

**TRAFFIC LAW NEWSLETTER  
Fall, 2004**



**BOTH STATE AND FEDERAL  
ELECTIONS TO INFLUENCE COURT  
SYSTEMS**

In my Summer Newsletter I referred to 4 decisions from the Georgia Court of Appeals that showed why it may be important to start taking judicial elections seriously. As we enter the Fall Elections consider the following :

The Preamble to the Georgia Code of Judicial Conduct begins: "Our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us."

In Georgia, although Judges run in "non partisan" races, the candidates seem to "politic" just like everyone else. Hence, we have judicial candidates answering surveys from political groups like the Christian Coalition, which sent out litmus test type questionnaires , asking in essence, "how would you rule on certain issues?" Another Court of Appeals candidate advertises that he "left a lucrative law practice to go into public service to fight for tougher DUI laws", and disparaging the other two candidates for working as defense lawyers.

Canon 7 states: "A candidate shall not makes statements that commit or appear to commit the candidate with respect to issues likely to come before the court, nor make pledges or promises of conduct in office other than faithful and impartial performance of duties." So, the question is: Why should you vote for a judicial candidate if they do not follow the Judicial Canons while campaigning?

Of course, the Presidential race is important in many ways, including the fact that the next President will probably get to appoint at least 3 Supreme Court justices. These folks are appointed for life! It's important to understand which President will appoint judges who might agree with your position, whether it be liberal, conservative or libertarian. Remember Supreme Court justices have made past decisions affecting integration, abortion, voting rights, privacy rights, and yes, even Presidential elections.

So when you go to vote this fall, please understand that the judicial and presidential races not only affect the economy and the war in Iraq, but will affect the rest of our lives AND our children's lives.

**DID YOU KNOW?**

**INFO GATHERED FROM READING THE CONSTITUTION**



Although we declared our independence from Britain in 1776, it took 13 years for us to adopt the Constitution;

All power comes from the "people", not government; the Constitution "strictly limits" the power of government, not vice versa.

The first 10 Amendments to the Constitution were ratified 2 years after the Constitution. The 10th Amendment specifically says the Congress only has those "powers" given to it in the Constitution. All other powers are left for the States. Nowhere in the Constitution were found the words, "Social Security, income taxes, Medicare, Medicaid , or entitlements.

Until 1913, Senators were appointed by the State legislatures; citizens did not vote for Senators, although they did vote for their Representative.

Electors were appointed by the States, and the electors voted for President and Vice President; the person getting the most Electoral votes was President; 2nd place was the Vice President. In fact, we still do not actually vote for President; we vote for the Electors.

Until 1870, the right to vote could be limited by race; until 1920, women did not have the right to vote; until 1964, voting rights could be denied for failing to pay polling or any other taxes.

Until 1913, Congress did not have the power to tax income.

A copy of the Declaration of Independence and the US Constitution can be obtained form the Cato Institute at 1-800-767-1241

**MY 4 SIMPLE RULES  
IF YOU ARE STOPPED BY POLICE**

1. DON'T ADMIT DRINKING (OR ANYTHING ELSE)
2. DON'T DO ANYTHING ON SIDE OF ROAD
3. DO TAKE BREATH TEST IF YOU'VE REALLY HAD 2 DRINKS
4. DON'T TAKE TEST IF MORE THAN 2 DRINKS\*



\* Refusing to take the State test (at jail or hospital) could result in losing your license for a full year; the only way of getting the license back earlier is to win the DUI; on the other hand, if the officer does not try to suspend the license because of a refusal, the State does not have a blood alcohol level to use against you!

**MY 1 SIMPLE RULE FOR PARENTS OF  
CHILDREN UNDER AGE 21**

If your child gets a traffic ticket, regardless of how minor you may think it is, **DO NOT PAY TICKET WITHOUT CALLING ME!!!**

**WHAT DO I DO IF STOPPED BY THE POLICE??**

For the answer, [see my page on "your legal rights"](#) and [print out a copy](#) to keep in your car!



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Practice dedicated exclusively to defense of those accused of DUI, serious traffic offenses, and drug offenses.

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