

## FREEDOM ISN'T FREE ! GET INVOLVED !



# A.B.A.T.E. of Northern Nevada



*Don't Forget the Motorcycle Rider's Foundation Best of the West Conference is Being Held in Elko June 2007. Please Call Connie at 744-4570 to volunteer. We need at least 15 volunteers from A.B.A.T.E. to make this event a success.*



John Bland, President

November 2006

## MESSAGE FROM THE PRESIDENT

The Nevada Day Parade was a total success! Thank you Connie Campbell and Vicky Andrus for your organizational skills that made it happen. The throwing of toys was a hit with the crowd. We may need to wear our leathers and helmets in the next parade to protect ourselves from the over zealous kids and adults. Thank you ABATE members for your enthusiasm, great costumes, and community involvement. It's the very foundation of the "Grass Root" strength and power that we learned about in our high school history classes. See Living on The Edge, for more details regarding the parade. It's important to always be thinking about why it is necessary for ABATE to participate and be active in our community. I believe we are winning the understanding and support of our community and community leaders by exposing ourselves to our community in positive ways. I have a strong feeling that we have created a motorcycle organization that has stimulated the curiosity in Elko citizens in such a way that many of them might like to become ABATE members, or at least supporters. This is the road to our success. We must gain the support of the majority to

accomplish our freedom fighting missions; we can not do it alone. We are a good organization with a very important message. We are patriotic, our American freedoms are important, and freedom is worth fighting for. Now, what red blooded American wouldn't respect us for that stance? An example of our local political influence and success is the fact that sheriff candidate Sgt. Dale Lotspeich and running mate Rocky Gonzales has come to our last two monthly meetings. Dale, Rocky and wives, attended our after parade barbeque at Elko Trophy. I have spent hours talking to Dale and Rocky about Nevada's helmet law and why it needs to be changed to volunteer adult use. I am impressed that they have been open minded and willing to listen. I believe Dale has accepted our view. Rocky, being a highway patrol officer is a little harder nut to crack, but he is listening, and he knows we have a valid issue. Rocky told me, "It's all about money". This is where we have the edge because money has nothing to do with it as far as ABATE is concerned. It's all about American adult Freedoms and excessive government

micromanaging and oppressing our lives. Rocky has become aware that the existing helmet law is poorly written after attending our meetings and if a helmet ticket were challenged in court the judge may throw the case out. This puts police officers in an awkward position. Rocky, now aware of this dilemma, called and talked to the chief, or president of NHTSA. National Highway Transportation Safety Administrators and asked about the ability to enforce the existing helmet law as written. Rocky was told by the head of NHTSA that the helmet law needs to be changed (thrown out I hope) or rewritten. So, it's obvious they know the helmet law, as written, may not be enforceable. For example: The existing helmet law requires that all helmets meet the Federal Motor Vehicle Safety Standards. It is my understanding that there has never been a helmet standard developed. After all, what would it say? It would look pretty stupid to develop a standard that required the use of a helmet designed and tested for 14mph, known to increase

neck/back injuries and death; be required to be worn at highway speeds, hello! Rocky said the head of NHTSA would be willing to discuss the helmet issue over a conference call with us. This is really big! This is like talking to North Korea about stopping their nuclear development. NHTSA has been the primary organization pushing for a national motorcycle helmet law for 30 years, outlawing of custom bikes etc. I will need to give this offer some serious thought. I assure you we will not conference without some heavy hitter freedom fighters such as, Jeff Henne, from MRF on line. Thank you Dale and Rocky for showing your interest in or organization and issues, I appreciate your willingness to understand our desire to protect American Freedoms.

I try to put myself in the shoes of our legislators and law enforcement to understand why they may be reluctant to change the existing helmet law. I'm sure it is a great reward to the politician to become a legislator. They must feel that their personal judgment is recognized as superior to be elected into this position. Their supreme judgment skills will now decide what laws should be placed upon the citizens of the great state they serve. This is one of the most powerful positions an individual can have, to make laws that will control (oppress) the masses. This same ego enlightened individual is not going to accept it well when their judgment is questioned. The legislator is typi-

## Message from the President Continued.

cally being asked by special interest groups for state taxes to fund their government trough fed programs. Just imagine how this swells the legislator's heads and fulfills their desperate egos. The legislator will receive much praise and honors from those chosen few who are fortunate enough to receive the tax money handouts. On the other hand, why would the legislator want to take a law off the books? Creating laws are their purpose, their power, their dominance. To change Nevada's helmet law would be admitting they have been wrong for 30 years, a big thorny pill to swallow. Legislators are not accustomed to being asked to grant freedom, this is not comfortable for the legislator. Legislators are almost always asked to create a new law, to tax the majority, to protect or assist some facet of our society. They have nothing to gain by relaxing or relinquishing an existing law. This is why they have no desire to change the helmet law. The problem is the same with law enforcement. They are important because their job is to enforce the laws, again a very powerful and ego filled position. The last thing law enforcement wants to hear is that we don't need them to enforce a law, what a letdown. They would have to eat a big piece of crow pie after ticketing and harassing us for 30 years enforcing helmets.

One more thought that has been tumbling around in my mind. Isn't it interesting that there are all these law suits against the tobacco companies for not properly educating the public about the dangers of their products. These law suits are generating millions or maybe billions of dollars, some of these funds are now being used as college grants. The gun manufacturers are threatened with lawsuits if a crime is committed with a gun they manufactured. I see a problem; we have helmet manufacturers that are manufacturing a safety device that is causing neck injury, back injury and paralysis. These manufacturers need to be scrutinized and vulnerable to the same legal actions. After all, the general public has been led to believe that the helmet will protect your head but they have not been properly informed that it will also increase neck/back injury and death. When serious injuries or death occur because of a helmet, the helmet manufacturer needs to be held accountable. This is as serious as the tobacco industries misrepresentation in my mind. The helmet manufacturers are so aware and concerned about their liability that all helmets are being manufactured overseas where they cannot be sued for selling a mandated safety device that can injure and kill its user.

Sincerely,  
John Bland, President- ABATE of Northern Nevada



John Bland as Uncle Sam  
At the Nevada Day Parade



A Close-up of Uncle Sam  
Connie did a Great Job on His Costume

## *Living on the Edge*

By CJ

Everybody loves a parade, especially in Elko. It seems any and all occasions will suffice. ABATE members have participated in many of these parades over the years, but the Nevada Day Parade 2006 will be the most remembered thus far. The theme for the parade was "Dress for Success" but ABATE members had already planned a costume contest, with \$100.00 at stake for incentive. Almost all of the 20 bikers that showed up were in costume. It was difficult to tell who was who under the many ghoulish masks and cloaks. From the Queen V in her royal Queen of Hearts outfit, to Dead Riding Hood and the fearsome wolf, to Uncle Sam and the red-headed leopard, the pirates and witches, to the ladybug and scarecrow. The best statement came from the gruesome headless rider on a pole with cell phone attached. It was perched above a bloody sign reading, "The Last Guy who cut me off in traffic." Well at least we had a doctor in the group. The weather warmed up nicely before the parade began so we enjoyed a beautiful day and had a lot of fun in the process. I personally had a good laugh at John Bland getting ready to be Uncle Sam. He wanted me to spray his beard white, so he decided to put a plastic grocery bag over his head and nose. Well it worked, and I'm sure the safetycrats would not have approved of that procedure but it served the purpose. We sorted toys on Thursday night before the parade and decided we had more than enough stuffed animals to throw to the kids along with the usual candy during the parade. It turned out to be a very successful move for us. The combination of all the costumes, candy and toys earned us a first place plaque from the judges in the adult category. I'm sure the Elko community knows who we are now, although I will have to ask the next parade organizers to line up the motorcycles before the horses and mules. Horse manure and motorcycles just don't mix. All in all it was a great day and I thank all of you that participated! Winners in the costume contest that was judged by John Ellison are as follows:

Charlie Myers as a pirate, John Bland as Uncle Sam, Connie Campbell as a redheaded leopard, and Deb Bonetti as Dead Riding Hood.

On November 11<sup>th</sup> there will be the Veterans Day Parade; we would like to do something patriotic for it. We will let you know at the next meeting on November 9<sup>th</sup>.

I'm still looking for volunteers to confirm with me that they will be available June 22-24, 2007 for the Motorcycle Riders Foundation, Best of the West Conference in Elko.

November is here and the Festival of Trees starts on the 27<sup>th</sup> and ABATE will be participating with decorated trees and gingerbread houses. We are not receiving money from the event this year but we were recipients last year, so we have plenty of money left over. We have voted to do something different with Christmas for Kids this year. Vicky Andrus should have finalized details soon. We will also be having a float in the Parade of Lights on December 9<sup>th</sup>. We have lots of stuffed animals to hand out.

I would like to congratulate ABATE members for their community involvement and the excellent reputation that has been created in the Elko community. We've come a long way and we appreciate your support. Keep up the good work!

*Photos from the Nevada Day Parade Costume Contest*



Dyna as Spiderella



Uncle Sam and the Red-Headed Leopard



Dead Riding Hood



Uncle Sam, Dale and the Cell Phone Head

DO SOMETHING TO PROTECT  
YOUR RIGHTS  
JOIN A.B.A.T.E. TODAY

MEMBERSHIP APPLICATION

Jr. Membership (16 & Under) \$5.00

Name: \_\_\_\_\_

**NEW/RENEWAL**

**SINGLE**

**1 Year \$20.00**

**COUPLE**

**1 Year \$30.00**

**LIFE MEMBERSHIP**

**(SINGLE) \$250.00 / (COUPLE) \$375.00**

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_

E-mail Address \_\_\_\_\_

I understand that all benefits become effective upon receipt of my membership card. I agree to hold harmless A.B.A.T.E. of Northern Nevada for any accident that may occur at A.B.A.T.E. of Northern Nevada sanctioned events.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Comments, Suggestions, Problems or any way you can help A.B.A.T.E. of Northern Nevada

\_\_\_\_\_

Mail Applications to:  
A.B.A.T.E. of Northern Nevada  
P. O. Box 1566  
Elko, NV 89803  
[abatennv.org](http://abatennv.org)

Office Use Only

Date \_\_\_\_\_ Rcvd\$ \_\_\_\_\_ By \_\_\_\_\_

FYI:

Here's NRS 486.231. Protective headgear and glasses: Standards; when use required.

1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.
2. Except as provided in this section, when any motorcycle, except a trimobile or moped, is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened to the head and protective glasses, goggles or face shields meeting those standards. Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shield which meet those standards.
3. When a motorcycle or a trimobile is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.
4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.
5. When a three-wheel motorcycle, on which the driver and passengers ride within an enclosed cab, is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

**9. How does a helmet get added to NHTSA's approved helmet list? DOT or NHTSA does not "approve" motorcycle helmets, thus, there is no list of "approved" helmets. The National Highway Traffic Safety Administration (NHTSA) has the statutory authority to issue Federal Motor Vehicle Safety Standards (FMVSS) applicable to motor vehicles and items of motor vehicle equipment, including motorcycle helmets. The law establishes a self-certification process in which the motorcycle helmet manufacturers certify that their products are in compliance with FMVSS No. 218, which establishes minimum performance requirements that the products must meet. NHTSA enforces the standard by randomly selecting and purchasing motorcycle helmets from the marketplace and testing to the requirements of the standard at independent test labs. (source unknown)**

Check Out these Websites:

[www.mrf.org](http://www.mrf.org)  
[www.bikernation.us](http://www.bikernation.us)  
[www.ldrlongdistancerider.com](http://www.ldrlongdistancerider.com)  
[www.lets-ride.com](http://www.lets-ride.com)  
[www.nevadagop.org](http://www.nevadagop.org)  
[www.thereidworld.com](http://www.thereidworld.com)  
[www.damnbikers.com](http://www.damnbikers.com) (good jokes)  
[www.harleylovers.proboards56.com](http://www.harleylovers.proboards56.com)  
[www.CycleQuest.com](http://www.CycleQuest.com)  
[www.AMAdirectlink.com](http://www.AMAdirectlink.com)  
[www.motorcyclists-against-dumb-drivers.com](http://www.motorcyclists-against-dumb-drivers.com)

If you have a favorite website, send it to me and I'll post it. Thanks, Deb

*More Photos of the Nevada Day Parade*



Red-Headed Leopard



The Huckabys

Arizona, New Mexico, and Texas already have, or will be trying to pass laws making Poker Runs and 50/50 drawings illegal.

***From the AZ Gaming Department's Pamphlet...***

Poker Runs and 50/50 Drawings or Raffles 'Poker Runs' for charity (such as those staged by motorcycle or car clubs) amount to illegal gambling under Arizona Law. Poker Runs typically have a participant pay a registration fee or purchase cards or hands at various rally points. At the end of the run, a cash prize is usually awarded based on the hand received. Even if the contribution goes to a charitable cause, participants still pay money for the chance to win a prize, which makes the activity illegal.

50/50 drawings or raffles, where the funds raised are split 50-50 between the fund-raisers and the winner, are also illegal gambling. Again, the participant is required to purchase tickets for a chance to win cash. Raffles are only permitted if they are conducted by tax-exempt organizations under very strict conditions set out in statute. See [A.R.S. § 13-3302](#), exclusions, subsections (b), 1, 2, 3, 4.

Links: <http://www.azag.gov/consumer/gambling/statutes.html> or <http://www.azgaming.gov>

(This note came to me via CycleQuest. [www.CycleQuest.com](http://www.CycleQuest.com) CycleQuest LLC, P.O. Box 864, Glendale, AZ 85311)

***More Photos from the Nevada Day Parade***



## *Can We Overturn the Helmet Laws In Every State Through Our Courts?*

Part 2.

by Madd Ray Henke ( <http://www.motorcyclists-against-dumb-drivers.com> )

This is the second in a series of articles about Richard Quigley, "American Biker Folk Hero." I've corresponded with Richard Quigley for some time, and we've had some wonderful long phone conversations in which we've discussed the legal issues presented by his original Santa Cruz case in which he obtained his highly publicized ruling throwing out his helmet tickets on constitutional grounds. I've read and we've discussed his pleadings and points and authorities in the case. We've also discussed his current work to extend his constitutional victory in Santa Cruz to obtain freedom for bikers throughout the state of California and elsewhere.

I've also spent many hours sitting and talking rapidly back and forth with him outside his local coffee shop, often gathering crowds around us as the locals have come to recognize that they have an American folk hero in their presence. He stops at the coffee shop every day to make sure that the homeless are not being pushed around by the local Sheriff or deterred by shopowners from gathering in what he has declared the "town square." I've spent time riding with him as he patrols the County of Santa Cruz in his blue Suburban, with his Freedom Fighter/BOLT "Sheriff's Star" on either side, his two tape recorders at hand, watching for police harassment and ready to jump in.

I looked up the definition of "folk hero" to make sure I would use it correctly, and he falls squarely within the definition:

"A folk hero is type of hero, real or in mythology, who is loathed by the rich and powerful but idolized by the common person, often stealing from the former to make life better for the latter. The folk hero generally starts off as a regular person, but is transformed into someone extraordinary by their rebellion against oppression upon their own lives."

Quig did not have a happy childhood, the details of which I'm sure Quig wouldn't mind my relating, but which are not what is important to this story. It is important though, in order to understand Quig well, to know that the seeds of his rebellion were planted early. At six years of age he ran away from home for the first time, with his dog, and his gun, a 22 rifle. He made it 300 miles, from his home in Morenci Arizona to Silver City, New Mexico. He thought he had a job cleaning rooms in a small motel, but he found he'd been misled when his parents came to retrieve him.

Later in life he worked every kind of straight job from bartender and car salesman to corporate marketing executive. As with the folk heroes described in the above definition Quig had his defining moment when he was harassed one day by a Santa Cruz policeman. He was pulled over in his van, got out and walked to the back of the van, the policemen ordered him to get his registration and pushed him up toward the door. Quig reached over his 45 Magnum and grabbed the registration. The harassment continued and Quig realized at that moment that we were all vulnerable to bad cops. He took a stand with the police department, internal affairs did an investigation, but upon the officer's denials, took no action. Quig sued in Superior Court, and won a judgment against the County, for one dollar. But it was a victory of principle.

That was the beginning, and Quig hasn't let up since. He got the Aptos Sheriff removed from office, the conclusion of a toe to toe battle over police harassment, and a \$45,000 1st Amendment judgment against the City after the Sheriff threatened a radio station for one of Quig's "commentaries" about the local Sheriff on his weekly radio show. I've spend some time speaking with the attorney who represented Quig on that case and she has been his good friend, participating in his many of his forays into the courts over the past 20 years.

***Can We Overturn the Helmet Laws In Every State Through Our Courts?, continued from Page 7.***

Part 2.

by Madd Ray Henke ( <http://www.motorcyclists-against-dumb-drivers.com> )

To give you a picture of Quig, just imagine ZZ Top. In another life he could have been one of them. He was pianist, a music prodigy, although he doesn't play music anymore. He does still love music, most of all "dirty music" a full disk of his favorites he gave me and I have gotten a kick out of listening to them. One of his favorites is "If you don't know me, just blow me" in Frank Sinatra style, with a symphony and ensemble of background singers.

Quig's work opposing helmet legislation began simply with his refusal to wear a helmet. He fought some 40 cases over the past 15 years leading up to the most recent ones which have come to the attention of the biker community. There is a wonderful story attached to each one, representing the evolution of his tactics in defeating the prosecutions.

There is a misconception that Quig has obtained a ruling in his last case that the California helmet law is unconstitutional as written. There was previous litigation which took this position and succeeded in the Federal District Court, but on appeal the District Court's decision was limited by the 9th Circuit Court. This is the Easyriders decision. There is controversy about whether the lawyer sold out the bikers in that case, permitting the 9th Circuit to sidestep outright overturning of the law based on the misapprehension that DOT "approves" helmets.

Given that decision, but without ever conceding that the the helmet law was constitutional as written, Quig then took the fallback position that the law was "unconstitutional as enforced." He amassed a wealth of evidence that the California Highway Patrol was enforcing the law according to a misinterpretation that the California law required the use of DOT approved helmets. As Quig points out, DOT doesn't approve helmets; so all of the policy memoranda providing "guidance" on the law to CHP and all other law enforcement officers who take their lead from the CHP are on their face legally erroneous. The CHP policy memoranda also permit the police to inspect the helmets to determine whether they comply with DOT specs, but as Quig points out, CHP and other California law enforcement officers are clearly not qualified to make this determination. Every time Quig was pulled over he would also tape record the conversations with the police and interrogate them on their understanding of the law. The tape recordings are hilarious, and demonstrate clearly that the law enforcement officers on the street have no clue that DOT doesn't approve helmets, nor do they have any clue what the DOT specifications are, let alone the ability to test a helmet to determine if it meets specs. To be clear for those who do not understand the function of DOT, DOT has just set the standards, manufacturers certify their helmets as in compliance with the standards, and are required to attach a DOT sticker, but there is no requirement that the biker maintain the DOT sticker on the helmet, so the absence of the DOT sticker doesn't imply anything.

When Quig first came up against Santa Cruz Superior Court Judge Barton, it was not a favorable experience. But as Quig reappeared before him, it is obvious that Judge Barton both came to like him and became convinced that Quig had a constitutional point. Quig presented his evidence of the CHP internal policy memoranda and his telephone conversations and the testimony of the various officers who had given him the tickets. And he presented wonderfully well drawn legal memoranda discussing the constitutional cases. Most recently, as I think most bikers know, Judge Barton threw out 10 of Quig's tickets and then another two, holding significantly on the grounds that the California helmet law was unconstitutional as enforced.

**Can We Overturn the Helmet Laws In Every State Through Our Courts?, continued from Page 8.**

Part 2.

by Madd Ray Henke ( <http://www.motorcyclists-against-dumb-drivers.com> )

In the hearing transcript one can see that the Judge wonders aloud whether this result will satisfy Quig, and Quig quickly responds that it will not. Yes, he can now ride free of the California helmet law in Santa Cruz, but he wants all California riders to be able to ride free throughout the state. Currently Quig is involved in seeking an injunction ordering the CHP and all related California law enforcement agencies to cease and desist writing helmet laws. For reasons I've suggested in other postings, I think that he has a good chance of being successful.

I have added my own 2 cents in long conversations both with Quig and his attorney. I think that Quig will win in the trial court but that he may find the California 6th District Court of Appeals a tougher nut to crack. I know well one of the appellate judge's before whom Quig has previously been before and whom Quig fears. I tried a pharmaceutical product liability case before him day in and day out for 5 months up in Palo Alto, California. As a "side bar" one day in the middle of trial the Judge couldn't make it in to Court one morning because of a family emergency; but he had a courtroom full of lawyers waiting for his early morning divorce and probate calendar. The Judge told his clerk to "Have Henke sworn in, and let him take the morning calendars." The head clerk was brought up to the Judge's chambers and I was sworn in as a Judge of the Superior Court (for a day), I donned the Judge's robe, and then heard and decided the Judge's morning cases. I've since dropped in to see him in his office at the Court of Appeals, and I think I know him pretty well. What I think would be persuasive to this Judge and others of the Judges on the appellate court is to explain also the consequence of the vagueness of the helmet statute and the discretion it then gives to the police to stop bikers as giving rise to the potential for abuse of their rights against unreasonable search and seizure. It is legal for police to stop and search as a matter of constitutional law, but the police must have probable cause for the stop. If the police are given essentially full discretion to pull over any biker they "chose," on the pretext to check to see if the helmet meets DOT standards, and then search the biker, our rights against unreasonable search and seizure evaporate. This argument derives from the same defect, in the vagueness of the law, and in the wide discretionary authority implied by the CHP policy manuals. But my sense is that in the Court of Appeals, the Judges may be additionally or perhaps more impressed if that they see that this is not just about helmets, but about our rights to be free of discretionary police stops and searches.

There is a wonderful environment of legal thinking that centers around Richard Quigley, in part because he is legal thinker in his own right, indeed the most creative and foresightful of all. But he also has the wonderful ability to attract and inspire others to stand up for their rights. Quig told the story of a friend who was popped in Oregon for riding without a helmet. Quig looked up the law and found that the Oregon helmet statute was a civil law, not a traffic or criminal law. He told his friend to show up at Court, post the bond and move to indemnify the damages. This then put the ball back in the state's court to prove up the damages, and of course there were no damages. The Oregon court then threw out the ticket, and Quig tells his Oregon brothers, ride free. You don't even have to change the law.

Earlier today I spoke with Quig's attorney for a couple of hours about another case he is involved in. As I think many may not know it, but Quig is involved in all kinds of causes and litigation. But specifically in challenging helmet legislation he is working now also to overturn the Nevada helmet law, both by negotiation and litigation. They presented the same arguments as were made in the California case to the Nevada attorney general and the Nevada highway patrol, and lo and behold, they agreed! So now, as I understand it, at least in terms of Quig's negotiations with the Nevada AG, Quig has been allowed to ride free in Nevada, so we would hope that our Nevada brothers and sisters will also test the law -- Quig can ride free, that is, except through Las Vegas. The Las Vegas Metro Police apparently take issue with Quig's and his lawyer's argument. Quig

**Can We Overturn the Helmet Laws In Every State Through Our Courts?, continued from Page 9.**

Part 2.

by Madd Ray Henke ( <http://www.motorcyclists-against-dumb-drivers.com> )

has raised this issue with the Las Vegas Metro from his home in California, through e-mails stating that he has a group of bikers who intend to ride from California through Nevada to Laughlin, without helmets; and wanted the Las Vegas Metro Police to assure that they could do so without running into police harassment. They received a polite response back from the Las Vegas Metro police, telling them that if they want to pass through Las Vegas that they must wear helmets, and that the police would then leave it to the Courts as to the constitutionality of their enforcement practices. Now that might be reasonable enough, except that they went on to say that whether Quig's group will be ticketed will be left to the "discretion" of the individual officers. Well, this is the problem with the law, it is vague and leaves it's enforcement to the discretion to the police officers. And so Quig and his lawyer figure they are one step further to making his evidentiary case there.

Now, what is the lesson. In speaking to Quig and his attorney and thinking about this myself, it seems to all three of us that every helmet law in every state in the country suffers the same defects. I believe that all but one is phrased in terms referring to the DOT standards. For the same reasons urged by Quig here, the laws are vague, and any enforcement policy would probably have to suffer from the same vagueness as has been found here to lead to its constitutional infirmity. Indeed, in other states, and in other cases brought to the state high courts or federal courts the argument could be made in the first instance that the state's statutes are also unconstitutionally vague as written, in addition to unconstitutionally vague as enforced. Our 9th Circuit opinion is authority, but it can be shown to be based upon the misconception that DOT approves helmets.

Quig has had his run ins with some biker organizations over the years. He was even thrown out of ABATE for his insistence before the California legislature that ABATE's favored "under 21" helmet law discriminated against the 18, 19 and 20 year olds. That's Quig! Always fighting for those who are left out. But Quig hasn't patented his formula for success, and indeed he welcomes bikers in every state to copy his pleadings and points and authorities and fight the system that has for so long oppressed them.

With Quig's permission I will be reprinting on the Motorcyclists-Against-Dumb-Drivers site the briefs from his case in the California Superior Court, and Quig's attorney will be sending me the pleadings she is preparing to challenge the Nevada law. These can be used as a form for the presentation of these same issues in any state, with some modifications in the legal authorities. As noted, I think that most laws can be challenged as vague on their face. But I think it might be important also to develop the evidence that the statutes are also vague as enforced, and this can and should be done, as Quig did it, by gathering the state highway patrol internal memoranda on enforcing the state's helmet law, and then I think it might be great to get a couple of cops on tape about their understanding of the law as they are issuing the tickets, before they are prepped by the prosecutors, ideally to elicit that they are under the misconception that DOT approves helmets. Although good interrogation of the police officers should be able to demonstrate that the officers have no ability to discern whether any particular helmet meets or does not meet the specifications set forth by the DOT and incorporated in the state law.

Quig started out by wearing little beanies, and then his now trademark baseball cap with DOT printed at the back. But if the law is unconstitutional or unconstitutional as enforced, it is unconstitutional, and we are free to ride free, meaning without helmets.

I should say I came to these conclusions first with a good deal of skepticism, so I wouldn't fault those who may be skeptical. Time will tell, here in California and in Nevada, and we hope that our Oregon brothers will test Quig's wonderful insight that they can just walk into Court, post the bond and move to indemnify the damages. I think it would be wonderful indeed if at least one biker in each state, ideally with the help of an appropriately qualified and enthusiastic attorney, would test each state's helmet law in the way that Quig has

**Can We Overtake the Helmet Laws In Every State Through Our Courts?, continued from Page 10.**

Part 2.

by Madd Ray Henke ( <http://www.motorcyclists-against-dumb-drivers.com> )

here.

We need more biker folk heros like Quig. Indeed, every state needs one.

One more point: As Quig and I sat out near the Santa Cruz beach, in his Freedom Fighter truck, passing back and forth his peace pipe, watching the waves, and for the police who sometimes come along to clear out the homeless, Quig said, "Ray, thanks a lot for telling my story on Bruce-n-Ray's Biker Forum." This was a posting in which I'd explained that Quig suffered end stage lymphoma, and that he was having trouble paying both for his medications and for the transcripts and other costs of his litigation. I shared with the folks on the Forum what should be obvious from what I've written above. Quig can ride free now. No police officer wants to get within 100 yards of him. He isn't doing this for himself; he's losing weight, and indeed he confides in me that his doctors didn't think he'd make it this long, and he doesn't figure he'll make it to see this winter. He is doing all this only for the rest of us.

As I passed the pipe back to him he said: "You know, Ray, I've gotten a lot of checks in the mail since your posting. I really appreciate it."

For all who have sent Quig a check, Thank you. Thanks from Quig.

If anyone would like to contribute to Quig's work, you can mail checks directly to him. Even 20 dollars would be great.

His address is:

Richard Quigley  
2860 Porter Street, PMB 12  
Soquel, CA 95073

I will be heading back down through Santa Cruz in a couple of weeks and will be meeting up with Quig again. I hope to report at that time about the status of his application for injunction here in California and any movement with the Las Vegas Metro.

Keep the faith,

"M-A-D-D Ray" Henke

<http://www.Motorcyclists-Against-Dumb-Drivers.com>

Co-Moderator, Bruce-n-Ray's Biker Forum, LDR Long Distance Riders

> >> >Please post replies here:

> ><http://www.ldrlongdistancerider.com/forum.html>

(Many thanks to MADD Ray for letting me reprint this story. Check out MADD Ray's website at <http://www.motorcyclists-against-dumb-drivers.com>. Debo)

Here's a Note from our friends at CMA: Another Holiday Season will be here soon.  
>We wanted to invite ABATE to our Holiday Meal December 8, 2006 at VFW hall  
>from 6pm to 8 pm. >Please spread the word  
>Thank you. >Dayle Everts

**NEVADA'S PUBLIC SERVANTS**

Gov. Kenny Guinn  
State Capitol Building  
Carson City, NV 89710  
Phone: 775-684-5670

Sen. John Ensign  
U. S. Senate  
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Phone: 202-224-6244  
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Sen. Harry Reid  
U. S. Senate  
Washington, D.C. 20510  
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State Sen. Dean Rhoads  
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Elko Phone: 777-7920  
[www.house.gove/gibbons/  
contactjim.htm](http://www.house.gove/gibbons/contactjim.htm)

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**ELKO COUNTY COMMISSIONERS**

Elko County Courthouse  
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Elko, NV 89801

Charlie Myers  
934-8118 or 738-4746  
[charlesmyers@citlink.net](mailto:charlesmyers@citlink.net)

Sheri Eklund-Brown  
738-5612 or 738-4773

John Ellison  
738-6284

Mike Nannini  
752-3748 or 738-4078

Warren Russell  
753-4723

**2006 Elko County Election Dates**

May 1 First day to file declaration of candidacy  
May 12 Last day to file declaration of candidacy  
May 23 Last day candidate can withdraw name from ballot  
July 15 Last day to register to vote by mail or at an agency  
July 25 Last day to register to vote in county clerk's office  
July 29 Early voting for primary election begins  
Aug 11 Last day of early voting for primary  
Aug 15 Primary election  
Oct 7 Last day to register by mail or at an agency  
Oct 17 Last day to register in the County Clerk's Office  
Oct 21 Early voting begins  
Oct 27 Nevada Day, no early voting  
Nov 3 Last day of early voting  
Nov 7 GENERAL ELECTION

**MRF LEADERS' REPORT**

Motorcycle Riders Foundation

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jeff@mrf.org (e-mail)

http://www.mrf.org (website)

#06LR06 - MRF LEADERS' REPORT – October 26, 2006

TO: The Leaders of the American Motorcyclists' Rights Movement

FROM: Jeff Hennie, MRF Vice President - Government Relations

SUBJECT:

MRF Leaders Report

October 26, 2006

(A copy of the Lautenberg Letter is attached.)

LAUTENBERG LETTER - Recently, Senator Frank Lautenberg (D-NJ) sent [a letter](#) to all fifty governors praising the benefits of compulsory state helmet laws. Eighty-two-year-old Lautenberg is gearing up for a fifth Senate term in 2008 and appears ready to continue his efforts to mandate safety. While Lautenberg played down his sound defeat on the Senate floor last year following his call for a vote on a mandatory motorcycle helmet law amendment, he closed his recent letter suggesting similar legislation may be introduced in the United States Senate in the near future.

The Motorcycle Riders Foundation (MRF), along with Garden State ABATE (ABATE of NJ) and the American Motorcyclist Association (AMA), arranged a meeting with Mr. Lautenberg's DC office staff. The purpose of the meeting was to attempt to determine if the Senator's goal is to save lives or merely to grandstand, using the helmet issue for personal political gain. During the meeting, staffers revealed that while Lautenberg is a tireless advocate of highway safety, his preferred method of achieving his goal is with a federal or state mandate.

Safer highways are important to both the MRF and Mr. Lautenberg. However, historically mandates prove not to be the solution to the problem, as Mr. Lautenberg would have you believe. The MRF position will always be that quality education and effective measures assuring road user accountability will result in safer roads for everyone. The MRF will continue to educate Mr. Lautenberg, informing him about the methods and practices that do work when it comes to motorcycle safety. We will continue to closely monitor his intentions. Intuition tells me he is not prepared to abandon the concept of helmet mandates any time soon. You are encouraged to contact the Governor's Highway Safety Representative in your state and inquire about the letter. Ask if a response has been or will be sent to Lautenberg's office by your state. The MRF does not recommend that you contact Senator Lautenberg's office at this time. If history is any indicator generating a national response will only serve to provide unwarranted attention and validation for his unsolicited letter.

**FREEDOM ISN'T FREE ! GET INVOLVED !**

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A.B.A.T.E.'s Website: [www.abatennv.org](http://www.abatennv.org)

**Christmas for Kids, Inc.**  
Vicky Andrus – President 777-7955  
Jacque Orr – Vice President  
Trudy Whetton – Secretary  
Jenn Hobbs – Treasurer

**Freedom Isn't Free  
Join A.B.A.T.E. Today**

**New Members and Renewed Members**  
Miles Eklund  
Tony Farcello  
Bill and Deb Bonetti  
Mike Gerber  
Darin and Kristie Smith

**UPCOMING EVENTS**

**• A.B.A.T.E. Meeting November 9, 2006**

(A.B.A.T.E. Meetings are held on the second Thursday of every month at 7:00 P.M. at the Round Table by Raley's.)

- **Veteran's Day Parade (A.B.A.T.E. is doing a Patriotic Float)**  
Watch for e-mails for time and place. November 11th.
- **Bike Nite has been cancelled due to lack of participation.**

Call Deb at 738-6015 if you'd like to list your event here.



Charlie and Tammy Myers

Many Thanks to Tammy Myers for sharing her photos of the Nevada Day Parade.



Whatever you do, don't cut Dale off!!!!!!!!!!



The Whole Group