

House Transportation Committee

SB 2121

I urge a strong DO NOT PASS on SB 2121. I hope your committee will read the article that I have submitted

Thank You

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The Fraud of Seat-Belt Laws

Seat-Belt Laws Infringe a Person's Constitutional Rights

Sunday, September 01, 2002

[William J. Holdorf](#)

[Justice U.S. Constitution](#)

On the promise of reducing highway fatalities and auto insurance rates, seat-belt laws began to pass in state legislatures throughout the United States beginning in 1985.

While such laws had been proposed before 1985, they were rejected by most state legislators since they knew the vast majority of the people opposed them. “The Gallup Opinion Index,” report no. 146, October 1977, stated: “In the latest survey, a huge majority, 78 percent, opposes a law that would fine a person \$25 for failure to use a seat belt. This represents an increase of resistance since 1973 to such a law. At that time 71 percent opposed a seat belt use law.” “The Gallup Report” (formerly “The Gallup Opinion Index”), no. 205, October 1982, report showed that a still-high 75 percent queried in June of that year opposed such a law.

Given the massive, obvious opposition to seat-belt laws, why did state legislators suddenly change their minds and begin to pass them in 1985? Simple—money and federal blackmail. According to the Associated Press, Brian O’Neill, president of the Insurance Institute for Highway Safety, said, “People have been talking about seatbelt laws and there have been attempts to pass them for well over 10 years. It’s been a snowball effect, once the money poured in.”¹

That sudden flow of money began in 1984, when then-Secretary of Transportation Elizabeth Dole promised to rescind the rule that required automakers to install passive restraints by 1990 if states representing two-thirds of the U.S. population passed seat-belt laws by April 1, 1989.² Passive restraints included air bags, which automakers bitterly opposed because, they claimed, the high expense to develop and install them would raise the price of autos way beyond what the average auto buyer would pay. Dole’s promise amounted to an invitation to the automakers to use their financial resources to lobby states for seat-belt laws, something the Department of Transportation (DOT) was forbidden to do by law, in exchange for the government’s not forcing them to install air bags. In effect, the DOT surreptitiously used the financial resources of the private sector to further the political agenda of the federal government through blackmail.

In response to Dole’s promise, the automakers created the lobby Traffic Safety Now (TSN) and began spending millions of dollars to pass seat-belt laws. That caught the attention of state legislators, and suddenly the “will of the people,” void of financial backing, gave way to the “will of the seat-belt law lobbyists,” who had millions of dollars to spend.

Besides the millions of dollars spent by TSN, the federal government added millions more by, for example, giving grants to states for achieving a certain percentage of seat-belt use and to pay the police to enforce the seat-belt law.³ And with increased seat-belt law enforcement, ticket income increased, another source of easy revenue for the state.

While TSN championed passage of seat-belt laws under the banner of reducing highway fatalities and auto insurance rates, no mention was made that the real purpose was to avoid installation of air bags.

As of 1992, TSN had spent \$93 million to buy passage of seat-belt laws in almost all states.⁴ Popular opposition to the laws sometimes made passage difficult. In most states the only way the law could be passed was to make enforcement secondary; that is, the police could not stop a motorist for not using a seat belt unless the officer witnessed another traffic violation. Some laws applied only to front-seat occupants. Exemptions were also added to help reduce opposition. In three states, Mississippi, Rhode Island, and Wyoming, the laws were passed without any penalty.

Once seat-belt laws were passed in any form, supporters returned each legislative session to lobby for amendments, such as including all occupants, increasing fines, eliminating exemptions, and changing to primary enforcement, so that the police could stop a motorist merely under suspicion of not using a seat belt.

Such action by seat-belt law supporters shows the insidious nature of such laws, and supporters continue to lobby for stricter enforcement and heavier penalties. Even the U.S. Supreme Court in 2001 added its own flavor of tyranny by ruling it was legal for a Texas police officer to arrest, handcuff, and jail a woman, and impound her car, for not buckling up herself and her children.⁵ Our nation, founded on freedom, certainly has come a long way from Patrick Henry's cry, "Give me liberty or give me death," to "Click it or ticket."

After the automakers did the DOT's bidding, the government went back on its word and mandated installation of air bags anyway. Also, the very law the automakers worked for, supposedly to save people's lives, turned on them. While using seat belts saves some lives, doing so can injure and kill others. That got the attention of lawyers. Moreover, some seat-belt systems were defective.⁶ As a result, since 1985 the automakers have faced hundreds of millions of dollars in damages in hundreds of lawsuits.

Loss of Freedom

While the hundreds of millions of dollars spent in support of seat-belt laws has been a horrendous financial burden to society, the greatest cost is really not money. It's the loss of freedom. Seat-belt laws infringe a person's rights as guaranteed in the Fourth, Fifth, and the Ninth Amendments, and the civil rights section of the Fourteenth Amendment. Such laws are an unwarranted intrusion by government into the personal lives of citizens; they deny through prior restraint the right to determine one's own individual personal health-care standard.

While seat-belt use might save some people in certain kinds of traffic accidents, there is ample evidence that in other kinds, people have been more seriously injured and even killed only because they used seat belts. Some people have been saved from death in certain kinds of accidents only because a seat belt was not used. In those cases, the malicious nature of seat-belt laws is further revealed: such persons are subject to fines for not dying in the accident while using a so-called safety device arbitrarily chosen by politicians.

The state has no authority to subject people to death and injury in certain kinds of traffic accidents just because it hopes others will be saved in other kinds of accidents merely by chance. The state has no authority to take chances with a person's body, the ultimate private property.

As for the promise that seat-belt laws would reduce auto insurance rates, there is no record of any insurance company ever reducing its rates because a seat-belt law was passed. A study released in August 1988 by the Highway Loss Data Institute compared auto-accident injury claims before and after the enactment of seat-belt laws in eight states and could find no clear-cut evidence that belt-use laws reduced the number of injuries. "These results are disappointing," the report added.⁷

Seat-belt laws have also failed to reduce highway fatalities in the numbers promised by supporters to get such laws passed.⁸ According to the National Highway Traffic Safety Administration, there were 51,093 highway fatalities in 1979.⁹ Five years later, 1984, the year before seat-belt laws began to pass, there were 44,257 fatalities. That is a net decrease of 6,836 deaths in five years, which represents a 13.4 percent decline with no seat-belt laws and only voluntary seat-belt use. In 1999, there were 41,611 fatalities. That is a net decrease of 2,646 deaths, a 6 percent decrease over 15 years of rigid seat-belt law enforcement, with some states claiming 80 percent seat-belt use. If the passage of seat-belt laws did anything, it slowed the downward trend in highway fatalities started years before the passage of such laws.

Right to Refuse

Besides such facts, a person has the right to refuse any health-care recommendation. No nonpsychiatric doctor would dare attempt to force a person to use a medical device or take a drug or have surgery or other medical treatment without full consent. Yet politicians force motorists to use a health-care device, a seat belt, against their will under threat of punishment that could include jail.

The hundreds of millions of dollars spent in support of seat-belt laws have been wasted. Not one penny of that money has ever prevented even a single traffic accident, the real cause of highway fatalities. We don't need millions of dollars for stricter seat-belt law enforcement. Instead, we need more responsibly educated drivers, safer vehicles, and better roads to prevent traffic accidents.

Individual freedom is the very foundation of our country. The American people should not accept legislators who pass laws that take liberty away while claiming to do good. History has shown this to be the easy road to power for tyrants.

There is certainly nothing wrong with voluntary seat-belt use; however, there is a great deal wrong with all seat-belt laws. As Benjamin Franklin said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

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Notes

1. "Carmakers Push Belt to Avoid Bag," Greensboro (N.C.) News and Record, May 27, 1986.
2. Final Regulatory Impact Analysis, Amendment to FMVSS No. 208, National Highway Traffic Safety Administration, July 11, 1984.
3. This goes on to this day: "U.S. Transportation Secretary Mineta Announces Grants of \$44.4 Million to Increase Seatbelt Use," in NHTSA news release no. 4-02, January 18, 2002. Summary of IRS tax-exempt form 990 for Traffic Safety Now, Inc., prepared by Seatbelt Freedom of Choice, a Wisconsin grassroots citizens group opposed to the Wisconsin seat-belt law.
4. Gail Atwater v. City of Lago Vista, April 24, 2001.
5. "Auto Seat Systems-Dangerous Safety Restraints?" Trial Magazine (Trial Lawyers of America), April 1990.
6. "Highway Loss Data Institute Insurance Special Report: Insurance Injury Loss Experience in Eight States with Seat Belt Laws, 1983, 86 Models, HLDI A-28." The Institute is an Arlington, Virginia, nonprofit public-service organization closely associated with and funded by the Insurance Institute for Highway Safety, which is wholly supported by auto insurers.
7. For example, see "Traffic Deaths Up 5%," Chicago Sun Times, January 3, 1987, and "Traffic Deaths Roll on Despite Seatbelt Law," Chicago Sun Times, July 6, 1996.
8. National Highway Traffic Safety Administration, "Traffic Safety Facts 1999," Dec

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