors, BBQ and whatever else we come up with.

Can share some of the ideas that worked well if interested.

Thanks for planting the seed!

Stasi Vaillancourt

Hi Stasi,

Wow! Thanks for your report and the great photos. What a fabulous job you did. Congratulations. I will add the photos to the ones we are saving for use in a future Daily Rider.

Andy

"VAILLANCOURT, STASI (HP-Corvallis, ex1)" wrote:

Andy, as promised, here are some key points to what made our RTW day successful (some of these would apply to larger corporations): Feel free to use, post or pass them on as needed.

- Find the company's transportation/environmental department and work with them, this can really help to get things done in an acceptable way. Keep asking/looking until you find the right person.
- Get whatever support you can from local shops. We had minimum of a few raffle items donated from Honda shop -People show up for free stuff! When they sign up for the raffle, we had their attention for a moment and put a "I RODE IN" sticker on them (see attached) and handed them one of your propaganda cards. Had the drawing at noon and told people they had to be pres-

ent to win. (more of the "bringing together" tactic) We had little cards people could put on their bikes with "name and # if you want to know more about this motorcycle."

- We are lucky to have a rep from Team Oregon, the state's motorcycle safety program, work here and he showed up with a full booth. We set up a few tables with the raffle items, motorcycle magazines, riding gear, books and anything else that riders wanted to share.

- Get the message out. We used a site-wide e-mail 1 week before. Flyers at break area. One thing we did not do and should have was leave cards on rider's bikes or in parking area a few days ahead -some bikers still didn't know about it.

- Have a pre-planned parking place just for the bikes -all the bikes. We called it a Rally and it really stuck. Riders can't resist all getting together, parking together and comparing notes. The general public is drawn in as well. It was fun seeing and hearing people that got their bike out just for the event! A mini Daytona Beach!

- Key point to the whole thing if it is set up like a rally -IT RUNS ITSELF! (management can breathe easier knowing they aren't giving up people's time and you really don't have to do much organizing) In the messages you send out, invite EVERYONE. It is good to have someone greeting riders in AM when they come in, offer a snack and get them signed up for whatever, help initiate conversations with other riders. Peak time for general public will probably be lunch. (read our attached original message that went out for the recipe). Riders meet other riders, riders talk to non riders about riding or getting started. I did organize some official riders to be there throughout the day, but mostly all riders could speak RTW mantra very fluently to anyone who came to "see the show."

- Have rider sign up sheet for e-mail -this can be just for setting up informal group rides or even clubs. Or any other ideas for helping get riders together beyond RTW day.

- We did the raffle at noon and it brought everyone together. You have their attention for a few minutes. Say thank you and whatever message you want to get across. I asked people to send me ideas for next year or general suggestions about how our company deals with motorcycles (some good ones have come in)

- As I mentioned, It was a success way beyond expectations. Management says next year is a definite go. I will start sooner working with local shops, trying to get some manufacturer presence. Maybe a new bike to look at, riding gear etc. I would like to see some scooters displayed also, these seem to be making a comeback and will give people more options. I am suggesting management set a goal for one of your "company of the year" awards. Suggestion: Maybe if you have enough entries you could have winners in every state or region -spread the encouragement.

Subject: Largest Ever Ride To Work Day Participation

Date: Thu, 17 Jul 2003 13:30:57 -0500

From: Chuck Barsness

The 12th Annual Motorcycle National Ride To Work Day Event At Ramsey County
A Big Success!

Wow - 61 bikes and 77 people participated in the 12th Annual Motorcycle National Ride To Work Day event at Ramsey County held the afternoon of July 16th. That is a new record for attendance. Thanks to all who were there! We had a great day. The weather radar didn't look promising in the morning, but all the rain went south of the Twin Cities and the day got better and better as it progressed. Thanks to Tom Risor who put together a great route. We had a good lunch at Club 49 at the intersection of Hiway 49 and County Road J in Lino Lakes. Our ride took us through Centerville and west and north to El's in Linwood. Then north and east through North Branch to the Wild River Inn in Almelund. From there we went through Taylors Falls on our way to the Trail's End in Scandia. And we capped off the day with dinner at Yarusso's on Payne Ave. We all renewed lots of acquaintances and made several new ones. 125 miles of great roads and weather that was almost perfect. What more could one ask for?



Ramsey County RTW 2003



'Ridin to Work, Gerber Foods, 2003



FDNY doin' some RTW'ing, 2003

COPS

DO MOTORCYCLISTS RECEIVE FEWER TICKETS?

From Friction Zone March 2004

From the monthly Column 'the CHP Connection' by officer Ron Burch

<www.friction-zone.com>

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My observation is that motorcycles are ticketed proportionately less than automobiles or trucks. Is this a valid observation and if so, why? Are we better drivers; are we more aware of where Officer Burch is waiting for us; or do we obey the laws better?

Gary Yant
Cambria, CA

Officer Burch's Response

After years of scientific research, Gary came to the conclusion motorcyclists are ticketed less than autos and trucks. Speaking from my own personal experience, of all the tickets I have written during my career I have probably issued less than 5% to motorcyclists.

While I cannot disagree that all three of Gary's reasons may be true, I believe there is a more logical explanation for the apparent disproportionate enforcement. I didn't want to do it, but Gary has forced my hand. Here come the statistics.

In 1998, the CHP issued 2,206,933 citations; only 24,698 (just over 1%) were issued to motorcyclists. In 2002, the CHP issued 2,202,827 citations; 15,609 (just under 1%) were issued to motorcyclists. While this does make it seem like Gary is on to something, let's consider some additional statistics.

In 2001, there were 25,472,630 motor vehicles registered in California. Less than 2% (495,271) of those were motorcycles. Of the 21,977,700 licensed drivers in California, just over 4% (906,144) had motorcycle endorsements. And let's not forget the large number of those licensed to ride who only take their bikes out of the garage from June to September.

Beginning in 1999, motorcyclist crash victims began to increase over the all-time low experienced in 1998. In 2001 there were 3,517 *fatal* collisions in California. Motorcyclists were involved in 298 (just over 4%) of those collisions. The motorcyclists were at fault in 215 (72%) of the fatal collisions. In 2001 there were 201,478 *injury* collisions in California. Motorcyclists were involved in 8,014 (just under 4%) of those collisions. The motorcyclists were at fault in 4,266 (53%) of the collisions. The 2002 numbers show a continued increase in motorcycle-involved fatalities, injuries, and motorcyclist-at-fault collisions.

One of the objectives of the California Highway Patrol is to target "Primary Collision Factors." That means officers are tasked with the responsibility of knowing what type of driving causes collisions in their particular beats. Once the cause is determined, the officers will pay particular attention to that violation. As a result, increased collisions and injuries will result in increased enforcement.

I would love to think motorcyclists are the safest drivers on the road, but the numbers are beginning to lean in the other direction. Only through education, training, and personal responsibility can we, as riders, reverse this deadly trend.

For those of you who can't get enough of the numbers, or you would just like to check up on old Officer Burch, visit our website at www.chp.ca.gov and

click on the link to the SWITRS annual report. The Statewide Integrated Traffic Records System produces an annual report that breaks down traffic collisions by almost every category such as the age of the driver, the time of day, the types of vehicles, and the laws violated. Also, look for the link to the Motorcycle Safety Program's website (or visit www.ca-msp.org) for information about basic and experienced motorcycle training.

What to Do If You're Stopped By The Police

by Jim Thurber (published in City Bike about 1997)

<www.citybike.com>

As motorcyclists, our dealings with the police are primarily adversarial. We just want to drive our bikes in a manner in which we see fit, while they want our money, our time, and occasionally our driver's licenses. I know. I used to be a member of the "other side" - the "thin blue line" - not for long, only about a year. That was enough.

At the end of my first 6 months on the force, I came to the shocking realization that one of the smartest people ever to get press in America was the illustrious Nancy Reagan with "Just Say No".

When a driver (or anyone else for that matter) finds themselves a temporary guest of the police, that phrase is the only thing one has to remember. The other phrase that works fairly well is "Admit Nothing. Deny Everything. Make Counter Accusations". (It's the inside motto of the Central Intelligence Agency.) In most situations, from a routine traffic stop to a felony drug bust, people willingly confessed to the act (to wit: crime) they were suspected of committing. I guess confession must be good for the soul; it sure doesn't work for the pocketbook or for personal freedom.

During my time on the force, I made approximately 30 drug busts. In every case, I was able to make a successful arrest only because the person willingly gave up their Constitutional rights by consenting to a search of their person or vehicle. Even lacking a warrant (or probable cause), a search is still legal if permission has been given. I grew wise in the ways of tricking people into giving me permission to search their vehicles, their purses, or themselves. Subsequent questioning following an arrest revealed the suspect's ignorance of Constitutional doctrine. The only people who always knew their Constitutional rights (and therefore never gave permission for anything) were lawyers and ex cons. Are you starting to get the picture?

How does this apply to a motorcycle (or car) driver when stopped by police for a simple infraction, for instance, a traffic violation, usually speeding?

Simply this. If I, as the police officer, can trick you into admitting that you were committing a violation, I am not required to prove that you were violating the law. I will merely note the suspect's freely given "confession" on the back of my copy of the citation and make sure I have it with me should it be subsequently challenged in court. The notes on the ticket serve the same function in court as a police report.

I used to patrol residential areas a lot. Notoriously bad at spotting traffic violators, I would wait near an intersection until someone appeared to be traveling too fast. Pulling them over, I would approach the car and ask (in my sternest voice: "Do you know why I pulled you over?"

"I was going too fast?" was usually the sheepish, occasionally fearful, reply.

"Yes, and do you know how fast you were going?"

"About 45, I think. Sorry officer."

I may have had no idea how fast that person was going, but I would write the ticket for speeding anyway and note on the back of my copy of the citation:

"Defendant admitted to traveling 45 m.p.h. In a 25 m.p.h. one." Case closed. Miranda warnings? Not required.

Whenever I pulled over a lawyer (rarely) or an ex-con (much more frequently in my patrol area) the response was drastically different. The driver's expression would be one of quiet exasperation and complete denial.

"Do you know why I pulled you over?"

"No, sir." followed by absolute silence.

"You were driving too fast."

"No sir." (more silence) "I was traveling at the speed limit, 25 m.p.h."

Essentially, the driver was calling my bluff, but legally I could not write a citation unless I had clocked his speed using a method approved by the courts, i.e., over a measured distance, trailing him for a specific time, or using radar in an approved "radar zone." San Jose P.D. really frowned on issuing tickets "in error," so I never did. City liability for false "arrest" is substantial and the revenue from one traffic ticket isn't worth it.

A little known fact is that it is generally legal to lie to police. You may have been aware that you were traveling 75 m.p.h. on Skyline (50 m.p.h. zone) but you are not obligated to inform the police of that fact. There are exceptions: You must correctly identify yourself to a sworn police officer when asked (the legal requirement to show and I.D. card is limited to activities requiring an I.D., such as driving a vehicle). You can not lie to a police officer who is investigating a crime where you are not a suspect - that is considered interfering with a police officer in the performance of their duties. But if you're a suspect (and a solo motorcycle driver in a traffic stop probably is), say what you like.

Although it doesn't seem fair, the police can, and do, lie to you. We were taught this in the police academy and frequently used it on the street, especially when attempting to "squeeze" a confession out of someone. It just helps to make a game of cops and robbers a little more interesting.

I find it astonishing that almost 90 percent of all major crimes in this country are willingly confessed to by the perpetrator, as if coming clean would make things easier. Sometimes this tactic works with the police, but much depends on the officer making the stop. Officers who are specialists in traffic, generally motorcycle officers and the California Highway Patrol, usually write the citation unless an extraordinary excuse is given. These guys are really good - to get a final certification as a traffic officer, the applicant must be able to "guess" the speed of approaching traffic within 3.5 miles and hour. A radar gun is used to verify the estimate.

My personal feeling as an officer was that enforcement was strictly a safety issue. If I stopped a vehicle going 90 m.p.h. on a deserted road and the car was safely equipped to go that fast, I didn't write the ticket. Likewise, if a car was equipped with bald tires, leaky exhaust, etc., I was likely to write multiple violations.

In Germany, safety is pretty much the paramount issue, but here we have reached the lunacy of photo radar and the use of cameras to record "red light runners". This is generally not an issue for motorcycle riders, but a few points bear notice.

First off, photo radar is generally used solely to generate revenue, not to change driver's behavior. The violations do not go on your driving record and the DMV cannot withhold registration for failing to pay fines. Photo traffic enforcement does not constitute "service of summons." When you are issued a citation by an officer, they physically hand you the citation. This constitutes proper service and you, by signing the ticket, agree that you will answer the summons. No plea is implied. In the case of photo citations, the ticket is simply mailed to you. This does not constitute proper service and legally no action is required. You can simply deny that you ever received the citation. If a ticket was sent via registered mail, return receipt, I refuse to sign, thereby forcing the

company issuing these tickets to hire a process server (at substantial expense).

The simplest solution to avoid photo radar and red-light tickets is for automobile drivers to simply remove their front license plate. Although that in and of itself is against the law, it is a minor fix-it ticket (although it does give police full time probable cause to stop you). Motorcycle riders don't generally get caught by photo radar because there is no identifying symbol on the front of the bike (watch out for those leathers with your name on them though).

So what do you do if you just get caught "red-handed"? Well, never admit that you were doing it but smile, be pleasant, and don't ever hesitate to ask for a break. And there is one additional bit of advice for those who consider the speed limit in open spaces "merely a guide".

When I find myself exceeding the speed limit (by, perhaps, 40 or 50 m.p.h.) and see the CHP coming the other way, do I slam on my brakes, downshift drastically in a heart stopping attempt to slow down? Never. I stay on the throttle and give the cop a big wave, followed by a salute. I have done this more than a dozen times, then watched (in my rear-view mirror) the brake lights come on momentarily, then off as the car accelerates and disappears. I can tell what's going through the officer's mind.

"Hmm, he didn't even begin to slow down - he's gotta know he's really speeding. Why did he wave and salute? I'll bet he's a cop...Well, it's time for a break anyway..." Off he goes. One of these days, it's not going to work. But so far, it's had a 100% success rate.

If you're unlucky enough to find yourself on the other side of the law, remember to "Just say No".



Raisin' dough, bustin' Sue

CRIMES & JUSTICE

From Midwest Motorcyclist January/February 2004
<www.midwestmotorcyclist.com>

KATMAN'S CORNER

by Lawrence Katkowsky, Esq.

On December 10, 2003, Congressman Bill Janklow (R South Dakota) was convicted by a hometown South Dakota jury of manslaughter, reckless driving, speeding, and running a stop sign. The convictions stemmed from the killing of 55 year old motorcyclist, Randy Scott in a collision at an intersection near Janklow's home town of Flandreau, SD.

The conviction was obviously well warranted. But the case highlighted a question that has been put to me many times about the criminal prosecution of persons for auto related crimes resulting in serious injury or death to motorcyclists and the relation of those prosecutions to civil liability for damages.

The filing of civil cases for damages for such accidents is controlled by private plaintiffs and their attorneys. However, in criminal cases the Plaintiff is the state or local governmental unit, i.e., The People. The discretion for filing serious criminal charges (felonies and serious misdemeanors) is vested with the people's attorney, either the state attorney general or county district prosecuting attorney upon the filing of a complaint with his/her office. While the complaint is usually filed by an investigating police officer it can also be filed by a private citizen. It is important to know that in almost all state jurisdictions including Michigan where I practice, the attorney general or prosecuting attorney's discretion is absolute. He cannot be forced by suit of a private person to file a complaint. That fact was made clear by the Michigan Supreme Court almost 20 years ago.

There is another method of initiating criminal charges: The convening of a grand jury. However, in Michigan and most states, that can only be done on petition from the local prosecutor or attorney general. Michigan has a seldom used statute which enables a Circuit Court to convene a one-man grand jury. But that is rarely used at all, usually only in cases of alleged public corruption.

Several years ago I was involved in the traffic death of a motorcyclist's passenger who was killed when a local school board official turned left in front of the motorcycle on which she was riding. The local investigating police officers and the state police who they brought in to investigate recommended filing negligent homicide charges against the car driver. The local prosecutor (it was an upstate Michigan county which was mostly rural) procrastinated for over 1 1/2 years over whether or not to initiate a prosecution. Not being able to make up his mind (he was of limited experience and capability) he sent the package to the Michigan Attorney General's office for advice.

They advised him not to file the prosecution. They explained to me that it was their practice not to initiate criminal prosecutions for negligent homicide or manslaughter involving motor vehicles unless the defendant was guilty of some sort of "culpable" conduct. By "culpable" conduct they meant it to mean overt acts such as speeding, drunk driving, running a stop sign, driving without lights on, etc. They reasoned that in cases such as mine where the defendant simply did not see the motorcyclist before making her turn, and was not otherwise doing the forgoing wrongs, they would not prosecute for the felony. Of course that still left open the ticket for failing to yield.

Of course my clients were not satisfied. The conduct of failing to yield because she failed to see what was there to be seen falls squarely within the negligent homicide statute.

What can be done in such cases? If the case is highly publicized the community outrage is evident, the prosecutor could be pressured into prosecuting when he or she otherwise might not. Or they might just turn it over to the state attorney general's office to get it off their backs and hope the case goes away. Motorcyclists can keep the pot boiling by continuing to write to their local, state, and federal politicians. Sometimes that works. In the recent shooting death of a Detroit motorcycle club member by Eugene Brown, an infamous and still-employed Detroit cop, a prosecution was never started. But the city of Detroit just paid millions to the clubber's widow and children.

Which brings us to that point. There is no legal relationship between the criminal auto related offense and the civil one for damages (except in malicious prosecution suits which are not a subject of this article.) Therefore, the fact that a criminal prosecution is not brought, or is lost by an inept prosecutor even if brought, does not have a bearing on the civil suit for damages. As an attorney I am always interested in the criminal prosecution because the testimony by the witnesses and defendant is relevant in the civil case in a number of ways: The criminal case can tell us how strong our civil case will be from a standpoint of liability. Any admissions that the defendant makes in the criminal case, either in their testimony or in the statement to the court of what they did on a plea can be used in a subsequent civil case. But the fact of conviction or the taking of a plea of no contest, if allowed by the criminal court, cannot be introduced into the civil case.

By the time you read this article, I hope that former Rep. Janklow is in jail. I just wish that the same could be said for numerous other such offenders around the country.

Until next time, ride safe and free.

Lawrence S. Katkowsky, known as Katman in the motorcycling community, is an attorney with a litigation practice that is heavily oriented toward motorcycling issues and has an office in Bingham Farms. One of the incorporators and legal counsel of A.B.A.T.E. of Michigan, Inc. Larry has been actively involved in the motorcycle rights movement in Michigan, and nationally, for more than 25 years. His presence is respected both in the Courts and on the legislative front and he has written extensively on motorcycling issues. Larry is a certified motorcycle safety instructor and currently plates a 2003 Harley-Davidson V Rod, a 1987 Harley-Davidson FXRT, and a 1993 Harley Dresser. An avid guitarist and singer on the side, Larry and his wife, Natalie, live in Huntington Woods.

F**CK THE SYSTEM, RETURN THE FAVOR

By Beemer Dan (On the Malcontent Yuppie Bikers webzine, August 30, 2000)

<<http://users.nni.com/malcontentyuppiebikers/rant/rant55.htm>>

As you all know I was run over by a big f--kin truck. The Cop that arrived at the scene of my accident gave the driver at fault, a careless redneck moron in one of the biggest trucks made and then jacked up 3 feet higher than the law allows, a ticket for running a red light. She didn't ticket him for having an illegally modified vehicle or for reckless driving, reckless endangerment or in any way endangering the life of anyone. It was like he never even ran me over, like I wasn't even there. Some of the nurses and doctors and other people seem to think that it's my fault that I was run over by a worthless jackass in a big truck not paying attention. It was my fault because I was on a "dangerous motorcycle".

So the f--koff plea bargained his "running a red light" ticket down to a "defective vehicle" - 2 points and \$150 in fines and court costs. This for running me over, destroying my bike, breaking my leg in four places, breaking my hip, giving me a closed head injury, 18 days in the hospital, over 3 months without walking, constant nightmares, making every day filled with pain and agony. I had a speeding ticket once with a worse penalty than that! According to "the

man", it's worse for me to speed on my motorcycle and not hurt anybody or anything, than for some f--khead to buy one of the biggest damn trucks possible, run a red light and almost kill me. I was lying in the middle of the street screaming, with a broken leg, dislocated from a broken hip, bleeding from the head. My bike was trapped underneath the f--kers truck. Five witnesses said that it was the f--king truck driver's fault; he ran a red light and hit me. The cop gave him a ticket for running a red light, but nothing for taking away my damn life as I knew it.

In court the sh-t gets worse: the district attorney promised me, my girlfriend and my lawyer that she would up the charges of the bastard that hit me, then never even showed for the trial. The judge seemed to think I was asking for what I got because I was riding a motorcycle. The truck driver said that his light must have been green, otherwise he would have hit more people. The judge encouraged him several times and finally convinced him to take the aforementioned plea bargain.

So any stupid f--k can run red lights in a big goddamn truck and run over people if they got \$150 to spare, that's f--king great! If someone did this damage to me with a baseball bat they would go to jail for attempted manslaughter, but as long as you use a truck and say you didn't mean to do it, well that makes it f--king ok!

Now I find out that the truck driver's lawyer and insurance company can subpoena all of my medical records, including those from my psychologist. Why, so they can laugh about what a great job they did f--king up my life?

All of these f--k off morons in main stream society wonder how motorcyclists can become psychotic freaks not fit for public exposure. How they can become merciless angry lunatics that could care less who they hurt.

F--k it, all respect I had for our police and our justice system has just gone down the damn toilet. All assholes with trucks/minivans/SUVs should prove their value as fertilizer. So that's my rant, I'm gonna go take some f--kin pain killers.

Rev. Jon's side note: If Christopher Reeve had been paralyzed in a motorcycle crash instead of a horseback riding accident, right now everybody would be talking about what an idiot he is & how he deserved what he got, instead of calling him a hero for his courage in the face of adversity. Ride carefully out there folks, because if you get waffled, you can expect no help or sympathy from the medical system, the legal system or anyone else. Be forewarned: it's a cager's world and it ain't pretty.



Ride to Work Day, AMA Headquarters, 2003

AMA Press Release, February 23, 2001:

AMA Unveils New Initiative to Reduce Motorcycle Crashes

The American Motorcyclist Association has launched a new initiative to battle a major cause of motorcycle crashes: other vehicles violating the right-of-way of motorcyclists.

Called Motorcyclists Matter, this multi-pronged effort is aimed directly at some of the most common accident scenarios involving motorcycles and cars -- cases in which drivers turn left in front of an oncoming motorcyclist, pull into the path of a motorcycle from a side street or cut into a lane occupied by a motorcycle.

The Motorcyclists Matter campaign seeks to increase penalties for car drivers who injure or kill motorcyclists, and to raise public awareness of motorcyclists on the road.

"Research shows that more than half of all motorcycle crashes are caused by other vehicles violating the right-of-way of a motorcyclist," said Sean Maher, AMA director of state affairs. "By Increasing penalties and aggressively promoting motorcycle awareness, we hope to cut the number of crashes dramatically."

Under the new initiative, for those drivers who ignore the rules of the road and inflict injuries on motorcyclists as a consequence, the AMA will pursue a get-tough policy with state legislators. "Often, a driver convicted of violating the right-of-way of a motorcyclist gets off with a fine of \$100 or less, even if his actions result in serious injury or death," noted Maher. "The AMA is seeing increased penalties in those cases --\$200 to \$1,000 in fines and a mandatory driver's license suspension of 30 days to six months."

In addition, the AMA is asking states to develop a course for offenders, focusing on the vulnerabilities of motorcyclists, bicyclists and pedestrians. This class could be mandatory of right-of-way violators, or could be offered as an alternative to stiffer penalties.

Another component of the project is to encourage the creation of public information campaigns reminding drivers to watch for motorcyclists. These campaigns will include billboards, posters, radio spots, government proclamations and letters to newspapers.

The AMA will be working with state and local organizations across the country in an effort to kick off the Motorcyclists Matter program this spring. Clubs or individuals who would like to get involved in this project should contact Maher at 614 856-1900, ext 1265, or by e-mail at smaher@ama-cycle.org, and ask for the Motorcyclists Matter information kit.

AMA Motorcyclists Matter Program

Right-of-Way violations and Motorcycle Safety [issue brief]

Background: Over two-thirds of car-motorcycle crashes, and nearly half of all motorcycle crashes are caused by drivers, not by motorcyclists. Of the 1,319 fatal car-motorcycle crashes in 1999, 38 percent involved another vehicle violating the motorcyclist's right-of-way by turning left while the motorcycle was going straight, passing, or overtaking the vehicle.

The unfortunate truth is that a driver's inattentive left turn, unwary lane change, casual red light "run", or untimely cell phone call can, and often does, result in the death or serious injury of a motorcyclist. While the motorcycling community has made efforts to mitigate these right-of-way type crashes through enhancing motorcycle awareness via billboard, poster, media and other campaigns, the message to "watch for motorcycles" continues to be

unheeded by the general motoring public.

Compounding this serious traffic safety issue is the attitude of indifference that permeates law enforcement and the courts in matters regarding the violation of a motorcyclist's right-of-way. Lackadaisical prosecution, unspoken and sometimes spoken anti-motorcycle sentiment within the judiciary are telling signs of the sentiment that "motorcyclists don't matter." The National Agenda for Motorcycle Safety recognizes this problem noting, "Prosecutors and judges should be equitable when dealing with motorists who cause motorcycle crashes."

This societal and institutional indifference, combined with the substantial growth in motorcycling, increasing number of motorists on the road and the proliferation of in-vehicle technologies that exacerbate driver distraction creates an unprecedented urgency to address right-of-way violations in an aggressive manner that gets results.

Current Status: In general, right-of-way laws do not take into account the considerable vulnerability of road users such as motorcyclists, bicyclists and pedestrians. Consequently, the penalty for a right-of-way violator who dings a car, is generally the same as the penalty for a right-of-way violator that sends a more vulnerable road user, such as a motorcyclist, to the hospital or grave; a misdemeanor or summary offense with a small fine from \$25 to \$100.

Action: Introduction and enactment of legislation that enhances the penalties for right-of-way violations that cause injury to other road users, including motorcyclists, pedestrians and bicyclists.

Recommended enhanced penalties for right-of-way violations

1) Whoever is convicted of or pleads guilty to a right-of-way violation (or a violation of section xxxx, xxxx, xxxx, etc...) in which the offender is found to have caused injury, in addition to any other penalties, shall be fined \$200 and shall have their driver's or commercial driver's license or permit or nonresident operating privilege suspended for 30 days.

2) Whoever is convicted of or pleads guilty to a right-of-way violation (or a violation of section xxxx, xxxx, xxxx, etc...) in which the offender is found to have caused serious bodily injury, in addition to any other penalties, shall be fined \$500 and shall have their driver's or commercial driver's license or permit or nonresident operating privilege suspended for 90 days.

3) Whoever is convicted of or pleads guilty to a right-of-way violation (or a violation of section xxxx, xxxx, xxxx, etc...) in which the offender is found to have caused a fatality, in addition to any other penalties, shall be fined \$1,000 and shall have their driver's or commercial driver's license or permit or nonresident operating privilege suspended for 6 months. Fines should be credited to state motorcycle safety program funds. Alternatively, if an offender's education program exists or is established, funding could be provided in part from these right-of-way violation fines as well.

The AMA further recommends that priority be given to incorporating these enhanced penalties with the right-of-way violations most often associated with motorcycle injuries and fatalities...those occurring in intersections, while turning left, at stop signs and yield signs.

Program Outline: Putting a Stop to Right-of-Way Violations

While many in the traffic safety community, federal and state legislatures have been quick to regulate motorcycles and in some cases condemn motorcycling in the name of safety, little has been done to enhance motorcycle safety by holding those most responsible for motorcycle crashes and fatalities accountable...right-of-way violators. This neglect has led to an attitude of indifference

that permeates the motoring public, law enforcement and the courts in matters regarding the violation of a motorcyclist's right-of-way.

Though certainly not the only victims of those who violate rights-of-way, motorcyclists, along with bicyclists and pedestrians, are among the most vulnerable to injury when such a violation occurs. An inattentive left turn, an unwary lane change, or a casual red light "run" can, and often do, result in death or serious injury to motorcyclists.

Consider that more than one-half (1,319) of all motorcycles involved in fatal crashes in 1999 collided with another motor vehicle in transport. According to the National Highway Traffic Safety Administration (NHTSA), the majority of these crashes were of the two-vehicle type, in which seventy-six percent of the motorcycles involved were impacted in the front. In 38 percent (425) of these crashes the other vehicle was turning left while the motorcycle was going straight, passing, or overtaking the vehicle. And in 23 percent (262) of these crashes both vehicles were going straight.

In the landmark study, Motorcycle Accident Cause Factors and Identification of Countermeasures, 1981, researchers found that 64.7 percent of multi-vehicle crashes with motorcycles were due to the actions of the driver of the other vehicle. In addition, it was found that in 10.9 percent of single vehicle motorcycle crashes, another vehicle was at fault even though no contact occurred. Overall, it was found that half of all motorcycle crashes were caused by other vehicles violating the motorcyclists right-of-way.

Continuing societal and institutional indifference, combined with the substantial growth in motorcycling, the increasing number of motorists on the road and the proliferation of in-vehicle technologies that exacerbate driver distraction create an unprecedented urgency for the motorcycling community to tackle the issue of right-of-way violations in an aggressive, forthright manner. To that end, the American Motorcyclist Association announces the "Motorcyclists Matter" Initiative; a multi-component motorcycle safety initiative, the cornerstone of which is enacting state legislation to enhance the penalties for right-of-way violations that cause injury to other road users, including motorcyclists, pedestrians and bicyclists.

A multi-component motorcycle safety initiative from the AMA

The multi-component structure of this initiative recognizes that political climate, resources and support mechanisms vary from state-to-state. While one state may have a legislature that would be supportive of enhancing penalties, another may not. Similarly, resources may be more readily available to support an awareness program in one state than another. Whether pursued individually or collectively, any of these components will contribute to the enhancement of motorcycle safety through the reduction of right-of-way violations. The AMA encourages motorcycling organizations, as well as individuals to pursue components that are "right" for them. Following are the recommended components of the AMA's Motorcyclists Matter Initiative, along with descriptions.

1. **Enhanced Penalties for right-of-way violations**
2. **Awareness Programs**
3. **Law Enforcement, Prosecutors, and the Courts**
4. **Bicyclists, pedestrians and coalition-building**
5. **Offenders Education Course**

I. Enhanced Penalties for Right-of-Way Violations

The strategy of enhancing penalties to both elevate an issue and deter unwanted behavior has been applied successfully in a number of traffic safety initia-

tives. Perhaps the most notable is that of Mother's Against Drunk Driving (MADD). In virtually every state, traffic offenders face stiffer penalties and higher crimes if excessive alcohol or illegal drug use is involved while committing a traffic offense. This, combined with aggressive public information and education campaigns has led to an overwhelming societal awareness of the problems associated with operating a vehicle while under the influence of drugs or alcohol. Similarly, it is expected that enhanced penalties for right-of-way violations in combination with Public Information and Education (PI&E) campaigns will greatly increase the general motoring public's awareness of this issue and lead to reductions in right-of-way related crashes, of which motorcyclists are particularly vulnerable.

In general, right-of-way violations are considered minor misdemeanor or summary offenses. These typically have penalty provisions of a small fine ranging from \$25 to \$100, irrespective of whether the violator causes injury, serious bodily injury or in some cases a fatality.

This component does not seek to reclassify right-of-way violations to a higher misdemeanor or felony offense, but rather to enhance the penalty for the existing minor misdemeanor offense when the condition of a violator causing injury, serious bodily injury or fatality is met. In general, the AMA recommends the introduction and enactment of legislation that enhances right-of-way penalties to include a higher fine and mandatory suspension of driving privileges. Specific recommendations and sample language are included on the American Motorcyclist Association's recommendations for enhanced penalties for right-of-way violations page.

2. Awareness Programs

The AMA encourages the development of Public Information and Education (PI&E) campaigns targeting right-of-way violations of motorcyclists. Products such as billboards, poster campaigns, radio spots, news releases, proclamations and timely letters-to-editors can all be integrated to present an effective message reminding drivers to yield the right-of-way. The month of May marks the traditional beginning of the riding season and is an ideal time to launch these campaigns.

A possible funding source is Section 402 grant funding, typically available through your Governor's Highway Safety Office. In addition, the AMA will award five \$500 grants to non-profit organizations that develop a right-of-way campaign featuring the theme "Motorcyclists Matter." To request a grant application, contact Sharon Titus at (614) 856-1900, ext. 1252. Finally, please send examples of your awareness efforts to the AMA, c/o Motorcyclists Matter, 13515 Yarmouth Dr., Pickerington, OH 43147. These, in turn, will be assembled into an idea packet for further distribution.

3. Law Enforcement, Prosecutors, and the Courts

Integral to the successful reduction of right-of-way violations are consistent enforcement and adjudication. The AMA encourages concerned motorcyclists to educate local law enforcement agencies, prosecutors and judges about the serious issue of right-of-way violations. The enclosed fact sheet should aid in this regard.

Special emphasis should be directed toward prosecutors and judges to ensure they do not diminish the rights of individuals who are injured or killed while on a motorcycle. The AMA encourages aggressive monitoring of local motorcycle-related court cases. Prosecutors and judges who show a history of disregard for motorcyclists should be replaced through the election process. Examples of blatant judicial disregard for motorist right-of-way violations of motorcyclists should be mailed to the AMA, attn: Right-Of-Way, 13515 Yarmouth Dr., Pickerington, OH 43147. Based upon review, the AMA in turn will provide comment to the respective court/prosecutor and will apprise local AMA members of the situation.

4. Bicyclists, pedestrians and coalition-building

Lacking the benefit of a protective "cage", motorcyclists, bicyclists and pedestrians are considerably more vulnerable to injury and fatality when involved in a crash than occupants of other vehicle types. Additionally, bicyclists and pedestrians, like motorcyclists, are frequently the victims of right-of-way violations. It is reasonable that bicyclists and pedestrians also be afforded the protective benefits of enhanced right-of-way penalty legislation. Advocates should consider building coalitions with bicycling and pedestrian organizations to support enhanced penalty legislative initiatives and awareness programs. A good source for identifying local bicycling organizations is the League of American Bicyclists. They can be contacted at (202) 822-1333, or visit their website at www.bikeleague.org.

5. Offenders Education Course

The development and offering of an offender's education course focusing on the unique vulnerabilities of motorcyclists, bicyclists and pedestrians is encouraged. Participation in this course could be mandated for right-of-way violators, or offered as an alternative to the enhanced penalties outlined above. Possible funding sources for course development and delivery include fines collected from enhanced right-of-way penalties and Section 402 Highway Safety Grants. Several states may already have in place similar educational programs. Where these programs exist, advocates are encouraged to integrate a motorcycle safety component. To further aid in this initiative, the following materials are provided: AMA Press Release, Issue Brief, Enhanced Penalty Legislation Recommendations, NHTSA Traffic Safety Facts 1999: Motorcycles, National Agenda for Motorcycle Safety. For further information on the AMA's Motorcyclists Matter Initiative, contact Sean M. Maher at (614) 856-1900, or e-mail: smaher@ama-cycle.org.

From Moto Guzzi Owners News October 2003

<www.mgnoc.com>

OPEN LETTER FROM A DEAD MOTORCYCLIST

After almost getting creamed by a SUV running a red light on Saturday, I felt this to be a bit pertinent. Just promise me ya'll will make sure the idiot that creams me won't get a slap on the wrist.

An Open Letter from a Dead Motorcyclist

My name is Sandra Lee and I was killed on August 23, 2003 by a right of way violator. It is hard for me to be patient with people who say "it was just an accident." There was my death to consider and it matters. Whatever happened has consequences and they are irrevocable and irreversible. Since I am the one that died, I think the truth is owed. I know you didn't mean to kill me, but you did. The truth is you didn't take the five seconds to look twice before you turned. You could have saved my life! The truth is you weren't paying attention. You just didn't see me. One very real truth is that over two thirds of motorcyclist's deaths are caused by drivers, not motorcyclists. When one person dies it is a tragedy but when over 2,000 people die nationwide, it becomes a statistic. The unfortunate truth is that a lane change, casual red light run, untimely cell phone call or a driver's inattentive left turn can, and in my case did, result in death.

The truth is that the motorcycling community makes efforts to educate the driving public about the presence of motorcycles on the road. We are putting up billboards and trying to gain attention in the media. We are lobbying state governments for increases in right of way violation penalties. The saddest truth of all is that our message continues to go unheeded by the general public. There is an attitude of indifference against motorcyclists. My life was reduced to a ticket for a right of way violation. Just maybe, the person who killed me will get charged with misdemeanor death by vehicle. Probably though, the insurance company and the lawyers will get the charge reduced to

a right of way violation ticket. To them, the value of my life will be reduced to a \$25 fine. The truth is that "misdemeanor" and "death" should never be used in the same sentence. The truth about that violation is that my life was forfeited. I can no longer be a wife, a mother or a grandmother. Because you see - sometimes when you kill a motorcyclist, you also kill a family. My husband understands that you didn't mean to kill me, but you did. The truth is that cars are smoother and more comfortable to drive. It is easy to forget that you are moving two tons of steel and plastic down the road. Inside that car of yours, you had air bags, seat belts and anti-lock brakes to keep you safe. I guess a collision with a six hundred pound motorcycle just wasn't very threatening to you. Now you understand or at least I hope you understand that one more look, just five more seconds, could have saved my life.

The truth is there is an attitude of indifference by our legislators and our judicial system regarding matters of right of way violation. Perhaps they don't understand just how vulnerable I was. Perhaps no one believes that motorcycles have as much right to be on the road as other modes of transportation. It is time for legislators, prosecutors and judges to understand when dealing with motorists who cause motorcycle crashes that most of these "accidents" are preventable. I am dead or I would tell you these things myself. The truth is that it is ironic that I would be killed by a right of way violator. I spent the last year of my life lobbying for increased penalties for right of way violators in Raleigh. The truth is that the legislators were more concerned with the legal and insurance ramifications of increased penalties.

The truth is that throughout the ages, every minority on earth has had to fight for equality and it seems that now is the time for the 100,000 plus motorcyclists in North Carolina to stand up and demand that they have the same rights as everyone else on the road.

I hope the final truth is that, from this day forward, you will tell everyone you know that if only you would have looked twice, if only you would have taken five more seconds, you could have saved my life.

Spread the word. Motorcycles are everywhere.

NOTE: To continue Sandy's work in Raleigh and ensure that, in the future, penalties exist and will be enforced for right of way violators, get involved and be part of the solution. Raleigh CBA/ABATE of North Carolina meets on the first and third Tuesday each month at 7:00 P.M. at Carolina BBQ which is located in Garner at 733 U.S. 70 West. Our thanks are extended to Mrs. Lee's family for allowing us to use their very painful loss to make a difference.

Sandy had been riding for a long time. She had her own bike, and rode beside Ray, her husband. They live in Horry County, South Carolina, just over the NC/SC state line from CBA/ABATE of NC's Brunswick County chapter. They are solid citizens who believe in standing up for what's right. That's what brought them across the state line and into our organization.

The day she was killed, she was on her way to meet their grown kids for breakfast. Ray's bike was at a friend's so he took four wheels and followed Sandy. One of the bittersweet facts of this breakfast meeting was that their son was meeting them there...he'd just gotten home from Iraq less than two days before.

I won't go into the details, but suffice to say the person that killed Sandy had to cross three lanes to do it. Sandy was traveling about 40 mph and struck the car in the right front tire well.

Ray wasted no time getting to her side, but she was gone.

The letter was written by a friend and fellow chapter member of Sandy's. After talking with Ray, he wanted something to go out, something that he hoped would spur other riders to work harder on this Right-of-Way bill.

Those who knew her best say it was what she would have wanted.

Cindy

NEWSPAPER HEADLINE: "MOTORCYCLE HITS CAR"

"Motorcycle Hits Turning Car." That's a common headline in both newscasts and newspapers. Everyone knows it. But it's usually neither true or accurate. What actually happened was a car turned in front of a motorcycle, *then* the bike and car collided.

Whenever anyone on the road is killed or injured, regardless of the reasons or specifics of the particular accident, the individuals involved - and the greater public - all deserve an accurate and unbiased account. It's both good reporting and in the public interest. Understand this logically: A motorcyclist is traveling down a road and a car ahead is turning...so the motorcyclist rides into the car. Right? Correct? Does this make sense? Why didn't the nimble motorcycle avoid the car? Everyone knows that hitting a car is bad. Even motorcyclists. Perhaps the car turned into the motorcyclist (?). Motorcycles are smaller and harder to see than cars. An oncoming motorcycle's speed can be hard to estimate, too.

It's a lot more probable and logical that a car turns into a motorcyclist. Or just slightly ahead of the motorcyclist. Not "Motorcycle Hits Turning Car". The headline should read "Car Turns Into Motorcyclist" because the motorcyclist did nothing to initiate the accident. The unfortunate rider failed to avoid an unexpectedly turning car. To say the motorcyclist-hit-the-car shortchanges the truth and promotes a bias that favors drivers over motorcyclists. According to every traffic law, cars and motorcycles have exactly the same 'right of way' rights.

News editors and producers know that more consumers of their output are mostly car drivers, and that only a few are riders. The headline "Motorcyclist Hits Turning Car" directly supports the biases of the broader audience at the expense of both law and the truth. This sadly common and linguistically subtle...but still dishonest...way of presenting the news of an accident colors the story as 'them' (motorcyclists) versus 'us' (car drivers). Except for those in the news disseminating business. This is unfair. Of course, the audience appreciates knowing that it is more 'ok' to be a car driver than it is to be a motorcyclist.

Such unfairness would be a little less objectionable if motorcycling were not a clear social good. Beyond being an obviously stimulating and invigorating recreation, riding is also a socially responsible form of personal transportation that saves energy, reduces congestion, adds parking spaces, helps the environment and provides many other broad public benefits. Riding is actually a form of public transportation, in that one is always in full public view, just as one is while riding a bus, an airplane, or a bicycle. Motorcycle and scooter riding encourages better socialized transportation behaviors.

Shame on all those who write and produce misleading and harmful headlines like "Motorcycle Hits Turning Car" These spins and distortions are used over and over to describe this common type of accident. Not only did those directly involved hugely deserve a better and more honest coverage, the general public was also misled and further biased against a broadly beneficial type of vehicle.

Motorcyclists rarely ride into turning cars on purpose. But cars commonly turn into motorcyclists or just ahead of motorcyclists, without seeing them. That's a too-common traffic violation and a crime that victimizes everyone on the roadway. These accidents should be reported for exactly what they are. Everyone deserves truth. This particular truth.

Andy Goldfine 6/28/03

MN EQUAL MC ACCESS LAW

(this law is currently on Minnesota's books and reflects, as far as we can tell, an attempt to eliminate discrimination towards bikers wearing club 'colors') Well, hey, it's a start...

[604.12] [RESTRICTIONS ON DENYING ACCESS TO PLACES OF PUBLIC ACCOMMODATION; CIVIL ACTIONS.]

Subd.1. [DEFINITIONS.] As used in this section:

- (1) "place of public accommodation" has the meaning given in section 363.01, subdivision 33, but excludes recreational trails; and
- (2) "criminal gang" has the meaning given in section 609.229, subdivision 1.

Subd.2. [PROHIBITION.]

- (1) A place of public accommodation may not restrict access, admission, or usage to a person solely because the person operates a motorcycle or is wearing clothing that displays the name of an organization or association.
- (2) This subdivision does not prohibit the restriction of access, admission or usage to a person because:
 - (a) the person's conduct poses a risk to the health or safety of another or to the property of another; or
 - (b) the clothing worn by the person is obscene or includes the name or symbol of a criminal gang.

Subd.3. [CIVIL CAUSE OF ACTION.] A person injured by violation of subdivision 2 may bring an action for actual damages, punitive damages under sections 549.191 and 549.20 in an amount not to exceed \$500, injunctive relief, and reasonable attorney fees in an amount not to exceed \$500.

Subd. 4. [VIOLATION NOT A CRIME.] Notwithstanding section 645.241, a violation of subdivision is not a crime.

(1) Public Accommodations. "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(2) [Definition.] As used in this section, "criminal gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

(a) has, as one of its primary activities, the commission of one or more to the offenses listed in section 609.11 subdivision 9:

1st, 2nd or 3rd Degree Murder 1st, 2nd or 3rd Degree Assault Burglary Kidnapping False Imprisonment 1st or 2nd Degree Manslaughter Aggravated Robbery Simple Robbery Criminal Sexual Conduct Escape from Custody 1st, 2nd or 3rd Degree Arson Drive-by Shooting Possession/Unlawful Firearm Use Or attempt to commit any of these offenses: (b) has a common name or common identifying sign or symbol; and (c) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

From On The Level October/November 2003
<www.bmwmoa.org>

The View from the Bunker

by Bob Higdon

PART 120: BLACK HATS AND BURNING TIRES

It is a popular misconception that the law has something to do with justice, equality, morality, or ethics. Wrong. The law is actually about a favorite technique of Haiti's Tonton Macoute: draping a gasoline-soaked tire around a poor bastard's neck and setting it afire. Find a lawyer who's been in the courtroom trenches for a while, feed him six vodka martinis, and he'll admit it. Forget right v. wrong, fair v. unfair, or justice v. injustice. Your goal is to be the first guy to find a tire, some gas, and a match. If you can locate those tools of justice before your opponent does, you'll soon be farting through silk.

Except for occasional excesses like the FBI running amok at Waco, we, being an enlightened and compassionate society, usually stop short of striking an actual match. For most purposes, in both civil and criminal cases, it suffices to saddle the other side with a symbolic burning tire: The Black Hat. Every political contest -- a legal case or controversy is merely a structured variant of gutter politics -- begins with a race to jam that symbol of evil on the enemy's head before he sticks it on yours. If you succeed, the white hat is usually yours by default and everything that follows is just for drill.

There's nothing new here. It has been going on almost from Day #1 when God tossed the tire around Cain's neck and banished him from Eden. Cain was indeed a red-handed murderer, but in actual fact guilt rarely matters. Power is invariably the issue. Ask Socrates, Jesus, Thomas More, Joan of Arc, John Scopes, or Ezra Pound. They wore their black hats into eternity, though they were as innocent as Minnie Mouse. Modern examples are everywhere. See those black hats on Martha Stewart and the CEOs of Enron, Worldcom, Global Crossing, and Tyco? People lost their pensions because those sons-of-bitches wanted ermine shower curtains. Light those tires. The D.C. sniper trials will soon be underway but they're a complete waste of time. You can't tie up traffic on I-95 and the beltway the way these sociopaths did for weeks on end and not expect to wear those decorative Dunlops. I don't care what the defense might be; nobody does. Give them the spikes in their nasty arms, send them to hell, and let them spend eternity trying to extinguish those fiery necklaces.

At this point you may be wondering what these legal principles have to do with your and your bike. What are the chances, you ask, that someone might think you'd look better with your head on fire? Pretty good, actually, since there's a 38% chance you'll be involved in a motorcycle wreck before the week is out and a 67% chance that some negligent bastard (other than you) caused it.

The first thing you're going to need when you head to court is a good mouthpiece because people under stress can't think straight. I recommend that you consult the guy I'd go to when someone is aiming at me with a Metzeler torch: Jake Stein. He's the lawyer's lawyer in D.C. He represented the only defendant found not guilty during the Watergate trials, at a time where the smoke from burning fires blotted out the sun. You probably have seen him on TV standing next to another of his clients. Monica Lewinsky.

We've been neighbors for almost 25 years. He and the long-suffering Susan take the bus downtown every morning. One day she came home and asked if I would talk to Jake about a motorcycle case he was investigating. Sure, I said. I'm the neighborhood bike guru.

We met a few days later. He told the story. Biker and wife on Harley, packed to the gills for a weekend ride, experience sudden loss of tire pressure in rear tire. Biker controls rear-end wobble for a few seconds, tries to brake gently, but bike falls over at fairly low speed. Husband has some road rash but wife is

much worse. Head injury, permanent and grim. James spread out some photos of the accident scene. It didn't look all that bad, but it had been enough to rearrange some lives permanently.

Hungry lawyers advertise at 2:00 a.m. on TV and take any case that shows up. Jake hasn't been hungry for 40 years. He takes cases that interest him or that he can't lose. This one, if he decided to represent the bikers, had a value of a few million dollars.

"What's your theory?" I asked.

"Improper installation of the tire," he said. It had been put on by an authorized dealer the day before his potential clients began their ride.

"You'll want to consult with a tire guy," I said. I gave him the name of an industry expert. "And you should be aware of some downside risks that are unique to motorcyclists."

He knew what was coming. Who was likely to be stuck with the black hat here? It is the very first thing lawyers worry about when a case walks in the door.

"First," I said, "I wouldn't ask for a jury. Let the judge try it alone. I know it goes against your instinct, but ordinary people believe that motorcyclists have death wishes and consequently deserve whatever happens to them. I tend to agree with that, by the way. People who ride bikes have a screw loose. Normal people don't ride them. You know that. So skip the jury demand and hope that the defendant doesn't ask for one."

We both knew that wouldn't happen. Juries don't like corporations any better than they like bikers. We assumed that we could throw a flaming tire around the mechanic's neck (and, by extension, his corporate employer). But that wasn't going to do much good if the motorcyclists, who are born with black hats in the eyes of most juries, couldn't shake theirs. It's a lawyer's nightmare scenario, the case of Hitler suing Stalin. The normal reaction is to hope they both lose and rot in hell.

"Next," I continued, "these poor people were an accident waiting to happen, and when it did happen they were almost guaranteed to be hurt. Look at the way they packed this bike." I pointed at one of the photos. It was pure Harley styling: a three-foot sissy bar with maybe 80 pounds of junk stacked and bungied all the way up. "you want to pack a bike with the weight distributed evenly and low. This is undistributed and high. Trying to control this machine at low speed, particularly with a failing rear tire, would be like trying to steer a brick."

Jake frowned at the photo. The mechanic might have put the tire on backwards, upside down, and inside out, but if his lawyer could prove that the riders were equally, or even partially, negligent, all bets are off. That's contributory negligence. Depending on the jurisdiction, it can reduce or even completely eliminate a recovery.

"The helmets don't help either," I said. "They're called 'beanies,' named after the organ they theoretically protect but never do. You wear one to avoid tickets in states that require helmets. Is it better than no helmet at all? Maybe in an alternate universe. Would the head injuries almost certainly have been mitigated with a full-face, DOT-approved hat? No honest person could deny it."

This was more bad news. If you knowingly and voluntarily walk into a minefield, it's considered bad form to whine when you're blown to bits. There is a clear risk in riding without helmets; these bikers knew it and ignored it. It wouldn't affect the liability side of the case, but it could seriously flatten the monetary damages. Sometimes with a sympathetic plaintiff, the jury will overlook egregiously bad judgment. Is a biker sympathetic? Maybe to another biker. Maybe to his sister or Mother Theresa. But to a jury? Not in my world.

Some wise men think that truth magically emerges from the adversarial process and that angels visit juries to assist the common people in their deliberations. I wish it were so, but confidentially I'd rather place my trust in the tooth fairy. The legal process redefines uncertainty every day, based as it is in a thousand years of fiction, hope, and power politics.

The case that Jake was thinking about taking was even tougher. Here he would be hoping for a little uncertainty. Sure, a nice lady lay in a bed somewhere with her brain in pieces. She had been a wife, a mother, a worker, and a friend. Now her life was unrecognizable. Had she been hurt in a car, plane, boat, or roller coaster, maybe there would be money to help her out one day. It might have been, but she was aboard the wrong vehicle. And on top of the bandages that now cover her head she wears a black hat.

2004 L.A. International Motorcycle Show Volunteers:
(L to R) David Hamilton, Sharyn Namnath, Dominic Namnath
Photo by Bruce Armstrong



2004 Chicago International Motorcycle Show Volunteers:
(L to R) John Crowe, Bill Crowe, Emily Crowe

If you would like to volunteer to help staff a Ride To Work booth at one of 2005's motorcycle shows, contact us at <propaganda@ridetowork.org>

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Fold

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Ride To Work advocates and supports the use of motorcycles for transportation, and provides information about transportation riding to the public.

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Ride To Work is a 401C-4 Non-Profit organization

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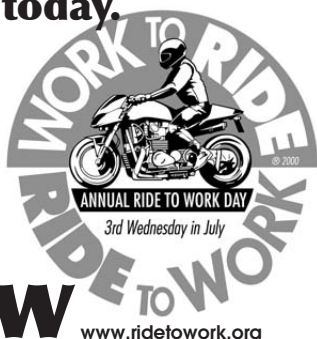
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Thank you all for your messages, kind comments and questions about how to increase Ride to Work awareness in your area. The best way to help is by continuing to ride to work yourself. Everyone seeing you riding for transportation learns that motorcycling has everyday transportation applications and advantages. Beyond, that, you can download copies of the Ride to Work newsletter, The Daily Rider, from <www.ridetowork.org> and distribute those to anyone in your area who might benefit (**co-workers, motorcycle shops, your insurance agent, emergency health care workers, police, local news organizations, etc...**) from these informational and advocacy materials. Ride to Work Inc. is a non-profit organization that is funded entirely by individual contributions. Help us reach more riders and non-riders with information about the value and benefits of transportation motorcycling by making a contribution to Ride to Work.

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IN THE NEWS



The American Motorcyclist Association and the Ride For Kids foundation have both endorsed Ride To Work Day. Many thanks to these two worthwhile entities.

Contact Information:
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(1-800-AMA-JOIN)

<http://www.ride4kids.org/>
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