

AND SECURE THE BLESSINGS OF LIBERTY

As the attacks on our LIBERTY continue and another Helmet Law Support Rally approaches it is important to once again remind ourselves of the history of South Carolina's current mandatory helmet law and what it is and isn't.

In 1965 the federal Department of Transportation determined that all motorcycle riders must be forced to wear helmets. Although no studies of any kind had been conducted as to how such a mandate would impact motorcyclist injuries or fatalities the feds were determined to set a precedent of dictating to the individual state governments to what behavior their citizens must adhere.

Motorcyclists made the perfect minority target as the Civil Rights movement, through the Civil Rights act of 1964, had begun the process of freeing minority citizens on the basis of race. Who cared about motorcyclists? We were such a small and innocuous minority that no one would even notice. And we didn't. So the DOT told the states that if they didn't pass a mandatory primary enforcement helmet law for all motorcyclists, along with rider training and other requirements that were completely ignored, the states would lose a percentage of their highway funds, funds collected from their citizens, not a "gift" from the central government.

The first state to buckle under the boot of the federal threat was New York which did as it was told effective January 1, 1966. Forty-eight other states did as they were told and followed suit, putting on the chains of servitude, albeit some more reluctantly than others. The only holdout was California. With Ronald Reagan as governor he called the bureaucrats' bluff and they backed down and never withheld any funds.

South Carolina, never anxious to kiss the backside of central government dictators, passed a mandatory helmet law which took effect on July 1, 1967. Although we did pass a mandatory helmet law it has never specifically applied to motorcycles per se. The South Carolina legislature passed a "two-wheeled motorized vehicle" helmet law that got the feds off our backs but didn't exactly meet the mandate. Our helmet law has never applied to three-wheeled motorcycles; ever. In fact a case could be made, and was with limited success, that the only vehicle that meets the definition of a "two-wheeled motorized vehicle" is a moped.

When we began our efforts in 1975 to secure our LIBERTY on helmet use we naively believed that words and principles of our founding fathers would be all we needed to regain what we had lost. We used slogans such as "Let Those Who Ride Decide" and "Freedom of Choice" and, to our amazement and gratitude, in 1977 the legislature agreed with us that adults, 18 years of age and older, should once again regain their LIBERTY and be masters of their own destinies. Unfortunately we had a spineless liar as a governor who told us that if we were able to get a bill to his desk he would sign it. He lied, vetoing the bill at the last minute then snuck out of town like a thief in the night. Such are the fortunes of those who struggle to secure and maintain their LIBERTY. We now knew implicitly what Thomas Paine meant when he wrote: "What we obtain too cheap, we esteem too lightly: It is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated." We knew our LIBERTY was not to be obtained too cheaply.

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We maintained our efforts but we needed to wait for a new governor, hopefully one with morals and spine. With the election of Dick Riley we once again began our efforts in earnest. We continued to use the words of our founding fathers but recognized that these words were increasingly looked upon as little more than platitudes. We also recognized that we were the ones that decided on helmet use every time we got on our motorcycles. We were no longer going to ask for “permission” as if we were children by saying “Let Those Who Ride Decide.” We weren’t going to be modern day Oliver Twists; please sir, let me ride my motorcycle without my hat. We had never lost our “Freedom of Choice.” What we now understood was that it was the consequences of those choices that we wanted to change. It was the LAW that we came to understand and it was the LAW we wanted to amend. We did exactly that in 1980. We were so successful in our efforts that there was only one public hearing, in the House of Representatives, needed to convince both the House and the Senate that as adults we should be free from the threats of punishment for simply not wearing a hat. Governor Riley signed our helmet law amendment on June 16, 1980. Adults, 21 years of age and older, would no longer be threatened with arrest, incarceration, and/or fine for their decisions on helmet usage when riding their motorcycles.

We have faced many attacks on our current mandatory helmet law in the intervening years so we must refresh the memories of our “older” bikers and educate the younger bikers among us. I was 19 when the helmet law was passed in 1967 and 32 when it was amended in 1980. Those among us that were born after 1980 have no memory of our struggles and sacrifices that came before them and those born during and after 1992 have yet to experience the LIBERTY us “older” bikers enjoy each and every day as they are still subject to arrest, incarceration, and/or fine if caught without the mandatory hat as required by law. So here are a few points that may be of some use in maintaining our LIBERTY on helmet use as another legislative session begins.

1. The South Carolina mandatory helmet law has been in effect since July 1, 1967. That means that the law is now over 45 years old; younger than some legislators and older than others and old enough to be president of the US (35). The law was amended on June 16, 1980. That means our amendment is now over 32 years old. If it were a person it would be old enough to be a state representative (21), a state senator (25), or governor (30).

2. The South Carolina mandatory helmet law addresses one issue and only one issue; that of arrest, incarceration, and/or fine. There is nothing in the law that mentions or addresses accidents, injuries, fatalities, insurance costs, public burden, or any of the issues our opponents like to talk about. It is a mistake to challenge our opponents on any of their issues because their issues have nothing to do with the law. A good analogy is our alcohol consumption law. The law, like our helmet law, states that if you are under the age of 21 and caught consuming alcohol you will be arrested, incarcerated and/or fined. Drinking and driving is another matter altogether. There is no mention in the alcohol consumption law about any negative aspects of alcohol or any positive aspects either. Our helmet law is exactly the same and that is why our opponents refuse to talk about the law, EVER. An argument can be made that our opponents won’t be satisfied until 100% of all bikers killed are killed wearing helmets as they were prior to 1980. It is the only logical conclusion that can be made as no one, including the opponents of LIBERTY, have ever made a case that if you wear a helmet you won’t be in an accident, or you won’t be injured, or you won’t be killed, or insurance rates will go down, or there will no longer be any “public burdens.” The only 100% guarantee that can be made if our mandatory helmet

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law amendment is removed is that you WILL BE arrested, incarcerated, and/or fined if you're caught not wearing a hat. (I know because I received 6 helmet tickets before our law was amended which still didn't stop me from riding without a hat!)

That's it; two simple points (but a lot of words!): 1) the years our mandatory helmet law has been in existence and the accompanying experiences gathered over almost half a century and 2) the ages of responsibility we have written into our constitutions, statutes, and laws. Our mandatory helmet law addresses only one issue: arrest, incarceration, and/or fine. All other arguments are a distraction, period.

When the Helmet Law Support Rally was proposed people thought I was out of my mind. I can't say they were wrong. But an event that occurred at our first HLSR convinced me that we were on the right track. After the rally a reporter asked me questions about our hat law and I explained that we didn't repeal our law, we simply amended it to be in line with our drinking law. The reporter then went to speak with what appeared to be two high ranking uniformed Highway Patrol members. Naturally I listened in as the reporter asked how they felt about the helmet law. When they stated that they "agreed" with the helmet law I enthusiastically said; "Great! I'm glad you finally agree with us." To which they then replied; "No, No, we're against the helmet law." My reply this time was of complete shock as I said in a concerned voice; "How can you be against the helmet law?" The silence was palpable and each of us knew why they said nothing more. The reporter knew that we, the dumb-ass bikers, had taken the high road of adult responsibility and that the opponents of LIBERTY would no long run roughshod over us again.

The Helmet Law Support Rally is to show our support for our current helmet law and to do all that is necessary to maintain it. We carry-on with our responsibility as stated in the Preamble to the Constitution of the United States to "secure the Blessing of Liberty to ourselves and our Posterity."

DUM SPIRO, SPERO

While I breathe, I hope

State motto of South Carolina

Jesse