

News For Thought



Motorcycle-Only Checkpoints Challenged

Since 2007, the New York State Police, along with other county and local police departments, have been conducting motorcycle-only police checkpoints on the roadways of New York State, often targeting major motorcycle events. Authorities claim that the purpose of these stops, at which they issue numerous tickets for helmet and exhaust pipe violations, is to advance motorcycle safety.

"Being a motorcycle rider myself, as well as the Aid to Injured Motorcyclists (A.I.M.) Attorney for New York State, I was asked by ABATE of New York to contest this infringement on the rights of motorcyclists," said Mitch Proner, who then advised the State Police and municipal authorities of his intent to file suit on behalf of ABATE and the National Coalition of Motorcyclists if the discriminatory roadblocks continued.

"My letter was ignored and consequently, with the help of then-President of ABATE, Robert "Prospector" Boellner, I found class representatives to bring my action against the New York State Police as well as the other municipal agencies and elected officials participating in these stops," explains Proner.

In the first lawsuit of its kind in the United States, the NYC law firm of Proner and Proner is challenging the constitutionality of this unwarranted police action on First, Fourth, Fifth and Fourteenth Amendment grounds in the Federal Court for Northern District of New York.

"The United States Supreme Court has long recognized that when a motorist is stopped on the roadway, there is a 'seizure' under the Constitution," Proner notes, adding that "Whether or not this 'seizure' is unconstitutional depends on whether or not objective facts indicate that society's legitimate interests warrant the seizure and the degree to which it intrudes on the individual's personal liberties."

Although the lawsuit is still in the discovery stages, internal memorandum which police have been forced to disclose as result of the lawsuit indicate that members of the NYS gang unit are assigned to work the checkpoints and Proner thinks the Court will agree that the stops are designed primarily for law enforcement purposes as opposed to public safety purposes. "Rather than promoting any legitimate public safety concern, the checkpoints are intended to harass and intimidate motorcyclists attempting to attend motorcycle events thereby depriving them of their First Amendment right to freedom of assembly as well as their Fourth, Fifth and Fourteenth Amendment rights to due process, equal protection and freedom from unreasonable searches and seizures" he concludes. www.ON-A-BIKE.com

U.S Defenders Ask Judge To Send Manslaughter Case To Trial

A state district judge in Texas has rejected a plea bargain that would have placed a blind woman on deferred probation in the traffic death of motorcyclist. Judge Ralph Strother of Waco's 19th State District Court refused to accept the plea deal in a felony manslaughter case that involves a vision-impaired 39-year-old who was driving without a license and was cited at least twice before for the same offense.

The U.S. Defenders, a politically-active arm of the Confederation of Clubs, conducted a "Call to Action" and Judge Strother's office was inundated with 1,200 letters from motorcycle enthusiasts who urged him not to accept the prosecutor's recommended plea deal.

Trena Evette Mitchell, who is legally blind and had four children in her car when she turned in front of Richard Craig Schroeder's motorcycle last December as he was returning from a toy run, withdrew her guilty plea and her case is now set to go to trial in mid-August.

Mitchell had been scheduled for sentencing in late July, but the judge moved up her case after more than a thousand motorcyclists said they would ride to the courthouse to show support for Schroeder, known as "Hat Trick" to his biker friends.

"Last year we worked with the legislature to net a minimum fine for those who injure or kill an innocent party by encroaching on their right of way," said Sputnik, State Chair for the Texas Motorcycle Rights Association (TMRA-2) and Chairman of the National Coalition of Motorcyclists' Legislative Task Force (NCOM-LTF). "We did not receive a single no vote in the House or Senate on SB 1967. Unfortunately we did not take into consideration a Plea Bargain where they could be given adjudication and end up not being found guilty. It is apparent that we shall have to return to the bill's sponsor Senator Carona and reconstruct SB 1967 during the upcoming session to make allowances for such an occurrence." www.ON-A-BIKE.com

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Helmets Stink

Helmet LAWS Suck, but new technology can make helmets smelly too! Helmet manufacturers inform buyers that they should replace their helmet every couple of years because miniscule cracks can develop over time rendering them structurally unsound, or to discard a helmet immediately if it is involved in an accident or even dropped. It's sometimes difficult to determine with the naked eye when a helmet loses its effectiveness, but researchers at the Fraunhofer Institute for Mechanics of Materials in Germany have developed a way for your nose to tell when your lid has outlived its usefulness. When your helmet is getting past its prime, it will start to smell. If it develops any large cracks... well, your nose knows.

The secret lies in odoriferous oils, enclosed in formaldehyde resin microcapsules. These microcapsules are in turn added to liquid polypropylene, which is injection-molded to form the shell of the helmet. When the shell breaks, the capsules rupture, and stinking ensues. The Fraunhofer researchers used a computer simulation to calculate the number of capsules needed, then used mechanical testing to check that they would rupture shortly before complete structural failure.

"Smell detection is already in use for coated metal components. We are applying the process for the first time to polymer materials," stated Fraunhofer's Dr.-Ing. Christof Koplin. "The cycle helmet is being used as a demonstrator. Work on the capsules has finished and we are now completing characterizing tests on individual configurations." Possible other applications could include pressure hoses, and water and gas pipes. www.ON-A-BIKE.com

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Survey Reveals Motorcycle Safety Practices

Consumer Report's latest survey reveals the safety habits of motorcycle and scooter owners across the U.S.

- * A little over half of more than 1,300 respondents said they had taken a formal riding instruction course.
- * Nearly 1 in 4 said they don't always wear a helmet when they ride.
- * Half of the respondents reported regularly wearing protective boots, and less than half said they regularly wear gloves.

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- * About 25% said they always wear a leather, or other protective jacket when riding.
- * Fewer than 10% always wear protective pants or clothing in high-visibility colors.
- * Three out of five riders admitted to riding in a short-sleeved shirt, and about a quarter said they rode in shorts. www.ON-A-BIKE.com

Weird News: Woman Fined For "Not Having a Clear Field Of Vision"

A woman driver wearing an Islamic face veil was ticketed by French traffic police for not having a clear field of vision. The 31-year-old French citizen was fined euro22 (\$29) in early April based on a rule that says drivers should have freedom of movement and a sufficient field of vision, her lawyer Jean-Michel Pollono said.

Pollono told reporters that he is protesting the decision, saying a veil is no different from a motorcycle helmet in terms of hindrance to vision; "If the veil is forbidden behind the wheel... then full helmets for motorcyclists should be banned, because you can't see on the sides."

Following months of parliamentary discussion and government talk about banning veils in public, the case has escalated in the media spotlight. The woman's husband has since been accused of polygamy and fraudulently benefiting from state financial aid for single parents paid to each of his four wives -- all of whom wear veils. www.ON-A-BIKE.com

Quotable Quote: "Patriotism is easy to understand in America; it means looking out for yourself by looking out for your country."

Calvin Coolidge (1872-1933), Thirteenth President of the United States