

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

October 2006

MESSAGE FROM THE PRESIDENT

There are motorcyclists, and probably a few ABATE members that think we spend too much time and effort toward changing Nevada's motorcycle helmet law. There are other issues facing us such as EPA mandates, restrictions on customizing bikes, exhaust noise levels, etc. We will never be without work when it comes to protecting our motorcycle interests. Laws that restrict our freedoms are being introduced at a frightening rate. Every two years thousands of bills or new laws are introduced. I have asked our own membership during a past monthly meeting if we should continue focusing our effort on changing Nevada's helmet law and the response was unanimous that we should. ABATE members and most motorcyclists want this law changed. So, united we stand! We demand change to the unfair and discriminating Nevada helmet law.

The helmet law is full of ambiguities. Why are we being mandated to wear this safety device that is not designed, tested, or approved for its intended use? The helmet is only designed, tested and approved to protect your head up to a 14 mph impact. It is wrong to be ticketed and fined

if you choose not to wear this, less than effective, safety device. You will be pulled over and fined if you're caught riding your bike 75 mph on the highway not wearing a helmet that is designed for a 14 mph impact! This is wrong! It does not make any sense. Why is it so damn hard to get the public and law makers to see the stupidity in mandated helmet use? It is a known fact that it is not only ineffective but it increases neck injury and paralysis. Yet, moped riders are not required to wear a helmet. These scooters travel at low speeds, so the helmet design could actually protect the moped rider. It is truly discrimination against motorcyclists that we are mandated to wear helmets but nobody else is. Shouldn't moped riders, bicyclists, skiers, mountain bikers, off-roaders, ATV'ers, horsemen, bull riders, sky divers, car drivers, skateboarders, and cops, be required to wear them too? The helmet is apparel, just like gloves, jackets and pants. It is not our government's place to mandate proper adult apparel. We are adults and very capable of deciding what to wear when operating our vehicles. You've heard

the public burden cry stating that if the helmet law is repealed head injuries would cause excessive cost to our State indigent fund. This is another one of those belligerent false claims. If 75% of highway accident related head injuries are in automobiles, and there is really a desire to reduce head injury medical costs, then they need to consider mandating helmets in cars. Of course this is unlikely to happen because the general public and our legislators don't want to wear a helmet in their car, or anywhere else for that matter. They won't wear helmets in their cars because the helmet is ugly, it would mess up their hair, they are hot, restricts their hearing and vision, grandma would look funny in one, and the baby cries with it on. Just imagine that.

It is wrong to mandate a safety device that is known to cause neck/back injury and death. The helmet manufacturers are so aware of the liability associated with the motorcycle helmet that all helmets are manufactured in other countries. It is difficult to sue a manufacturer in a foreign country

because their helmet maimed or killed an American motorcyclist. Get a clue law makers. This is not a safety device that should be mandated. It is wrong to ticket and fine an adult if they choose not to wear it. It is not government's role to micromanage American adults and determine what is, and what is not, safe for them. This is the land of the free! I love this country and the freedom it stands for. The helmet law is a small part of a much larger problem: the loss of American freedoms and personal rights, taking away the ability to make decisions for ourselves. It is wrong to not let our government know when we are unhappy with their decisions, especially if their decisions involve taking freedom away from us. Millions of Americans have fought and given their lives to protect our personal freedoms. We have a responsibility to let our officials and legislators know that we will not let freedoms be taken away without a fight. There are states in the union that have not had helmet laws for over 30 years and bordering states that have mandated helmets for 30 years. I find it bazaar that they still can not determine, without a doubt, if there are more or less head injuries in a helmet mandated state. It's pathetic that we have to continue to fight to have a choice whether to wear this questionably effective, obtrusive, safety device.

Social acceptance obviously plays a major role in our laws. The use of cell phones in auto

Message from the President Continued.

mobiles is a great example of this. Statistics are now concluding that cell phone use in automobiles is causing more highway accidents and deaths than drunk drivers! There has probably been a billion dollars spent educating, ticketing, and jailing drunk drivers over the last twenty years. Drinking and driving is now totally unacceptable in our society, and those who are found guilty driving under the influence will find their personal lives destroyed by our legal system. On the other hand, cell phone use in the automobile seems to be socially OK. Society seems to be turning its head to the death toll caused by cell phone use that is now exceeding drunk driving caused deaths. Most people, including our legislators, enjoy the convenience and pleasure of driving and talking. Mothers against drunk drivers have made quite a name for themselves clearing our roads of drunk drivers. I'll bet my bottom dollar you'll never hear about "Mothers against cell phone drivers" they like their cell phones.

I see the social acceptance of motorcycle helmet laws similar in a twisted way. Sure, the majority think we should do everything possible to protect those poor vulnerable motorcyclists. I'm sure there are automobile drivers that feel if they have to wear a seat belt, motorcyclists should be protected too, with a helmet. Helmets look like they would protect the head right? It's better than nothing, right? Maybe not, but turn the table and suggest the use of helmets in their cars and it will fall on deaf ears.

As the population of the world and Nevada continues to grow, our freedoms will become more difficult to keep. Gun ownership, water rights, grazing rights, public land use, etc. will all become more threatened. With thousands of new laws being introduced each legislative session our American freedoms are constantly under attack. Our ABATE organization and your membership is a strong voice in protecting our rights and freedoms. We have an important role, a patriotic role, to speak out when our American adult freedoms are threatened. We, for the most part are motorcycle enthusiasts. We are focusing on motorcycle rights and issues. We will remain understanding, supportive, and passionate to other organizations that have found their way of life, their American dream of freedom threatened.

I believe the fight to regain a simple personal freedom is worth the time and effort it takes.

Sincerely,
John Bland, President- ABATE of Northern Nevada



John and the Shovel



John and Vicky Andrus
"Go Away John, It's not dinnertime yet."

Living on the Edge

By CJ

Fall is a splendid time of the year. It is a great season for motorcycling riding on crisp, clear days. I love the colors and decorations that go along with fall, sadly though it is a reminder of the winter season to follow and no motorcycle riding. I usually stay very busy throughout the holidays, but come January and February I can't wait to start riding my bike again and those of you that ride know what I mean. We spend our time reminiscing about rides already taken. How we froze our butts off that Labor Day weekend at Cave Lake. How the Crawdad Festival there turned into a Mexican Fiesta because the neighbors stole our crawdads. Or maybe the trip to Beatty and Death Valley this past April that was the hottest ever and some riders were close to heat stroke. At least we have our stories to see us through the winter months. I hope the new ABATE members will try to join in on our activities because we do have a lot of fun and it's a great way to make new friends and riding buddies.

The Las Vegas Bike Fest in September proved to be quite interesting. None of us attending had ever been to it before so it was a whole new experience. No we didn't ride our bikes to it, not only because we were hauling ABATE merchandise and booth tables but because riding a motorcycle in Las Vegas is suicide in my book. Of course Dale Andrus thinks the Vegas freeway is fun, weaving in and out of 90 mile an hour traffic, but try asking Vicky Andrus and I think she will confirm my opinion. Our booth at Bike Fest was indoors at the Cashman Expo Center which was great considering it was hot and windy all weekend. Full Throttle Productions are the promoters for the event and they do know how to make things go smoothly for vendor set up and take down. (Lots of Rules) The Cashman Center is quite large and it was filled with vendors inside and out. As co-founder of the Elko Motorcycle Jamboree I found it odd that the other half of the event was down on Fremont Street and nowhere were participant bikes allowed to park within either of these areas. They were all designated to inconvenient parking lots. So much for ogling each others motorcycles. Coincidentally, the Las Vegas Bike Fest was started one year after the Elko Motorcycle Jamboree, copy cats. Probably one of the highlights for John Bland and I was being able to take the 47 Indian Chief down there and show it off. Arlen Ness's sales representative offered John \$30,000 for it, but it's not for sale ha ha. They also had an indoor show called the Art of the Motorcycle, nice display, and lots of outlandish custom bikes. The majority of the motorcycles on display lacked the internal engine parts and components to make them run, strictly for show. It's no wonder all these exotic looking custom bikes can't really be ridden any distance comfortably or at all for that matter. Dale's favorite bike was a chopper that was built using practical parts such as wrenches and a shoe store foot measurer for running boards, at least the builder had a sense of humor. Bike Fest was successful for ABATE of Northern Nevada. We came home with seven pages of names and contact information on people interested in helping with the helmet issue in 2007. This is the mass contact list John Bland refers to periodically in his Presidents Message. All in all the contacts we made, and the fact we let Southern Nevada know who we are and what we are doing will be helpful in 2007.

The First Frost Joker Poker Run was great fun. Thank you to all who attended and welcome to some new members. We had a great turn out and it was good to spend time with friends and members we haven't seen all summer. Dale and Vicky Andrus, John Bland and I, Bill and Deb Bonetti, Andy and Tammy Stewart and Trudy Whetton all spent 2 nights at the Ryndon Rv Park with camp trailers. As always we had enough food to feed the army and then some. A special thank you to Ma Bonetti and her culinary skills with a Dutch oven, she created a delicious peach cobbler and of course we rounded up some vanilla ice cream to go on top. Thank you also to Evon Snyder for the killer homemade fresh salsa. I don't know why food tastes much better when camping, but it does. Andy Stewart had the winning poker hand, 2nd place went to Enos Vega, and 3rd place went to Amber Lyons. Dale Andrus won the 50/50 raffle. Once again we auctioned off a couple of items. The first item was a tattoo gift certificate donated by our friend Nick DeCarlo at TNT Tatoo. He is in Elko for a couple of weeks and does great ink as many ABATE members can attest. The other auction item was an engraved knife that went for \$250.00 and was bought and donated back to ABATE by Dave Huckaby. It was re-auctioned off to Donny Wisner for \$185.00. Thank you everyone for your support and generosity. It was great fun. *Continued on Page 6.*

*Photos from the First Frost
Joker Poker Run at Ryndon*



DO SOMETHING TO PROTECT
YOUR RIGHTS
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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

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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
www.bikernation.us
www.ldrlongdistancerider.com
www.lets-ride.com
www.nevadagop.org
www.thereidworld.com
www.dambikers.com (good jokes)
www.harleylovers.proboards56.com
www.CycleQuest.com
www.AMAdirectlink.com
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 First Frost
Joker Poker Run at Ryndon.*



Future Rider Garrett Hobbs

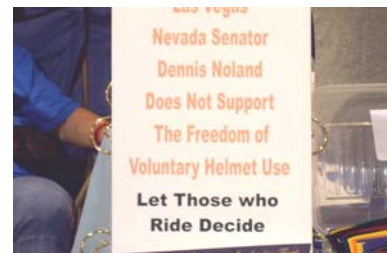


Future Rider Abby "Chipster" Andrus

Living on the Edge, By C.J. continued from Page 3.

I've heard rumors of a Jim Gibbons, Dina Titus debate to be held in Elko on October 20. If it happens I hope ABATE members will be there. Another activity this month will be the Nevada Day Parade on Friday Oct. 27, 2006. Dave Huckaby has asked ABATE members to be in the parade and ride our motorcycles if possible and wear a Halloween Costume. He is giving \$100.00 for the best costume. We also thought this would be a good opportunity for an ABATE Potluck (more food), to be held at Elko Trophy and Picture This. They will also be hosting a pumpkin carving contest and auction that afternoon with the proceeds going to Trick or Treat Street. Watch your e-mail for confirmation or attend the October monthly meeting on the 12th. Keep in mind Christmas for Kids and the Festival of Trees coming soon. I have already begun working on the Motorcycle Rider Foundation, Best of the West Conference. The conference has been mentioned in the MRF newsletter and Easy Rider Magazine. So stay tuned for more details as we go. Ride Safe everyone!

Photos from Las Vegas Bike Fest 2006



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

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

Richard Quigley Must be Our Inspiration. I Believe He Will Gain The Right for All California Riders to Ride Free. He Figured A Way for All Oregon Riders to Ride Free Even Without Changing The Oregon Law. He has Negotiated The Death of the Nevada Helmet Law Except in Las Vegas Where He is Set to Challenge The LV Metro Police. Quig Insists That it Can Be Done Anywhere. But What We Need to Do Now Is understand Richard Quigley, Understand What He Brings to His Cause, We Need to Find Inspiration in His Story, And We Need One Richard Quigley Now In Each Lid State.

> >Dear Two-Wheeled Friends:

> >I've been corresponding with Richard Quigley for some time, and we've had some wonderful phone conversations where we have discussed the legal issues presented by his Santa Cruz case, his pleadings and points and authorities in the case, and his current work not just in Santa Cruz, but to obtain freedom for bikers throughout the state of California and elsewhere. I've also spent many hours sitting and talking 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 or deterred 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.

> >Quig is an extraordinary man. I looked up the definition of "folk hero" to make sure I was using 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 I will spare you; but to understand him well it is important to know that the seeds of his rebellion began 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 definition Quig had a defining moment when he was harassed one day by a Santa Cruz policeman. He was pulled over in his van, got out and moved 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, at least of principle.

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

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

>>That was the beginning, and Quig hasn't let up since. He got the Aptos Sheriff removed from office 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.

>>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, and most enjoys "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 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, Quig then took the 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

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

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

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.

>

> >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 into 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.

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

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

>>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 low and behold, they agreed! So now, as I understand it you can ride free in Nevada -- except through Las Vegas. The Las Vegas Metro Police apparently take issue with the argument. Quig has raised this issue 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 LV Metro police, telling them that if they want to pass through that they must wear helmets, and that the police would then leave it to the Courts. No that might be reasonable enough, except that they went on to say that whether they 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 is 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 legislature that ABATE's favored "under 21" helmet law discriminated against the 18, 19 and 20 year olds. That's Quig! 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.

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

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

>>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 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 the B & R Forum." This was the 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 you 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 is 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 for all the rest of us.

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

>>For all of you who were kind enough to send 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 soon and will be meeting 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

>>Motorcyclists-Against-Dumb-Drivers

>>Co-Moderator, Bruce-n-Ray's Biker Forum

>>Please post replies here:

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

(Many thanks to MADD Ray for letting me reprint this story. ABATE members, MADD Ray will be sharing his second Quig story with us next month. Check out MADD Ray's website at <http://www.motorcyclists-against-dumb-drivers.com>. Debo)

NEVADA'S PUBLIC SERVANTS

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

Sen. John Ensign
U. S. Senate
Washington, D.C. 20510
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Fax: 202-228-2193

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U. S. Senate
Washington, D.C. 20510
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1 (866) SEN-REID (736-7343)
Fax: 202-224-7327

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P. O. Box 8
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Phone 756-6582
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Drhoads@sen.state.nv.us

Rep. Jim Gibbons
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Elko Phone: 777-7920
[www.house.gov/gibbons/
contactjim.htm](http://www.house.gov/gibbons/contactjim.htm)

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ELKO COUNTY COMMISSIONERS

Elko County Courthouse
571 Idaho Street
Elko, NV 89801

Charlie Myers
934-8118 or 738-4746
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

**ELKO TROPHY
PUMPKIN CARVING
CONTEST**

FRIDAY OCTOBER 27TH
10:00 A.M. ON COMMERCIAL STREET
SHOW SOME ABATE SPIRIT AND
SHOW UP ON YOUR MOTORCYCLE
IN A HALLOWEEN COSTUME
\$100 CASH PRIZE FOR THE BEST COSTUME
DONATED BY DAVE HUCKABY
POTLUCK BBQ AFTERWARDS
AT
PICTURE THIS AND
ELKO TROPHY
PUMPKIN CARVING CONTEST TOO

FREEDOM ISN'T FREE ! GET INVOLVED !

A.B.A.T.E. of Northern Nevada
P. O. Box 1566
Elko, NV 89803

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Membership Coordinator: *Trudy Whetton*
Newsletter Editor: *Debbie Bonetti*
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A.B.A.T.E.'s Website: 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**

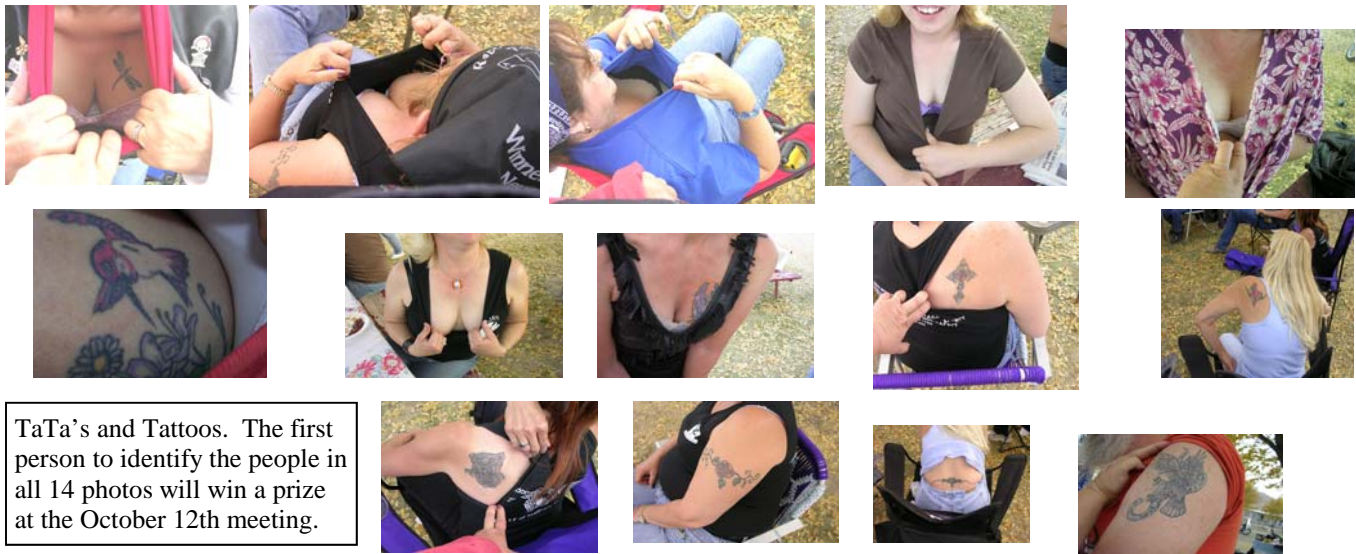
Dress up in your favorite Halloween Costume and come ride with us in the Nevada Day Parade. Dave Huckaby is giving a \$100 Cash Prize to the Person with the Best Costume.

UPCOMING EVENTS

- **A.B.A.T.E. Meeting October 12, 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.)

- **Nevada Day Parade Costume Contest and BBQ (maybe)
Friday, October 27 10:00 A.M.**
- **Bike Nite has been cancelled due to lack of participation.**



TaTa's and Tattoos. The first person to identify the people in all 14 photos will win a prize at the October 12th meeting.