

Notes & Quotes From the President

Darrin Trussell

“Lock up your daughter, lock up your wife, lock up your back door and run for your life, the legislature is back in town, so don’t you mess around.”

Yes, it’s that time of year we dread the most. No, not the credit card bills from Christmas, but the start of the legislative session. One hundred twenty days of pure hell. What didn’t pass last year has quickly resurfaced.

The .08 bac DUI bill is leading the way in the form of HB-1021 and HB-1162. The state faces a diversion of highway construction funds to safety programs if this is not passed, so look for the legislators to cave into the almighty dollar and pass this. Never mind the latest reports that some states are experiencing an increase in the number of drunken drivers, even though they have a .08 law in effect. Write or call your Representative and Senator, telling them to kill these bills!

Two other bills that will most likely surface will be a primary seatbelt and no open container law. If you read last month’s issue, you’ll note the feds want to do the same thing with seatbelt laws as they have with the DUI law. Hey, if I recall my history correctly, one of the reasons for the American Revolution was over a lousy tax on tea. Maybe it’s time for history to repeat itself.

We finally received an answer from Representative Angie Paccione to our question of a helmet law. Well, by we, I mean Lucky. So I guess you can say Lucky got lucky. He’ll better explain their exchange of words, but this I will tell you. Just because Representative Paccione does not have plans to introduce a helmet bill does not mean one will not be introduced. We need to be ever vigilant in regard to this issue.

With the Supreme Court’s recent ruling endorsing the McCain-Feingold Act, otherwise known as the Incumbent Protection Act, the IRS has decided to follow suit in the form of proposed rule 2004-6. What this basically says is the IRS can revoke the tax exempt status of political organizations if they discuss anything related to political candidates. This proposed rule WILL affect Riders For Justice. Now is the time to call or write your Representative and Senators to let them know we will not stand for this!

ABATE of Wyoming is currently working on a bill to remove statutory restrictions on lane sharing for motorcyclists. House Bill 24, sponsored by Representative Wayne Johnson (R), Cheyenne, Wyoming would modify this unnecessary regulation. It will allow for motorcyclists to share a lane by consent

of each rider. It will allow riders to communicate when necessary, to stop at intersections side-by side, or simply to ride with a fellow motorcyclist in a single lane without fear of a citation. We need to send our support to our friends to the north and get this bill passed.

ABATE of Nebraska is working to rescind the helmet law for adults 21 and older. LB303 would make it possible for adults to choose whether or not they want to wear a motorcycle helmet. We need to lend our support on this one as well, seeing that many of us would like to ride through the state. For more info, you can go to <http://www.abateofne.com/Legislation.htm>.

The other shoe dropped on December 23rd when the EPA released its final ruling on motorcycle emissions. Let me tell you now, if you plan on buying a new motorcycle or building your own, you had better do it NOW!

Starting in 2006, new motorcycles will have electronic fuel injection, secondary air injection (smog pump), and catalytic converters. By 2010, air-cooled motorcycle engines will be a thing of the past. Get used to riding a V-Rod people.

However, there are some exceptions. One being the smaller manufacturers (fewer than 500 employees and less than 3,000 bikes a year) are not required to meet the 2006 standards until 2008 and will not be required to comply with the standards for 2010. The other will allow private individuals a one lifetime exemption who wants to build their own bike.

Please note there are some stipulations that go along with building your own bike. You may NOT take a motorcycle that is emissions certified and modify it to be non-compliant. Also, you must own the motorcycle at least five years prior to selling it to someone who has not used their exemption.

Now I know you’re going to ask, “How will they enforce these new rules?” The answer is quite simple. Smog checks.

When you go in for an emissions test, one thing the technician will do is a visual inspection to verify you have the correct emissions equipment installed. If you don’t, they won’t pass the bike and you’ll be left scrambling to find parts to put it back to stock.

Before you give me some lame-assed excuse that you will never buy a new bike, please remember, this will not only affect you, but future generations as well. Visualize a kid in a museum looking at a Panhead or Shovelhead behind the glass asking their grandfather, “Grandpa, what was it like to ride a Harley?” Food for thought.

On a final note, it gives me great pleasure to introduce Deb “Tiger” Chandler as our latest VP for the Denver metro chapter of RFJ. Info on meeting location and time will be in next month’s issue. It’d be great to see our members from the Denver / Boulder area come out to welcome our latest addition.

RIDERS FOR JUSTICE MEETINGS



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FEBRUARY 8th, 2004
SUNDAY 11:00 A.M.**

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The Defense Department has totaled one measure of the price of liberty — almost 1.2 million members of our fighting forces have died while in service to our country since the American Revolution; 1.4 million have been wounded. The numbers, of course, offer no reckoning of the inestimable value of these individual citizens’ lives, and the sacrifices borne by their families. But we do know their sacrifices defended a precious gift handed down to us — the liberties we cherish. Every day let us always hold our veterans and their families in our hearts.

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Riders For Justice Bylaws

1. The organizations's purpose is to defend and promote the rights of bikers, as well as, to associate for social reasons.
2. Persons speaking on behalf of RFJ must be the elected officers of a representative designated by the membership or officers.
3. All officers must be a registered voter and have a valid motorcycle license.
4. The membership can by a 3/4 majority, effect an election of officers at any regular meeting.
5. The membership can by a 3/4 majority vote, deny new membership, if any member questions the new membership.
6. In order for anyone to vote at the meetings, they must be a paid member.
7. Renewal of membership dues are from October to October.
8. Should this organization be dissolved, all funds shall be donated to a similar organization.

Purpose of Riders For Justice

1. We intend to support our current Constitution and keep as much of it intact as we can.
2. We also advise our membership of the best candidates for which to vote. When they are sometimes equally good or bad, we do not make a recommendation.
3. We DO NOT and WILL NOT receive money from any government entity.
4. Our officers are available through email and/or direct telephone.
5. None of our officers are paid for their work or reimbursed for food, travel or lodging.
6. We hire a lobbying firm to represent us at the state capitol.
7. The officers also lobby at the capitol and at town meetings with state and federal congressmen.
8. We ARE NOT and DO NOT intend to be politically correct.
9. We print in our newsletter, articles of political and social interest for members, as well as, keeping them abreast of current and potential bills.

Bits And Picks From the West V.P.

By Carl Dodson

To start out for those who were not at our January meeting, the main thing on the agenda was the upcoming Annual Fund Raiser on the 21st of February starting at 2pm and ending at 10pm. We'll have Ralph Dinosaur and the Fabulous Volcanoes for music, along with a potluck dinner and beer. The cost is \$12.00 for members and \$15.00 for non-members. It will be held at the Eagles Lodge, 1674 U.S. Hwy 50 in Grand Junction. For those who want to come from out of town and stay overnight, the party is worth it. Tickets will be sold at the door. Come have fun and support your rights as motorcycle enthusiasts.

I want to get a point across to everyone about this thing called statistics. These things gravel my you know what when I read them. This one got my attention when I was through reading it. My thoughts were about that .08 bac law coming up shortly.

There was an article in the Grand Junction Daily Sentinel dated 12-18-03 that stated Colorado crash deaths related to alcohol use were up 14.5% in 5 years. The article claims that Colorado had the sixth-highest increase of alcohol-related traffic deaths in the country between 1998 and 2002.

According to NHTSA, Colorado saw its alcohol-related rate increase from 0.62 to 0.71 per 100 million vehicle miles traveled. NHTSA considers a crash alcohol-related if any driver had a 0.01 blood-related level, well below the 0.10 BAC level. Numbers also show Colorado's death rate from alcohol-related crashes is higher than all but 17 states.

Sgt. Craig LeVere of the Colorado State Patrol is quoted as saying there was no established reason for the increase and the number of alcohol-related fatalities fluctuated regularly. He said, "We're always working on the problem and sometimes things that are out of our control cause these percentages to fluctuate."

CDOT spokeswoman Stacy Stegman claims more vehicles on the road could also be a factor. "Its good data and it's disturbing, but I don't think it's an absolute indication of what's going on in Colorado," Stegman said.

OK, now that you have read this miss giving of information, I am going to show you what most legislators will miss when they vote on a bill like the 0.08 BAC law coming up. Old John Henry will see the new law in front of him and guess what will happen? He is going to vote yes on the new law because he will remember the big bold print from the paper that states Colorado crash deaths related to alcohol are up 14.5 % in 5 years. He will not remember the BS under that big bold print and he will not study the facts that are presented in the news article.

To prove my point, I'll show ya a few of the facts in the article.

Fact 1- The 0.62 to 0.71 per 100 million vehicles miles traveled. Now from the school I went to, I can tell you this is only a 0.09 increase. Now take 0.09 into 100 million miles traveled and you get 9,000,000. Ok, does this factor relate to 1 year or over a 5 year span? When I use a five year average, I got 0.01 per 20,000,000 miles driven per year.

Fact 2- NHTSA adds to the statistics any driver that has a 0.01 blood-level or higher. They put them on the statistics to raise the body count regardless the amount of blood alcohol that they have. Remember that it's a 0.10 bac to be too drunk to drive.

Fact 3- The State Patrol stated that there is no established reason for the increase. Come on now, the headlines just stated that there was a 14.5 % increase.

Fact 4- The Colo. Dept. of Transportation stated that there could be more vehicles on the road. They may right about that, good thinking boys.

Fact 5- This one I really like. The CDOT said it's good data and that is disturbing, but does not have an indication of what is going on in Colorado. I believe they said that and they are right, but I just don't know it.

I could go on and on with this thing, but the point is if you want to produce a bill first and have it passed, you must brainwash the legislators.

The 0.08 law is nothing more than a revenue generator that is going to fatten the books of the counties court system and give the drug and alcohol counselors a bigger paycheck. Poor old John Henry gets a DUI and helps everybody out. It will be the first one in his life, with the second 0.08 DUI making him a repeat offender. The system will have fun with that. SERVES HIM RIGHT!

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PS: A week later, a news brief in the Delta County CO Independent stated that the alcohol-related deaths were down from last year. So who do you believe?

Thought for the road: If you ride like there is no tomorrow—there won't be.

News From the Denver Metro Area

By Tiger

HELLO fellow members of Riders for Justice. My name is Deb "Tiger" Chandler and I have accepted the position of V.P. of the Denver metro area First I would like to introduce myself and then give you some of my goals:

In 1979, I got involved with key people in motorcycle rights, here in Colorado. From 1981 to 1985, I worked with freedom fighters in Wyoming. I moved back to Colorado the summer of 1985 where motorcycle issues were heated up. I started to become active with ABATE of Colorado in 1990 after attending a MRF Best of the West in Denver. During the time that I spent in South Dakota (1990-1995) I joined Lake ABATE. In 1994 I became a card caring member of ABATE of Colorado. Since then I have held several District, State positions and have sat on several committees (D5 secretary (1yr), various District 5 committees) (State Recording Secretary (2yrs), State Security Chief (4yrs), State Security Secretary/Treasurer (2yrs), various committees that were on the state level). I have also had the privilege of working with other groups such as MRF (member for 15yrs), AMA (member since 1989), Riders for Justice (member for 4 yrs), Confederation of Clubs (attending all their meetings since inception), various other MRO's throughout the world (Wyoming, Iowa, Nebraska, South Dakota, Arizona, Alaska, Indiana, Michigan, New York, Rhode Island, Massachusetts, Maine, Louisiana, South Carolina, Florida, Australia, Italy, England, and Canada).

I believe that we are all in this together, no matter what we ride, what we look like, what we wear, or what organization we belong to. I welcome the challenge of this new region for RFJ. I will work for the membership; I will, as I have always done, devote myself to motorcycle rights and our personal freedoms. I know in all situations that there are multiple personalities, that there can be conflict but I will do my best to work with everyone to make the membership of RFJ proud. I would like to see all motorcyclist work together to make Colorado an even better state to ride our motorcycles in. I would like to see the motorcyclist in this state working with the government to improve riding conditions. I would like see that all motorcyclists are treated as equals. I would like to see communications between motorcyclists grow and strengthen into a roar. I believe in our constitutional rights, we as Americans need to stand up for our rights to keep them in tact for the future generations. I grew up around guns, motorcycles, people who had to fight for their rights and have lived my life in those beliefs.

My short term goals for this new region is to first get a meeting place secured (any input is MOST welcome), schedule a regular time for our meetings. Once this is set up I will be

getting in touch with those members in the area to personally invite you to our meetings. Off the top of my head a long term goal would be to see the membership in the region expand. There is allot of work ahead of me and I look forward to it.

If anyone would like to ask me any questions or just chat with me on issues please feel free to call me anytime at 303.637.9685 or email me at tiger@ridersforjustice.com.

Thank you for this opportunity — Tiger

Notes from the East V.P.

by Lucky

Well, we can all breathe a little easier! Darrin and I got to parlay with the big Cats last month. First off we met with Marilyn Musgrave. She is very congenial, and down to earth. She stood up to the senior Republicans, and voted the way she thought would benefit the good of the people, not just to satisfy the party. I think she will do good for us in the motorcycle world. She will be addressing the fact that Colorado is a "donor" state on the gas tax, among other things. She speaks out for, as well as listens to her constituents. She is very pro-second Amendment!

We also met with Rep. Jim Welker, from Dist. 51. I applaud his attitude as well. He seems to be on track with us too. I have received many e-mails from him already, and am getting a good jump on what is going to come about in the State House. He is on the Transportation Committee, Energy, and the Information & Technology Committee. This should prove to be helpful to us! He is carrying four bills so far. They are about showing proof of insurance when renewing license plates, renewing driver's license over the internet, a sunset bill on money orders, and one on child care centers. He is open to us and our comments. You can call him at his office, (303)866-2947, e-mail him at jim@jimwelker.com, or even go on in to the Capitol for lunch, if time permits.

Then for the coop de grass, we met up with Rep. Paccione. She is the gal that started the whole "helmets for minors" rumor. Like I said in the first paragraph, we can breathe a little easier! She isn't going to introduce a helmet bill for minors. They are allowed to introduce five bills a session, this would make six. At least she came around and asked the Bikers opinions and did a little research. The meeting took place at McCoy's Morning Glory Restaurant in Ft. Collins Saturday January 17. (She is there for breakfast every Saturday 8-9:30 till May 8). It was a great turnout! I think we may have overwhelmed her though. Besides Darrin and I, we had Duke, Tiger, Diablo, his lady, Lilies, her daughter, and Duncan. Representing RFJ, abate, Confederation of Clubs, the Tyranny Response team, and just plain Ol' Biker folks! I hope we impressed Ms

RIDERS FOR JUSTICE 3.
Paccione with our show of unity. At the very least, she can see that Bikers are an adamant bunch when it comes to preserving our rights. I may have inundated her with too much info for our first meeting,

So we found out that Ms. Paccione had some riding experience! She rode back and fourth to work while in college. When asked if she would be willing to take a rider training class, she gratefully accepted. Tiger will be helping her on this. It is a start, and I hope that this experience will enhance one more Representative to come over and see that we are for what is right!

Then off to Aurora, for the abate board meeting. Or should I say bored meeting? If anyone thinks our meetings are boring, then I'm going to send them to one of these. Although they are quite long, they have a big itinerary, and all the districts to cover. If we had membership participation, and the income that they have, we would probably need to meet like they do. Wouldn't it be nice to have a 20 grand budget just for raffle prizes? Well when you run a million dollar a year business, I guess you can. Anyway it is all an education for me.

More news. In 217 years of our great Constitution, "updates" have been made 27 times. Last year Jesse Jackson Jr. Representative D-III. proposed nine new amendments for our beloved document. It is quite lengthy, so I won't print it in the paper. If you would like to see this crap, give me a buzz, and I will gladly send you a copy of it.

Even though we may gag when it comes around election time, certainly a FT. Collins High School student has all the first amendment rights. It seems that this student was caught smoking in the bathroom. When he was confronted by the

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principal, he allegedly called him (now don't get squeamish on me) a fag, a fucker, and a fucking fag. Well now, it seems that this all is protected by the Constitution. That's right, our little friend got off with the stipulation that he would not get into any more trouble. If that would have been me, my ass would STILL be sore!

With that said, I'll leave you to ponder the great mystery. Quote for this month - "The Constitution of the United States is the result of the collected wisdom of our country."-Thomas Jefferson-1801

COAST TO COAST BIKER NEWS

**Compiled & Edited by Bill Bish,
National Coalition of Motorcyclists**

EPA SETS EMISSIONS STANDARDS FOR STREET BIKES: On December 23, 2003 the Environmental Protection Agency announced the first new emission standards for highway motorcycles in 25 years, but certain concessions from the federal regulatory agency indicate that three years of opposition and resistance from America's motorcycle rights network has succeeded in producing a more palatable ruling.

By 2010, motorcycle manufacturers will be required to slash tailpipe emissions by more than 80 percent by using improved technologies such as secondary air injection, electronic fuel injection systems, liquid cooling and catalytic converters, though none of those technologies are mandated in the new regulations.

These reductions will be phased in over a two-tier implementation plan that will require manufacturers of on-highway motorcycles, small scooters and mopeds to meet strict new emissions limits by 2006, and even more stringent levels set for 2010.

New motorcycles over 280 cc's sold in the United States beginning in 2006 must emit no more than 1.4 grams per kilometer of hydrocarbons (HC) and nitrogen oxides (NOx), and levels of those pollutants must be cut to .8 g/km by 2010. Previously, motorcycles were allowed up to 5.0 grams per kilometer traveled of HC, and NOx was unregulated. Allowable carbon monoxide levels will remain unchanged at 12 g/km. Manufacturers will be allowed to "average" the emissions levels of the bikes they produce, so cleaner running models can make up for more pollutant counterparts.

Sections of the rule dealing with customization were most impacted by riders' efforts, and the EPA contends that the new regulations will not have any adverse affect on the after-market industry. Nothing in the new regulations will change what owners may do legally to customize their motorcycles, they claim, though it's important to note that it is already a violation of the Clean Air Act to tamper with pollution control equipment.

Also, small volume manufacturers who build fewer than 3,000 motorcycles a year, and who have fewer than 500 employees, are exempted from the first-tier pollution limits until 2008, and will not be required to meet the second-tier standards at all. There is also a one-time exemption for the owner/builder of a kit bike.

The new federal regulations are based largely on emissions standards already taking effect in California for the 2004 model year, except on a two-year delay basis, though California's regulations do not allow for these exemptions.

All in all, motorcycling activists can be proud of their efforts to protect their rights as consumers and the liberties of our lifestyle. But rest assured that the fight ain't over, and the EPA intends to revisit the street bike regs in 2006.

EMISSIONS TESTING IN TENNESSEEMAYINCLUDE MOTORCYCLES:

Based on the fact that the federal EPA will begin enforcing strict new emissions regulations on motorcycle manufacturers in two years, Knox County officials might include motorcycles in a mandatory emissions testing law likely to be enacted this year in Tennessee.

The current standard for hydrocarbon emissions from motorcycles allow about 90 times more emissions than the standard for passenger cars, according to the EPA, and when new truck and car standards take effect next year, new SUVs will be meeting hydrocarbon emission targets that are about 95 percent cleaner than the typical motorcycle.

Lynne Liddington, Knox County's air quality management director, said officials haven't previously considered testing motorcycles, but "We can always put it on the table."

Knox and 10 surrounding counties are under the regulatory gun to take steps to clean up East Tennessee's smoggy skies by March 1, 2005 or face sanctions that could include the loss of federal highway funds and stricter pollution controls on industry. The EPA has put the area on notice that East Tennessee skies likely will be out of compliance with new ozone standards that take effect in April. Ground-level ozone, a colorless gas created by combustion, is the primary component of smog. Knox County officials want emissions testing implemented statewide.

Whether motorcycles are included or not, Liddington said, the biggest pollution sources — coal-fired power plants and tractor trailers — won't be covered under any testing program.

"It's obvious that the new EPA regulations are already being factored into new government regulations at the state level," points out Steve Lundwall, State Director of CMT/ABATE of Tennessee and a member of the National Coalition of Motorcyclists (NCOM) Board of Directors. "When bikes which



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comprise an extremely small percentage of registered vehicles and an even smaller percentage of the pollution are singled out and it is stated that the biggest polluters won't be included in the testing program, it becomes very clear that we are vulnerable no matter how insignificant the initial threat seems."

According to the Tennessee Department of Safety, there are 6,772 motorcycles registered in Knox County, which is a little less than 2 percent of all registered vehicles, though that number triples every June when the Honda Hoot attracts up to 20,000 motorcyclists to Knoxville from across the country during the height of smog season.

"Here in Tennessee we will fight to protect motorcycle businesses, tourism, ourselves and our liberties," concludes Lundwall.

"ORGAN DONOR" BILL AMENDED, KILLED IN COMMITTEE: AB 1200 started out as a nice, "clean" helmet modification bill, allowing motorcyclists 18 and older the option of wearing a helmet in California. Then, just one week before the measure was to be heard in the Assembly Transportation Committee, the bill was amended to include mandatory organ donation as a requirement to ride free.

The bill's author, Assemblyman John Longville (D-San Bernardino) amended the bill without consulting the bill's sponsor, ABATE of California, in a misguided effort to find a "creative solution" to help the bill gain the votes needed to pass.

Obviously, this was one solution that didn't sit well with the riding community, and when the bill was heard in committee on January 12, in front of a room packed with motorcyclists

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from all over the Golden State, AB 1200 was further amended to remove the offensive amendment and any reference to organ donation. The original bill language was then voted on and the bill lost by 9 aye votes to 11 no votes.

Hundreds of riders who rallied at the Capitol that day had hoped that a motorcycle-riding governor would aid their cause, and some carried signs asking Governor Arnold Schwarzenegger to "Terminate the Helmet Law."

Despite the setback, Jean Hughes, legislative director of ABATE, told the Sacramento Bee newspaper, "We'll be back."

HELMET LAWS DETER TOURISM: When concerned out of state riders began writing to the Nebraska Tourism Division seeking their support in shelving the state's mandatory helmet law (LB303), the director agreed that more riders would travel through their state if helmets were optional.

"You are not alone," wrote Dan Curran, Director of the Nebraska Division of Travel and Tourism, in response to a letter from Richard Hall from ABATE of California. "There are a number of people that want the law modified or removed. In my job, I can't lobby for or against the issue. But, you are correct, we would see a positive economic impact during the annual Sturgis migration with a more liberal helmet law."

BIKERS WANT TO PARADE TOPLESS: On December 15, the Massachusetts House of Representatives engrossed H206, a bill to exempt motorcyclists participating in public parades from the helmet law.

"House, No. 206 now goes over to the Senate for its action," said Paul Cote, legislative director for the MMA of Massachusetts. "Maybe when the MMA storms the statehouse on Thursday, May 20, 2004 - we'll have a 'parade!' I like that idea!"

"GET YOUR ROCKS OFF" OUR ROADS!: ABATE of Pennsylvania has sponsored a bill to require trucks to cover their loads to prevent spills and road hazards. Representative Stan Saylor introduced HB 880 to increase the fines for violations and further defines what the violations are.

"Those from the trucking industry still maintain that enforcement is the problem and that the current law is sufficient," said John Mullendore, Legislative Coordinator for ABATE and a member of the NCOM Board of Directors. However, as ABATE's lobbyist Charles Umbenhauer points out, enforcement wasn't a problem when it came to helmets so he isn't buying that argument.

"We're not looking to drive a wedge between bikers and truckers," said Mullendore, adding that they hope to come to an agreement between the two groups. "Some of the biggest violators are weekend movers in pickups and people hauling mulch and the like. These too are included in the law."

MRF DEVELOPING IN-DEPTH ANALYSIS OF EPA MOTORCYCLE EMISSIONS REGULATION

Led by the Motorcycle Riders Foundation (MRF) and State Motorcyclists' Rights Organizations (SMROs), motorcycle riders saw the results of a three-year effort to influence the rulemaking process when the Environmental Protection Agency (EPA) released its final rule on street motorcycle emissions December 23. The final rule is complex, the results are mixed, and with the promise of still another rulemaking in 2006 the battle is far from over.

MAJOR ACCOMPLISHMENTS

1. Postponement of small-volume-maker compliance with Tier 1 (not 2006 as required of major manufacturers, but 2008) and exemption from Tier II (required of major manufacturers in 2010);
2. A measure of compliance flexibility for some impacted businesses;
3. Additional restrictions (e.g., retrofitting, anti-tampering devices) avoided; and
4. Definition of small-volume makers (as those making less than 3000 units annually) maintained.

CONCERNS:

REGULATING ENGINE MAKERS?

In the final rule, the EPA stated its intention to "pursue development of a program that would apply emission standards to motorcycle engine manufacturers." This is a major regulatory development we are continuing to evaluate. Certainly, it will increase costs to engine makers and their customers. It may drive down the number of engines available or engine makers in business, causing a chilling effect on the rider/consumer marketplace.

ONE DREAM BIKE... IN A LIFETIME?

The EPA issued "two special exemptions" which adversely impact independent shops and the aftermarket:

First, the agency exempts from emissions certification "elaborate custom motorcycles...created for display by collectors." The exemption, however, does not address "elaborate custom

motorcycles...created" for riding by riders.

Second, the agency exempts bikes produced "by any person building a motorcycle from a kit for individual use... This provision is limited to one motorcycle per individual over the life of the provision." The exemption applies to the owner of the kit, not an independent shop: "Parties or businesses who purchase kit motorcycles for assembly and retail sale are not covered by this exemption."

2006: THE ALL-IMPORTANT YEAR

The MRF is preparing for a separate and equally important rulemaking on highway motorcycles slated for 2006. The small-volume maker exemption and other provisions in the "final" rule will be on the table in 2006 when the EPA participates in the California Air Resources Board's "technology progress review."

THE FUTURE

In the future, SMROs will play a key role when the MRF-SMRO team:

Advocates on behalf of motorcycling small businesses as well as rider freedom;

Continues to advocate for creation of a new category of special construction custom motorcycle makers to protect independent shops that manufacture less than 100 motorcycles per year;

Continued on page 6

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Continued from page 5

Continues to advocate for an annual production figure more than 3000 as the definition of small-volume makers;

Continues to advocate for greater compliance flexibility for aftermarket makers of "kit bikes" and those who assemble them; and

Advocates for the strengthening of the Small Business Regulatory Enhancement Fairness Act of 1996 (SBREFA) and better SBREFA compliance by federal agencies.

The MRF will continue to solicit and review comments from SMROs, small businesses and individual riders with respect to this EPA rule. We will continue in our efforts work with SMROs and the aftermarket industry through the 2006 review and fight on behalf of motorcycling small businesses and custom motorcycle consumers. The MRF is developing a lengthy in-depth technical analysis of this EPA ruling, which will be posted on our website in the near future. The MRF's strategic plan for the continued battle to protect rider and consumer freedom, small businesses, and the aftermarket industry will be based on that analysis.

"God made the Idiot for practice, and then He made the School Board." — Mark Twain

ABATE of Wyoming Introduces HB-24

ABATE of Wyoming has introduced House Bill 24 which seeks to remove statutory restrictions on lane sharing by Wyoming motorcyclists. Motorcyclists across the state of Wyoming are urged to contact their house and senate legislative representatives immediately with a personal appeal to pass House Bill 24.

Summary: Sponsored by the Chairman of the House Transportation Committee, Representative Wayne Johnson (R), Cheyenne, Wyoming House Bill 24 would modify this unnecessary regulation. It will allow for motorcyclists to share a lane by consent of each rider. It will allow riders to communicate when necessary, to stop at intersections side-by side, or simply to ride with a fellow motorcyclist in a single lane without fear of a citation.

Strategy: The Wyoming legislature will convene on February 9th. The Speaker of the House must agree to read the bill before the House and allow for a vote to have the Bill introduced. Because 2004's session is a budgetary session, the bill must be voted on for introduction and will only be introduced if it receives a 2/3rds majority vote by House members

(40 votes).

The Speaker of the House is Mr. Fred Parady, House District 17, Sweetwater County. Riders in District 17 and the Rock Springs area are especially encouraged to contact the Speaker immediately urging him to have the bill voted on for introduction. The House Speaker may be reached at:

1221 Hilltop Drive
Rock Springs, WY
(307) 362-4423

fparady@house.wyoming.com

Motorcyclists should call, write or email their representatives in the House and Senate as soon as possible encouraging them to act on House Bill 24. To locate your representatives on the internet go to: <http://www.amadirectlink.com/>, click on the "state" link under RIGHTS, then enter your zip code, or click on Wyoming on the map and enter your address. Email addresses for all of the representatives can be found at: <http://legisweb.state.wy.us>.

Background: Since 1978 it has been illegal for motorcyclists to ride side-by-side in the same lane within the state of Wyoming. It is unclear why this became law over two decades ago, it is suspected that the law was a move to dissuade "biker clubs", but it has been a matter of contention by motorcycle riders ever since, especially for those who have been cited. It is common practice, after all, for pairs of motorcycle riders to stop at a red light or a stop sign alongside each other. There are no statistics that show that riding abreast creates an increased safety hazard for riders. Wyoming is one of only three states known to have such a restriction. Adjacent states, such as Nebraska and South Dakota have no such restriction. Riders coming to or from the Sturgis Rally are often cited when crossing the border into Wyoming.

Talking Points

- The current statute is outdated
- Wyoming being only one of three states with this statute
- The statute is vague and indefinable, and can be seen as harassment law

Exercise your rights by supporting HB24, contact your state representatives and senators now. HB24 information: <http://legisweb.state.wy.us/2004/HBIndex.htm>

Contact:

Kenneth B. Davis
ABATE of Wyoming
PO Box 1969
Cheyenne, WY 82003
Phone: 307-640-4267
davisken@earthlink.net
http://www.geocities.com/abateofwyoming_2000/

Here is a copy of the bill as introduced:



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Continued from page 6

2004 STATE OF WYOMING 04LSO-0262

HOUSE BILL NO. HB0024

Motorcycle operation.

Sponsored by: Representative(s) Johnson, W.

A BILL for AN ACT relating to motor vehicles; providing for the operation of two (2) motorcycles in the same lane of traffic as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 31-5-115(e), (f) and (j) is amended to read:

31-5-115. Operation of motorcycles and pedestrian vehicles.

(e) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. **(add) (Two (2) motorcycles may be driven abreast in the same lane by consent of both motorcycle drivers.)**

2004 STATE OF WYOMING 04LSO-0262

(f) The operator of a motorcycle shall not overtake and pass any vehicle in the same lane occupied by the vehicle being overtaken, **(add) (except another motorcycle. The operator of a motorcycle overtaking another motorcycle in the same lane shall first match the speed of the motorcycle being overtaken.)**

(j) Motorcycles shall not be operated ~~two (2)~~ **(add) (three (3))** or more abreast in a single lane

Section 2. This act is effective July 1, 2004.

Editors Note: I personally have seen several bikers get ticketed by the Wyoming State Patrol for side-by-side riding in WY. We need to support ABATE of Wyoming on this bill. Consider writing as a tourist to Wyoming. It does make a difference!

Gun Owners of America warns of IRS Ruling

The ink is barely dry on the Supreme Court's devastating decision in McConnell v. FEC — the so-called campaign finance case that GOA was involved in. That decision severely restricted broadcast communications, thus making it more difficult for GOA to hold legislators accountable on Second Amendment issues.

Now, the IRS is already leaping forward to expand the Court's ruling to include tax exempt political information communications.

Put out for comment on December 23, 2003 — when, presumably, no one would notice — proposed IRS Revenue Ruling 2004-6 creates a broad new set of ambiguous standards which groups like GOA must follow in order to avoid losing all or part of their tax-exempt status.

Under the proposed Revenue Ruling, the IRS would create a vague "balancing test" to determine whether GOA communications would be "permitted" by the government.

If the communication occurred close to an election, mentioned an officeholder who was running for reelection, and was targeted to put pressure on congressmen through constituents in each representative's district, all of these factors would push toward outlawing the communication.

Although the McCain-Feingold Incumbent Protection law was repressive enough, the proposed Revenue Ruling would go far beyond this anti-gun statute:

1. Unlike McCain-Feingold, the proposed Revenue Ruling would not be restricted to broadcast ads. Rather, it would apply to newspaper ads, e-mail alerts, newsletters, and other communications by organizations such as GOA.
2. Unlike McCain-Feingold, the proposed Revenue Ruling would not automatically exempt communications which occurred more than 60 days prior to an election — or which fell below a certain monetary threshold.
3. Unlike McCain-Feingold, the proposed Revenue Ruling would contain no fixed standards for compliance. Rather every GOA newsletter or alert would have to be published with the realization that the government, after the fact, could apply its vague criteria to determine that it was "impermissible."

Editors Note: This ruling WILL apply to Riders For Justice! Our freedoms are disappearing right before your eyes! This is a call to action for our members. You need to call your Representative and 2 Senators in Congress to call their attention to the great injustice we are seeing from the McCain-Feingold act. This will severely hamper what we can print in our paper. Voter guides will not be allowed!! We are currently seeking legal advice as to what the full consequences are and will get this information to our members.

Senator Ben Nighthorse Campbell

Colorado Springs: 719-636-9092
 Durango: 970-385-9877
 Fort Collins: 970-206-1788
 Grand Junction: 970-241-6631
 Denver: 303-843-4100

Senator Wayne Allard

Colorado Springs: 719-634-6071
 Denver: 303-220-7414
 Grand Junction: 970-245-9553
 Greeley: 970-351-7582
 Loveland: 970-461-3530

Diana DeGette - District 1

Denver: 303-844-4988

Mark Udal - District 2

Denver: 303-650-7820
 Minturn: 970-827-4154

Scott McInnis - District 3

Durango: 970-259-2754
 Glenwood Springs: 970-928-0637
 Grand Junction: 970-245-7107
 Pueblo: 719-543-8200

Marilyn Musgrave - District 4

Greeley: 970-352-4037
 Loveland: 970-663-3536
 Longmont: 720-494-4336
 Los Animas: 719-456-0925
 Sterling: 970-522-1788

Joel Hefley - District 5

Colorado Springs: 719-520-0055

Tom Tancredo - District 6

Centennial: 720-283-9772

Bob Beauprez - District 7

Wheatridge: 303-940-5821

AMA News

AMA VINTAGE MOTORCYCLE DAYS TO CELEBRATE BMW

PICKERINGTON, OHIO — The American Motorcyclist Association (AMA) has announced that BMW will be the "Featured Marque" at AMA Vintage Motorcycle Days 2004, to be held July 16 - 18 at Mid-Ohio Sports Car Course in Lexington, Ohio.

In celebrating the 81-year-old marque, AMA Vintage Motorcycle Days 2004 will benefit the Motorcycle Hall of Fame Museum and will feature an exhibit of classic motorcycles and memorabilia. The traditional "Grand Marshal" of the event will be announced soon.

The legendary Mid-Ohio circuit will again host American Historic Motorcycle Racing Association (AHRMA) road racing throughout the weekend; two days of AHRMA motocross, plus observed trials and dirt-track racing, also will be on the schedule. In all, the AHRMA racing events are expected to attract more than 1,100 competitors.

AMA Vintage Motorcycle Days 2004 also will feature two vintage bike shows; the traditional all-brands AMA Swapmeet, North America's largest; a slate of guest speakers, including renowned designer Craig Vetter; demo rides offered by BMW, Buell, Harley-Davidson, and Moto-Guzzi; an array of vendors featuring new products from top manufacturers and dealers; the annual Motorcycle Hall of Fame Auction of motorcycles and memorabilia; and the return of Rhett Rotten's original 1941 "Wall of Death" drome, with vintage Indians and Harley-Davidsons defying gravity on its hardwood walls.

This year marks AMA Vintage Motorcycle Days' tenth anniversary.

Continued on page 8

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Continued from page 7

annual event at Mid-Ohio Sports Car Course. Motorcycles previously honored with the Featured Marque distinction include BSA, Honda, Norton, Penton, Vincent, Indian, Spanish motorcycles and, most recently, Harley-Davidson.

Spectator tickets for AMA Vintage Motorcycle Days 2004 are available from Mid-Ohio Sports Car Course at 1-800-MID-OHIO or www.midohio.com. For more information about AMA Vintage Motorcycle Days 2004, including dirt-track tickets, auction details and swapmeet registration, visit www.AMADirectlink.com or call 1-800-AMA-JOIN.

AMA WASHINGTON SEMINAR SET FOR MOTORCYCLISTS MARCH 6 - 9

It's said that "You can't fight City Hall." But the fact is, you can — especially with the help of the American Motorcyclist Association.

The AMA is hosting a Washington, D.C., seminar for motorcyclists who want to learn how to influence governmental decisions, whether it's in Congress or at their own local councils.

The seminar, to be held March 6-9 at the Phoenix Park Hotel, allows participants to meet and learn from the AMA's Washington staff as well as other political experts. Besides learning about state and federal issues facing motorcyclists today, participants will get tips on building relationships with government-agency officials and on lobbying elected officials.

The instructors will be participants to meet face-to-face with members of their own congressional delegations. But the seminar isn't all work. There will be a welcome reception as well as a luncheon and a banquet over the course of the training.

The seminar registration fee is \$75. The registration deadline is Feb. 11. AMA membership is required.

For more information, or to register, contact Sharon Titus at (614) 856-1900, ext. 1252 or by e-mail at stitus@ama-cycle.org.

MOTORCYCLE SAFETY FOUNDATION ATTACKS MOTORCYCLE SAFETY INITIATIVE

In a U.S. Senate hearing room on Wednesday, December 10, 2003, the Motorcycle Safety Foundation (MSF) attacked the Murkowski Motorcycle Safety Amendment to the highway spending bill - the Senate measure backed by the Motorcycle Riders Foundation (MRF) and State Motorcyclists' Rights Organizations (SMROs).

In the meeting called and conducted by a key Senate Committee staff member, the MSF criticized every element of the amendment. MSF President Tim Buche criticized in particular the Amendment's language that helps States deliver rider training programs and provides an incentive to States to fully fund them. Calling the current system of SMRO-backed, State-administered rider training "an economic model that is broken," Buche urged the Senate not to invest in it. (He later said better funding would "lower waiting lists.")

Asked about the effectiveness of training, Mr. Buche devalued training by citing a single study which attested to effectiveness "only for the first six months" following training, after which the crash involvement of trained and untrained riders is made more or less equal, he said, by "experience" and "luck." Pro-Murkowski staffers were stunned at such a statement from an ambassador of motorcycle safety.

Representatives of the MRF, the National Association of State Motorcycle Safety Administrators (SMSA) and ten SMROs - all supporters of the Murkowski Amendment - were in attendance, as were many Senate staffers.

ABATE of New York (George Gorman, Patti Will, Ed Andross and Scott Twitchell), ABATE of Ohio (Hairy George), ABATE of Alaska (Boyd McFail), ABATE of Illinois (Cheryl Pearre), United Motorcyclists of Vermont (Jeff Cota), ABATE of Indiana (Jay Jackson, who also coordinates rider education issues for the MRF), Motor-




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cyclists for Nevada (Russell Radke), ABATE of Wisconsin (Kirk Willard, also Vice President of the MRF), ABATE of Virginia (Penny Adams) and the Coalition of Clubs of Southern Nevada (Lemuel Tapoof) responded to the MRF's short-notice call to come to Washington. The MRF extends its congratulations and appreciation to those individuals and SMROs.

The Murkowski Amendment fulfills 31 important recommendations of the National Agenda for Motorcycle Safety. Entirely incentive-oriented, the measure is built on the principle of crash prevention as offering "the greatest potential safety benefit for motorcyclists." (Source: NHTSA, Motorcycle Safety Program, January, 2003)

CALL TO ACTION: Chances are the manufacturer of the motorcycle you own is a sponsor of the MSF. Write to the Board of Directors of your bike's maker and urge them to right the wrong that has been done to the good reputation of motorcycle safety training. Go to www.mrf.org/positionpapers.php for postcards that you and your SMRO can download and print on card stock, as well as addresses of several businesses that support the MSF.

Safety is not a question of "luck," but the product of training! Send that message! Act today!

EPA ISSUES FINAL RULE FOR STREET BIKE EMISSIONS STANDARDS

The Motorcycle Riders Foundation (MRF) has learned that the Environmental Protection Agency (EPA) issued its final rule for street bike emissions today, although it has not yet been published in the Federal Register (anticipated publication in January 2004). You can view the EPA's "Final Rule for Cleaner Highway Motorcycles," along with various support documents, at <http://www.epa.gov/otaq/roadbike.htm>.

According to the EPA, Tier 1 of these new rules will "affect new motorcycles produced for the 2006 and later model years," with Tier 2 taking effect in 2010. The MRF and State Motorcyclists' Rights Organizations (SMROs) nationwide have been working vigorously to affect the final rule regarding new street bike emissions standards for over three years. The MRF would like to highlight the following points following our preliminary review:

1. Small-volume manufacturers with fewer than 500 employees worldwide and producing fewer than 3000 motorcycles per year in the United States are not required to comply with Tier 1 standards until 2008, and small-volume manufacturers are not required to comply with the Tier 2 standards at all. From the start, the MRF and SMROs across the country have been working diligently to protect the small-volume manufacturers from potential bankruptcy, and our efforts are reflected in this exemption.

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2. Unfortunately, the EPA still feels that “new emission standards are not expected to have any adverse affect on the aftermarket industry.” They go on to state, “The aftermarket parts industry is a substantial part of the motorcycle industry and can readily and successfully adapt to any changes that might result from this rule.” Furthermore, the EPA states that, “In addition, the vast majority of aftermarket items have nothing to do with emissions, and will thus be unaffected.” Obviously the questions that the MRF and SRMOs have been asking for the past three years got their attention, but this is not the answer for which we had hoped.

3. There is a once-in-a-lifetime exemption for a custom or kit motorcycle for your own personal use, as long as you don't sell it for at least five years. The EPA points out, however, that “this exemption would not cover a case in which an entity purchases a kit, assembles the kit, and then sells it to another party; this would be considered to be the sale of the complete motorcycle.”

Forty-four members of Congress joined Congressmen John Shimkus (R-IL) and Ted Strickland (D-OH) in sending a letter to the EPA in May 2003, at the request of the MRF and SMROs nationwide. The letter asked some very pointed questions regarding the proposed emissions standards for street motorcycles, and this final rule reflects the impact of that letter. The MRF would like to extend its sincere appreciation to all the individuals and organizations who have worked with us for the past three years to affect these final rules for street bike emissions standards.

The MRF is conducting an in-depth analysis of this complex final rule and will be reviewing strategies in the days to come.

Riders For Justice would like to give a large thanks to the following 2 businesses that made sizable donations to the Needy Family Program at Christmas this last year:

Gay Johnson's Inc. 410 North Ave., Grand Junction - donated 4 tires including the mounting

Batteries Plus 578 25 Rd, Grand Junction - donated a car battery

Thanks very much for making this program successful!

Pawnee Site Provides Off-Road Use

For our eastern slope members looking for a site to ride their off-road bikes and 4-wheelers, Pawnee grasslands provides a really nice winter riding site from November 1 through April 9. To get to the area, take US 85 north past Nunn CO to Weld County road 114. Take 114 east 8 miles. Turn north on Weld County Road 45 for 4 miles then continue north on Pawnee Grasslands road 45 for 2 miles. Turn east for 1 mile on Pawnee Grasslands road 640. You will have a great place to ride in the winter months with a great view of the buttes to the north!

After riding, Pawnee provides some beautiful area to drive through and if you have been looking for a place to shoot, this is a great place to do some target practice. Just remember to clean up after yourself!

For more information on rules or to get a map of Pawnee Grasslands, contact Pawnee Grasslands, 660 “O” Street, Greeley, CO, 970-353-5004

Illegal Immigration: “What can I do?”

By Dave Gorak

“What can I do to help stop the flow of illegal aliens into this country?”

This question is asked of me with increased frequency these days, which is good because it reflects numerous polls in recent years showing the deep concerns Americans have about our laughable immigration policy. It also confirms the very wide gap on this issue that exists between the public and so-called “opinion elite”: The media, labor, business executives, and organized religion.

But, more often than not, after responding to those who pose this question, I seldom hear from them again after they learn that to save this country from our pandering, disloyal politicians at every level of government, they must do far more than just complain to organizations like ours, their families and friends around the dinner table, or to their local bartender.

Far too many of these citizens don't even know the names of those who represent them in Congress or in their state legislatures. Some are afraid of what their family, friends and neighbors will think about them when it is learned they have joined the “anti-immigration” movement.

Why are we afraid to make our voices heard, but the enemies of this country are not?

One of my favorite stories related to our movement came from an Indiana resident who complained about the changing demographics of his small town: “I don't recognize this place anymore,” he said, and asked whether there were any immigration reform groups in his area. When I told him no and suggested he start his own he said, “Oh, no, I couldn't do that! I'm very active in the Catholic Church and have to keep a low profile.”

My congressman, Henry Hyde, who doesn't disagree with any of the government statistics reflecting our out-of-control population growth or the importance of enforcing our immigration laws, told us several years ago he wasn't receiving “25-30 letters or phone calls” a month from his constituents who say immigration is an issue with them.

There is the answer to “What can I do?”

The Mexican government, which is leading the all-out assault against our national sovereignty, is wasting no time in pushing its agenda while too many of us remain preoccupied with our “career goals,” our kids' soccer games, inhaling “reality” TV shows, and wandering through shopping malls in search of God knows what.

Maybe it's just me but it seems like the other side wants this country more than we do, and our only reaction is to sit on our hands and allow our elected “representatives” to hand it to them. If we want these “lawmakers” to stop acting like they were elected to represent the interests of foreign governments (instate tuition, drivers licenses for illegals) instead of those of their constituents, then we'd better get off our fat couches and onto the telephone or seated at our writing desks, or both.

Illegal aliens can find time to board buses, ride around the country posing as “Freedom Riders” and arrogantly tell us that our immigration laws are “outdated.”

What's our excuse?

Dave Gorak (mcri36@aol.com) is executive director of the Midwest Coalition to Reduce Immigration in Lombard, IL.

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HOW TO REPORT ILLEGAL ALIEN ACTIVITY

Have illegal immigrants been destroying your community? Then report any and all suspicious illegal alien activity to the federal government. Call the hotline at the Department of Homeland Security: #1-866-DHS-2ICE [national number]. You can also call the Immigration Comment Line on Capitol Hill: #202-226-6994.

BUSH IMMIGRATION PLAN BORDERS ON TREASON

By Pastor Chuck Baldwin

NewsWithViews.com: President George W. Bush wants to give some eight to ten million illegal aliens, most of them from Mexico, legal status. The plan would legalize these aliens as “temporary workers,” which would allow them to work freely in the United States without fear of deportation. The plan is so disastrous to our country's well being and so fraught with potential risk to our country's security that the plan should be regarded as bordering on treason!

Already, more than ten percent of Mexico's population is living illegally in the United States. If Bush's plan is actually implemented, that percentage would skyrocket. Our southern border is already an open sieve, as millions of Mexicans pour into our country. Bush's amnesty program (and that's exactly what it is, Bush's word games notwithstanding) would only be seen as a green light for millions more to invade our nation.

The financial drain on American taxpayers by these criminals is incalculable. Taxpayers will be paying for their food, health care, Social Security benefits, and education, plus all of the above for their dependents, from now on. Not to mention, the cost of law enforcement and loss of property due to the criminal conduct of these invaders.

Bush's amnesty plan is also a serious slap in the face to those would-be immigrants who are trying to migrate to America legally. There are thousands of decent, hard working people from around the world who are seeking entrance into the United States. Some of these are seeking political asylum. Some are fleeing persecution. Whatever their reasons, they are following the rules and obeying the laws. Now, they must

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wait and watch as President Bush pushes criminals to the front of the line.

Furthermore, to grant illegal aliens legal status jeopardizes the security of the United States and makes us more vulnerable to terrorism. The very fact that an illegal alien is here proves that he or she cares nothing for America's laws. It demonstrates an intrinsic callousness that dare not be ignored.

Rep. Tom Tancredo, R-CO rightly said that Bush's plan is "dangerous and unworkable." Investigative Journalist Jon Dougherty also predicts that "sustained high immigration levels from south of the border will continue to pose economic, labor, security, and criminal threats to the United States."

Giving illegal aliens and the corrupt American companies that knowingly accommodate them legitimacy is tantamount to the United States legalizing Al Capone's, or any other gangster's, "underground" enterprises. It is repulsive, disgusting, and unconscionable!

Beyond that, the reason President Bush is attempting to legalize millions of illegal Mexicans seems nothing at all but an undisguised ploy to pick up votes for his reelection. Therefore, it should be obvious to all Americans that this president is willing and eager to put America's future largely in the hands of foreign criminals. Every American should give that thought serious deliberation!

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Have you written or called your Congress and President yet? You can contact them via <http://www.vote-smart.org/>

Who Was that Fat Lady?

by Attorney Edgar J. Steele

"America is at that awkward stage. It's too late to work within the system, but too early to shoot the bastards." — Claire Wolfe, "101 Things to Do 'Til the Revolution" (1999)

"They have treated me and others like me with utter contempt. They have confiscated our property and put people in maximum-security prisons over ownership of fender washers, claiming they were unassembled silencer parts. ... They have shot a man's wife in the head because his gun's buttstock was too short. ... They burned 90 people alive over a disputed two hundred dollar tax." — John Ross, "Unintended Consequences" (1996)

"It ain't over until the fat lady sings." — Old Southern American saying (concerning church service)

"It ain't over 'til it's over." — Yogi Berra (1973)

It's over.

The fat lady has sung.

Elvis has left the building.

The great American experiment finally fizzled on December 1, 2003, when the US Supreme Court declined to hear an appeal from a 9th Federal Circuit decision which gutted the Second Amendment. It was a nice run - over two hundred years - but all good things must end...I guess...at least, that's what they say.

We all know how saying nothing sometimes can be among the most profound of statements. Ask any husband.

Nowhere is their silence as when offered by the Supremes. And, never has their silence been so overwhelming as on December 1, 2003. That's when the US Supreme Court issued its ruling, refusing to hear an appeal in the case of *Silveira vs. Lockyer*. That made *Silveira* the law of the land, you see.

Here's the background, briefly: California's legislatively-crafted "assault weapon" ban was stronger than the national ban. Both bans essentially outlaw any rifle that looks like it means business, regardless of capability — I kid you not, cosmetics really is the upshot of these bans.

Silveira sued in a losing attempt to overturn the more-stringent California ban. *Silveira* unsuccessfully appealed up through the legal system to the 9th Circuit Court of Appeals. Next stop: US Supreme Court, which now has "denied cert," which means it allows the ruling below to stand.

Here's the real kicker, though. *Silveira* doesn't just nationalize the California definition of assault weapon. In *Silveira*, the 9th Circuit Court made the following pronouncement: there is no individual right to bear arms contained within the Second Amendment to the US Constitution.

That means that no American citizen, since December 1, 2003, has a fundamental right to possess a firearm.

You heard me right. You no longer have a right to own a gun.

Mind you, here is the Second Amendment, in full: "*A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*"

Not just some people, but the people. You and me, in other words.

And it's a fundamental (God-given) right, therefore the government can't mess around with it...ever. "Unalienable rights," was how the Declaration of Independence described these fundamental rights. Unless we let it. We just did, by tolerating this sort of behavior from our government.

Mind you, the Ninth Circuit Court's judges didn't just come out and say you don't have a right to a gun. They did it in legalese: they merely "affirmed" a prior decision of their own, in which they said as much.

So, the US Supremes affirm the ruling of a lesser court (by silence, thereby making it the law of America, nonetheless, because contrary rulings from other jurisdictions will not be tolerated), which affirmed its own prior ruling, which says you have no right to own a gun.

Like thieves in the night, with stealth, the black-robed dictators steal your rights.

All this silence and misdirection clearly tells you how they feel about what it is they are doing. Yet, they go ahead and do it anyway. And the average American is too stupefied to know any better...or, worse, care. No, it does get worse: many who care and understand actually applaud this result.

The ground now has been set for blanket bans and confiscation. What? Cold, dead fingers, you say? Yeah, sure. When martial law is declared, hardly anybody will resist.

What? Martial law never will be declared in America, you say? Yeah, right. Just wait until the next Reichstag Fire...er...terrorist event which occurs on US soil. The smart money is betting that happens within a month or two, by the way.

Some will ask, "What's the big deal, anyway? Guns are no match for government munitions these days, anyway. Guns really are good only for hunting. Who needs hunting, with



the Safeway just down the street?"

Here's my response, which echoes that of America's founding fathers: The Second Amendment's guarantee of the individual's right to bear arms actually comprises the teeth of the Constitution; what enables us to enforce the provisions of the Constitution against an out-of-control government.

"Governments are instituted among Men, deriving their just powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government..." Sound familiar? It should. It is from the second paragraph of the American Declaration of Independence.

Furthermore, small arms are scarcely outmoded. One need look only to the debacle occurring in Iraq at this moment for the proof of that statement.

And as for the Safeway? America's supply line is about 3 days long - no more, certainly. In a crunch, you can bet that all the publicly-available food will disappear overnight...into government hands, for consumption exclusively by "our leaders." Safely tucked away in all those nice, little underground shelters they built for themselves with our tax money in recent years.

Does the current system of elections in America constitute "Consent of the Governed?" Scarcely. Hardly anybody votes these days, it seems. We realize that any candidate allowed to run for office already has been vetted by the real powers that be. You think Howard Dean will be any different from Bush II? Really? Nobody who could make a difference will make a difference because such a person is not allowed to run for office...at any level.

I recently had a list member write to tell me, "Your legal talent is wasted on commentary. We suffer not from a lack of commentary. We suffer from a lack of lawyers who will file lawsuits on behalf of pro-white candidates/activists. One of the root causes for this is because the better educated, more affluent pro-white lawyers while sympathetic don't respect those who need legal help. It's a class thing." I disagree. What is pointless is the filing of lawsuits; the attempt to work within the system. The system is broken...irretrievably.

In fact, precisely what now is needed is commentary to awaken our fellow Americans to the tyranny growing in America.

The single best piece of commentary I have seen on the *Silveira* case is by another lawyer: "Reflections Upon the U.S. Supreme Court's Rejection of *Silveira*" by Peter J. Mancus. (<http://www.keepandbeararms.com/Mancus/silveira.asp>). His is a passionate and brilliant, albeit lengthy, article worthy of your time. Among Mr. Mancus' observations:

"What value is the 'right to petition to redress grievances' or to file a lawsuit (which is a form of the right to petition government for a redress of a legitimate grievance) when the petition or lawsuit or both crashes into the solid legal wall of

Continued from page 10

government immunity or the government refuses to hear the petition (lawsuit) or refuses to take it seriously or refuses to apply the applicable law correctly? That is what happened with Silveira at the Federal 9th Circuit...

"How viable is the 'right of self-defense' if you must first beg government's permission to defend your life with a gun, when government thinks it has the power to withhold its permission, with immunity, and to criminally prosecute you if it catches you packing a gun without its permission?..."

"(T)he entire purpose of the U.S. Bill of Rights was to take away government's unfettered discretion, but, guess what, government now claims it has that very discretion that the Framers intended to deny to government, and, to exacerbate matters, government now hides behind its immunities when it commits wrongdoing, and, still worse, it has the gall to accuse citizens of hiding behind their rights and being "gun nuts" or worse when they refuse to go along to get along..."

"We are on an increasingly steeper slope toward a free fall into tyranny. The U.S. Supreme Court's rejection of Silveira made that slope steeper - much steeper. That fact is simply not appreciated by some..."

"I am afraid that a violent confrontation with our own Government(s) looms ahead..."

"We are in a downward spiral toward some flashpoint where a hardcore of no-nonsense "no more" constitutionalists will press the issue and not submit to perceived, insufferable oppression..."

"I know 'the gun solution' (political assassination, open rebellion, etc.) is fraught with peril and inadequate and morally complex and legally illegal. But, what is left? When we peacefully claim our birthrights, peacefully pursue a lawsuit to the U.S. Supreme Court and are stiff-armed while we point to what is written in the Constitution, we are mocked, scorned, ridiculed, rebuffed, ignored, dismissed, and rejected..."

"(I)t is not about guns. It never was about guns. It is really about this: 1) liberty; 2) ordinary citizens retaining a legally enforceable right to retain the most efficient, pragmatic means to enforce the rest of their rights enshrined in the U.S. Constitution - privately owned, registered or unregistered, firearms; 3) holding government accountable; 4) keeping government from indefinitely blowing through Constitutional red lights, violating the Constitution's commands; 5) forcing government to wear its Constitutional collar, connected to a Constitutional chain, staked firmly into the bedrock of Constitutional law.

"Now, when government slips that Constitutional collar and refuses to put it back on and wear it compliantly and honor the Constitution's commands, with the judiciary's blessings, what then?"

"How does one make a snarly, robust, active, gargantuan government wear a collar it does not want to wear? How does one get close to the beast's teeth and claws to put on that collar and survive?..."

"Before Silveira and now with Silveira, the peaceful, legal way was tried...It failed because the Black Robes and the system failed..."

"Currently, the United States is not led, run, nor operated per its own Constitution's rules and commands. Our governments are out of control, and we, the People, have lost control of our own governments..."

"When Governments succeed in manipulating us to focus on, and to chose between, Security versus Liberty, they win. They win because the instant we choose either, we forfeit the

other, and we will inevitably lose what we chose. We especially lose when we choose Security. That choice makes us too dependent on Governments to protect us. Governments cannot protect us in all ways at all times. Governments can, and do, however, use this issue to manipulate us against ourselves, to surrender more Liberty so it can increase its powers over us and tie us down with its chains rather than we tie it down with the Constitution's chains..."

Keep in mind that Mr. Mancus, like myself, is a lawyer. He well appreciates what he dare not say aloud concerning judges and our government, on pain of being disbarred. Outspoken as are both he and I, still we are incapable of advocating things that you might legally advocate.

It is not yet illegal to bury weapons, so I can in all seriousness advise you to bury those you previously acquired "off paper," via private sales. Do it properly, with ammunition and in well-sealed, watertight containers. Be innovative and bury them where metal detectors will not ferret them out. Keep a couple, the ones for which the dealer ran background checks, to hand to the nice soldiers who inevitably will come to your door, gun registration lists in hand. At that point, it will be illegal for me to tell you to withhold any guns from the government, so the guns you bury today will be an issue only between your conscience and yourself.

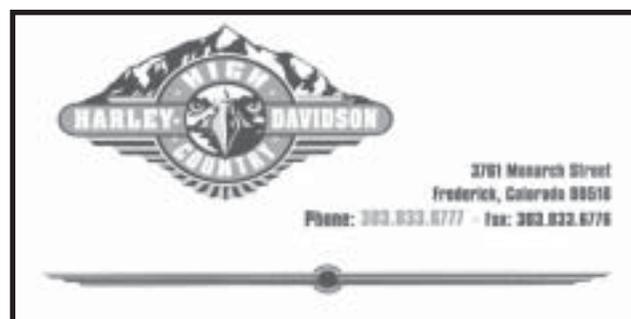
Oh...and I don't know who that fat lady was, either. All I know is that, as she left the stage, I saw she was wearing a yarmulke.

"I didn't say it would be easy. I just said it would be the truth." - *Morpheus*

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A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government. - Our first President, George Washington

If the Constitution is to be construed to mean what the majority at any given period in history wish the Constitution to mean, why a written Constitution? - Frank J. Hogan, President, American Bar Assn. (1939)



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