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## Features

# Drivers fighting speeding tickets

*Police radar use 'grossly unfair and inaccurate,' they say*

**United Press International**  
**NEW YORK** — The anti-radar bugs are starting to scent ultimate victory in their warfare with speed-cops on the nation's highways. They are out to prove that even the most up-to-date police radar de-

VICES are not capable of properly identifying a speeding automobile in traffic and therefore radar evidence no longer should be admissible in court.

At stake are millions of dollars in fines collected from speeders on the basis of radar evidence and millions of dollars worth of sales of radar equipment to state and local police, many of the orders subsidized by the Federal Department of Transportation.

Also at stake is the national 55-mph speed limit initiated as a motor fuel conservation measure, but which still arouses bitter controversy, particularly in the trucking industry.

The anti-radar bugs have three motives. Some just don't believe in the 55-mph speed limit and think that without police radar it couldn't exist. Others, like an official of Goodyear Tire & Rubber Co. who complained about his personal experience with police radar in New Jersey, say it is grossly unfair and inaccurate.

He told reporters a police radar

gun overestimated the speed at which he was traveling by more than 10 miles an hour. He is convinced the radar reading came from another car and the cop was unsure which car it came from. To fight the case, he said, would have cost him up to \$10,000 in legal and research fees.

A reporter recalled a personal experience of this kind in Maryland. The reporter said he was driving at above 70 mph when a cop aimed a

ing the radar gun at it. Otherwise, the judge might throw the case out on the grounds of entrapment.

But Bedard said the common circumstance is that the car is caught by a hidden radar device as it comes over a hill or around a curve so there can be little doubt that there is entrapment.

Lt. Joseph Kobus of the New Jersey State Police said that in a test case, the New Jersey Supreme Court ruled radar evidence valid provided it was shown in the trial that the officer using it had been thoroughly trained in its use and in the legal limitations on its use.

Mike Knepper, executive editor of Car and Driver, said Car and Driver's campaign got a huge public response but he conceded that outlawing the use of police radar evidence against speeders probably would have to result from action by consumerists and civil rights groups. Bedard's articles said the makers of the radar had spent considerable sums defending their reliability in the courts.

Sandra Hartley, legal counsel for Kustom Electronics, parent firm of Kustom Signals, conceded that many motorists ticketed on the basis of radar evidence claimed the device had misidentified their cars. She also said Kustom has provided expert witness to the police at times to back up radar evidence. Efforts to talk with other Kustom Electronics officials were not successful.

In an October, 1979, article in Car and Driver, Bedard made two main charges, that "all cars are not created equal under radar," and that "radar doesn't point a finger at any particular car." That, the article contended, makes radar's admissibility as evidence dubious but Bedard said that radar can be reliable in catching speeders when it is used under perfect conditions — and not in heavy traffic, as usually is the case.

In this and subsequent articles, Car and Driver made the following additional points against police radar for catching speeders:

— A dishonest or malevolent policeman can lie about what car he was pointing the radar device at. But it was conceded that this is a very minor problem.

— "Don't believe it when the judge and the cops and the radar manufacturers tell you radar always picks up the front car in a line of traffic." Car and Driver made road tests and found that the signal actual-

ly may bounce back from a larger car behind the lead car which may be at legal speed.

— A car with a low silhouette, the Chevrolet Corvette may be under the radar signal. From that point of view, this makes the discriminatory and possibly unconstitutional.

— Police radar devices may make them highly unreliable. They can be interference from a fan or some other moving object, all part in the police car or another car or from the police radio and even citizen radio can throw the radar off and make it show higher speeds than the targeted vehicle is actually moving, the articles say.

An article last February in Car and Driver said that police radar can be jammed and distorted by jamming and made inaccurate and unreliable as legal evidence. It is against the law to make a jammer to jam police radar, several companies do manufacture and sell "jammers."

Through a quirk in the law, it is illegal to sell kits to make jammers although it is illegal to use

**Police radar devices subject to all sorts of interference which can make them highly unreliable. There can be interference from a defroster, some other moving or stationary part in the police car or from the roadside.**

the kit and put the device in your car. It is also expensive. You need several jammers at each to be successful at it and each caught, you're in real trouble.

Knepper and Bedard said mere fact that it is possible to jam radar and that the police can't know if there is a jammer somewhere around "could be the end of the arch-enemy of speed-

Accountants more helpful than thought

United Press International  
**NEW YORK** — Individual taxpayers, and businessmen, often fall into financial traps because they know so little about tax accounting, says a Boston Certified Public Accountant.

Michael Tulman says many persons need the services of an accountant than realize it. He is beating the drum for his course, but Tulman does make interesting points.

For instance: Most taxpayers know they take a once-in-a-lifetime capital gain of up to \$100,000 and sell their home after reaching 55.

Many don't realize, Tulman says, that if they have used part of the house for business and declared it of its upkeep, then tax must be paid on the capital gain in the same portion as the percentage declared. The remainder is tax free.


Conversely, many persons know you can rent out a house for up to 15 days a year without declaring the income for tax purposes, man said.

If you rent out your principal residence for more than a year and sell it, Tulman said, the IRS will decide the house is an investment property and deny you the normal normally allowed those who minimize or avoid capital gains.

Traps for businessmen are numerous and more still. An accountant will try to keep a businessman from letting his pressure him to dump goods at a loss. Instead the accountant try to stretch out the loans.

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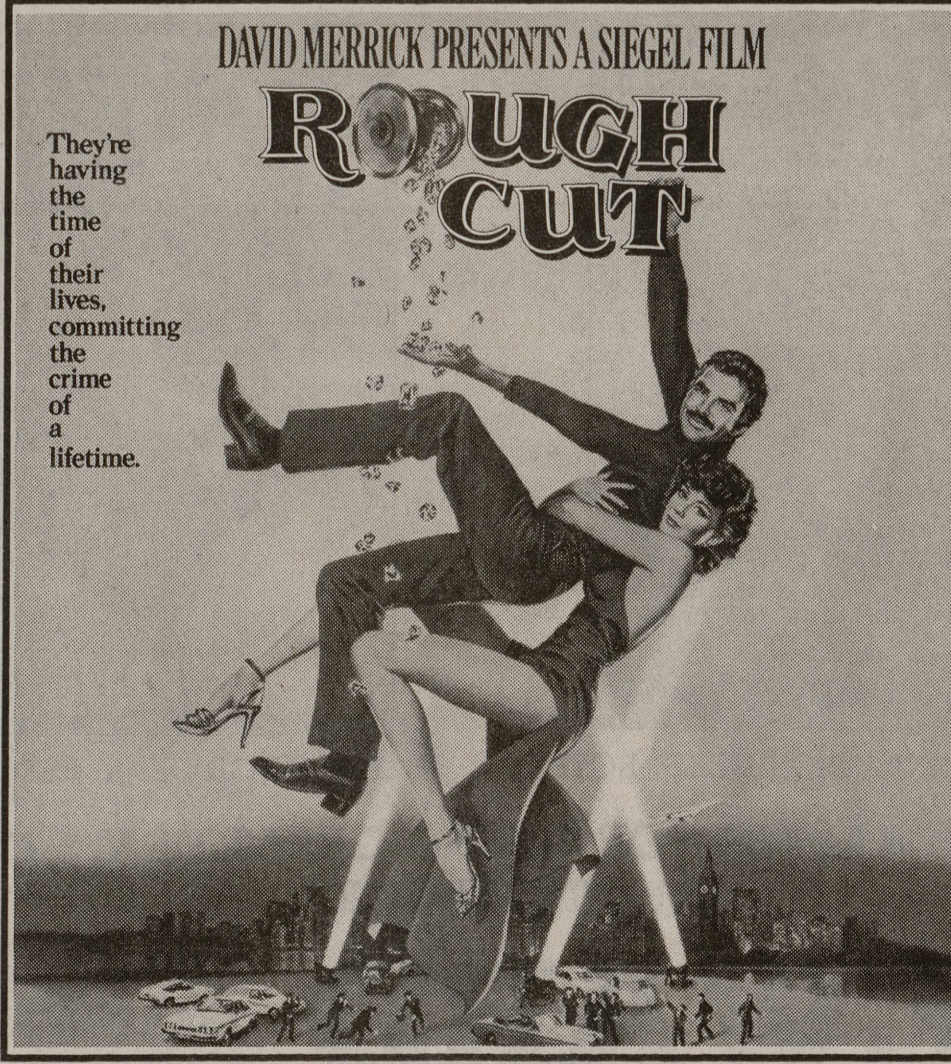
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