

Constitutional Right to Travel

Collection of Legal Citations supporting the Right to Travel

IT IS ALL ABOUT JURISDICTION!

Guard your jurisdiction and do not admit it incorrectly!

“Bell vs. Burson 402 U.S 535 (1971) & Dixon vs. Love 431 U.S 105 (1971)”

-Law Offices Of William C. Makler

<https://famguardian.org/Subjects/Freedom/Rights/Travel/RightToTravel.htm>

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

[Miranda v. Arizona, 384 US 436, 491 (1966)]

"The claim and exercise of a constitutional right cannot thus be converted into a crime."

[Miller v. U.S., 230 F.2d 486, at 489 (1956)]

". . .there can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."

[Sherar v. Cullen, 481 F.2d 946 (1973)]

"An area of serious consideration for every police officer is to understand that the most important law in our land which he has taken an oath to protect, defend, and enforce, is not state laws and city or county ordinances, but the law that supersedes all other laws -- the U.S. Constitution. If laws in a particular state or local community conflict with the supreme law of our nation, there is no question that the officer's duty is to uphold the U.S. Constitution."

Every police officer should keep the following U.S. court ruling --discussed earlier -- in mind before issuing citations concerning licensing, registration, and insurance:

"The claim and exercise of a constitutional right cannot thus be converted into a crime."

[Miller v. U.S., 230 F.2d 486, at 489 (1956)]

PREFACE:

Very few citizens pay any attention to the foundations and limitations of governmental authority. Most assume that government can do what it does. Fewer still do anything to turn back the tide of a government that has breached the levy of the Constitution. And what is this tide that has ruptured the foundations of our nation? An exponentially expanding socialism which wields the sword of commerce.

Socialism is that scheme by which our individual rights, secured by a republic, are converted to privileges granted by those who operate a democracy; the form of governance where the liberty and property of the individual is surrendered under the pretense of the common good. The common good, of course, is defined by the socialists who seek to revoke your rights and grant privileges to you as they see fit. So what does this have to do with commerce? It's as simple as two of our American icons, the car and the gun.

First the car

If you ask almost anyone today whether the law requires a driver to be licensed before they can drive a car on the highway, the answer will be a resounding yes. How do we know it's true? By constant reinforcement of the idea, we believe it. For generations it has been a "requirement." Turning 16 and getting your drivers license has become the great American rite of passage.

Policemen everywhere are ready to pull you over for any "violation" and ask the first question, may I see your license? The court calendars are filled with people caught driving without "privileges." TV shows and newspapers reinforce the belief that "it's the law." But is it? How did our right to travel become a privilege? Let's look at the origins of this "law" and see if the believers really have anything to believe in. In the beginning, we rode horses. No one needed a license for that.

Traveling was such a fundamental right, that everyone took it for granted. Then came the contraption known as the automobile. As the technology progressed and availability increased, the freedom of travel became available to anyone who could afford the means to start, stop and steer. The automobile has done much to change the face of American society. It also has been the source of many "problems" in our society.

With any freedom comes responsibility. Those who fail to assume their responsibilities are the food that socialist governments feed upon. Automotive transport has many benefits, but its negative side has become a great public trough providing the three phases of hegelian opportunity: Find or create the problem; offer the solution; extract the price.

Compelled responsibility is the corner stone of socialist government. There is a problem with such unbridled socialism. Governments were originally formed by constitutions which limit their intrusions and protect the rights of the citizenry. Those pesky rights to life, liberty, property and the pursuit of happiness can get in the way of the free flow of legislation. The constitutions provide and specify the subjects that can be legislated on.

Most constitutions predate the automobile. How would government control the automobile when the constitutions do not grant them any authority to do so? Constitutions can be amended, but using that process would admit to the many limitations of government. Government doesn't want to have to amend the constitution every time it grapples for another increase in power.

The socialists have another solution. Abandon constitutional limitations when it is inconvenient to their goals and lay down new laws under the guise of beneficial and necessary purposes. Few will claim their rights trampled by such laws until well after they are gone.

Slowly this method creeps, like a vine crawling up a brick wall, until its roots have permeated the mortar, its leaves cover the wall, and the weed of socialism is the only part of the wall still visible. The Constitution, like the bricks in the wall, becomes the obscure foundation for the many leaves and tangled vines of the parasitical plant and its new facade. Once in place, it is difficult to remove and almost always grows back.

The Sword of Commerce

Back in the days when government was a public servant, not the public's master, the roadways belonged to the people who had a long-standing right to use them. The control of automotive transport began when the private use of the public highway resulted in profits. Article 7, Section 2 of the Idaho Constitution authorizes a license tax upon persons and corporations doing business in this state. In the early years of automotive history, many local and state jurisdictions around the country used a similar authority to license and tax the commercial use of the public roads. The courts agreed with this constitutionally valid and limited authority to license commercial travel:

“The statutory requirement that licenses be procured for motor vehicles used upon the highways is based on the servitude put on the highways by such use and the advantage which the improved highways may afford the business in which the motor vehicle is employed.” *Patterson vs. Southern Ry. Co.*, 198 S.E. 364, 214 N.C. 38.

“The privilege of using the streets and highways by the operation thereon of motor carriers for hire can be acquired only by permission or license from the state or its political subdivisions.” *Black's Law Dictionary*, 6th Ed., p.920.

Under current law, the Congress continues to base its definition of a motor vehicle on commercial use: “Motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and USED FOR COMMERCIAL PURPOSES on the highways in the transportation of passengers, passengers and property, or property or cargo;” Title 18, U.S.C. sec. 31.

In the beginning, courts across the country also recognized that government's power to license under commerce was limited to just that — commerce:

“The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right in so doing to use the ordinary and usual conveyances of the day; and under the existing modes of travel includes the right to drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon, for the usual and ordinary purposes of life and business. It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which a city may permit or prohibit at will.” *Thompson vs. Smith*, 154 S.E. 579 at 583.

“No statutory duty lies to apply for, or to possess a driver license for personal travel and transportation as defendant is not within the class of persons for whose benefit or protection the statute was enacted.” *Routh v. Quinn*, 20 Cal 2d 488.

Courts also recognized that private travel is fundamental right: “The right to travel on the public highways is a constitutional right.” *Teche Lines v.* , 12 So 2d 784, 787.

“The right to travel is part of the ‘liberty’ that a citizen cannot be deprived without due process of law.”
v. Dulles 357 U.S. 116; v. Laub 385 U.S. 475

“The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived.”
Chicago Motor Coach vs. Chicago, 169 NE 22; Ligare vs. Chicago, 28 NE 934; Boon vs. Clark, 214 SSW 607; 25 Am. Jur. (1st) Highways Sect. 163.

“Operation of a motor vehicle upon public streets and highways is not a mere privilege but is a right or liberty protected by the guarantees of Federal and State constitutions.” Adams v. City of 416 P2d 46.

“The right of a citizen to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty, and the pursuit of happiness.” Slusher v. Safety Coach Transit Co., 229 Ky 731, 17 SW2d 1012.

“The claim and exercise of a constitutional Right cannot be converted into a crime.” Miller vs. , 230 F. 486, 489.

“The right to travel is part of the ‘liberty’ of which a citizen cannot be deprived without due process of law under the Fifth Amendment.” Kent v. Dulles, 357 116 (1958).

“Where activities or enjoyment, natural and often necessary to the well being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them .. to repeat, we deal here with a constitutional right of the citizen,” Edwards v. , 314 U.S. 160 (1941).

The socialists tried early on to step beyond their limits of regulating commercial travel. This conversion of the citizen’s rights through a compelled licensing scheme was initially stopped by the courts: “Where a private statute exists of which the intent is regulation of commercial common carriers, the particular agency enforcing that private statute, shall not apply it by trickery and deceit, to persons who are not noticed by the statute as persons regulated and taxed, nor should it permit any party to do so in violation of a person’s right to stay out of compelled license/contract, when he is not a person subject to the statute, unless clearly within its words.” State v. Ebershart, 179 P 853, 246 P 2d 1011.

In time, however, the courts would join the socialist cause and ignore their previous rulings like this one.

If courts all the way to the Supreme Court have ruled that “the right of a citizen to travel upon the public highways” is a “constitutional right,” “not a mere privilege which may be permitted or prohibited at will,” and “no statutory duty lies to apply for, or to possess a driver license for personal travel” and such a right is “protected by the guarantees of the Federal and State constitutions” which “cannot be converted into a crime,” then why do you need a license to drive your private car on our public highway?

It’s simple. Socialists get elected to the legislature. Car wrecks, school shootings, bombed federal buildings, environmental degradation, the poor, the sick, the tired and hungry, give many a cause to the “there-ought-to-be-a-law” mentality of our socialist saviors. Using the “problem” of the day as the cause for their mission, they unshackle themselves from their constitutional constraints and legislate, piece by piece, the legal strait-jacket which confines the liberties of the formerly free citizenry.

And the media beats the drum while socialists in the legislature pipe the tune.

There are many subjects in the Constitution which the legislature is authorized, and in some cases, even required to legislate on. The subjects they are authorized to legislate on are enumerated in the Constitution to keep the legislature from making laws on any subject it wishes to meddle in. Even though the constitution has been amended more than a hundred times for other purposes, there is no provision in the Idaho Constitution allowing the state to license drivers for operating a private automobile. However, the legislature routinely ignores the Constitution. An ambiguous law was passed compelling the citizenry to “purchase” a license before being permitted to use the public highways.

Our modern day courts act in lockstep with these socialist edicts and ignore constitutional facts and higher court rulings.

How do I know? I attempted to prove I was innocent of driving without “privileges” because the law said I had a right to travel and only commercial travel could be licensed. I was threatened with shackles and jail for mentioning such laws, like the rulings above, to a jury. The same jury that was not allowed to see such laws, then found me “guilty” when I failed “to possess a drivers license for personal travel.”

The right of citizens to travel upon the public highways which is “protected by the guarantees of the Federal and State constitutions” have been “converted into a crime.” My attempt to defend myself by mentioning the law also became a crime. And it all began with commerce.

Truth and law are denied whenever they threaten the vines of socialism. The drivers license has become a multi-million dollar industry of government and a primary mechanism by which our masters in government control our movement and identify their property — the citizen. Such vested interests cannot be disturbed with law in this great age of socialism. The faithful believers in this ever burgeoning socialism continue to look only at the vines and leaves of the parasitical facade.

Placated by plentiful possessions, we look no further. Our rights begin to dissolve when we fail to demand them. They recede when our children are taught that only privileges exist. When those children become adults the privileges of socialism become the new law and all rights are gone. Beginning with the authority to regulate commerce, our “right” to travel has been converted incrementally, over generations, to a “privilege.”

The gun

So what’s the connection between the car and the gun? Most people believe that everyone needs a license to drive a car. Many would think you’re nuts for the preposterous notion that you have a right to travel without being licensed. Show them the law and they will still think you’re nuts. They would rather believe in that which feeds them. By providing the faithful with a sense of security and giving comfort to those in need, the socialists have created quite a following.

The control of the automobile began in the early 1900s. Many generations later these unconstitutional license laws have found favor with the converts to the socialist democracy.

Gun control is a much more recent invention. In 1967 a 14-year-old boy could order a rifle and ammunition from the Sears catalog and then pick it up at the Post Office. Then came the Gun Control Act

of 1968. An adult citizen could no longer mail a gun. Neither could they cross state lines and purchase a gun without having it shipped to someone in their state who held a "Federal Firearms License."

And how did Congress assume the authority to control guns and license gun dealers? The "Commerce Clause" of the Constitution. "The... power... to regulate commerce... among the several states..." has become the basis for the federal infringement of the right to keep and bear arms. The vine of socialism isn't about to stop here. Having sunk its roots into the Commerce Clause, it will grow to control all aspects of the gun. But only if we fail to rip that weed off the wall that is our Constitution.

In the wake of the 1968 Gun Control Act, many more entanglements have sprouted. Import bans on "assault rifles." Taxes on ammunition. Limitations on magazine capacity. Background checks. Waiting periods. All under the socialists creed, "for the common good." Many more infringements are promised as the vine of socialism grows around the right to keep and bear arms. And it all began with commerce.

Can you spell infringe? Then look it up in the dictionary. Will you allow the belief in the socialists cause to prevail, or demand your rights under the Constitution? For want of actually looking, all most people will ever see is the leaves on the vines of socialism. Seeing is believing, so they say, and the faithful converts to socialism continue to believe in that untended weed which is choking the foundations of our country. Our rights are fading like a sunset turning into darkness.

Look back on the history of how the "right" to travel was converted into a "privilege." Can we prevent that history from repeating itself on our right to keep and bear arms? Will you allow your children to believe they must have permission from the government to own a gun?

Whether or not this generation takes a stand will determine what rights are left for all future generations. Get out your pruning shears and cut back the vines of socialism. With thousands hacking at the roots, the entanglements choking out our liberty can be removed from the wall of our Constitution. Yes, the car and the gun are dangerous contrivances which require competency and responsibility in their operation, but so is the legislature. Pre-emptive laws deprive liberty. Is it government's purpose to control everyone's conduct or to provide a remedy for misconduct? What is more dangerous, the automobile and the gun, or the legislature with the sword of commerce in its hands?

"The individual may stand upon his constitutional rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his door to an investigation, so far as it may tend to incriminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state. ...He owes nothing to the public so long as he does not trespass upon their rights." *Hale v. Henkel*, 201 43 (1905)

<https://lawreader.com/?p=13935>

WHAT IS A DRIVER'S LICENSE?

“A license is in the general nature of a special privilege, entitling the licensee to do something that he would not be entitled to do without the license”. 51 Am. Jur.2d., LICENSES AND PERMITS, PART ONE, GENERAL PRINCIPLES, I. GENERAL, §1. Generally, p. 7

Statutes may, of course, be so worded as to require a license for the carrying on of certain activities **only in the event that they are carried on by a corporation**.¹⁶ And corporations may, conceivably, be expressly exempted from certain licensing requirements.¹⁷ In the absence of particularization or exemption, however, a licensing statute will ordinarily be construed as applying regardless of the form of the entity or person carrying on the specified activities.¹⁸ 51 Am. Jur.2d., LICENSES AND PERMITS, PART ONE, GENERAL PRINCIPLES, I. GENERAL, §42. Generally, p. 49 V. WHO IS SUBJECT TO LICENSE LEGISLATION.

License. A personal privilege to do some particular act or series of acts on land without possessing any estate or interest therein, and is ordinarily revocable at the will of the licensor and is not assignable. *Lehman v. Williamson*, 35 Colo.App. 372, 533 P.2d 63, 65. The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise not allowable. *People v. Henderson* 391 Mich. 612, 218 N.W. 2d 2, 4. *Black's Law Dictionary* 6th Ed. Pages 919-920

Driver's license. The state issued certificate authorizing a person to operate a motor vehicle. It is also often used as a form of Identification.[Cases: Automobiles West 136.] **Black's Law 9th Ed. page 569**

Driver's license. (1882) The state issued certificate authorizing a person to operate a motor vehicle; an official document of card stating the owner is legally allowed to drive. It is also used as a form of identification.-Also termed (in some states) driver license; (BrE) driving license. **Black's Law 10th Ed. Page 603**

Driver's license. The state-issued certificate authorizing a person to operate a motor vehicle.[Cases: Automobiles West 136. C.J.S. Motor vehicles §§22, 257, 259-261, 277-279.] **Black's Law Dictionary 8th Ed. page 533**

Driver's license. The state-issued certificate authorizing a person to operate a motor vehicle. **Black's Law Dictionary 7th Ed. p.510**

Driver. One employed in conducting or operating a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car. A person actually doing driving, whether employed by owner to drive or driving his own vehicle. *Wallace v. Woods*, 340 Mo. 452, 102 S.W.2d 91, 97. **Black's Law Dictionary, 4th Ed. Revised 1968, p. 585**

Employed. This signifies both the act of doing a thing and the being under contract or orders to do it. To give employment to; to have employment. *State v. Birmingham Beauty Shop*, Ala., 198 So. 435, 436. **Black's Law 4th Ed. p. 617**

Operate. This word, when used with relation to automobiles, signifies a personal act in working the mechanism of the automobile; that is, the driver operates the automobile for the owner, but the owner does not operate the automobile unless he drives it himself. *Beard v. Clark*, Tex.Civ. App., 83 S.W.2d 1023, 1025. *Black's Law 4th Edition* revised page 1243

Streets and highways. A permit to use street is a mere license revocable at pleasure. *City of Boston v. A. W. Perry, Inc.*, 304 Mass. 18, 22 N.E.2d 627, 630; *Lanham v. Forney*, 196 Wash. 62, 81 P.2d 777, 779. The privilege of using the streets and highways by the operation thereon of motor carriers for hire can be acquired only by permission or license from the state or its political subdivisions. *Black's Law Dictionary* 5th Ed. p. 830

Permission. A license to do a thing; an authority to do an act which, without such authority would have been unlawful. An act of permitting, formal consent, authorization, leave, license or liberty granted, and it has a flexible meaning depending upon the sense in which used. ***Winterton v. Van Zandt, Mo., 351 S.W. 2d 696, 700.*** See Authority; Certificate; License; Permit. *Black's Law 5th Edition* page 1026

PERMIT. In general, any document which grants a person the right to do something. A license or grant of authority to do a thing. *Matter of Building Permit and Zoning*, 29 N.C.App. 749, 225 S.E.2d 647, 649. A written license or warrant, issued by a person in authority, empowering the grantee to do some act not forbidden by law, but not allowable without such authority. *Black's Law Dictionary* 5th Ed. page 1027

PERMIT. n. A certificate evidencing permission; a license <a gun permit>. *Black's Law 8th Edition* page 1176

Licensee. A person licensed; one who holds a license. *Texas-Louisiana Power Co. v. Webster*, 127 Tex. 126, 91 S.W. 2d 302. *Black's Law Dictionary* 4th Ed. page 1070

License fee or tax. Charge imposed by sovereign for a privilege. *Pennsylvania Liquor Control Board v. Publicker Commercial Alcohol Co.*, 347 Pa. 555, 32 A.2d 914, 917. *Black's Law Dictionary* 4th Ed. page 1069

License tax. A license, strictly so-called, imposed in exercise of the ordinary police power of the state, or a tax, laid in the exercise of the power of taxation. *State v. Commercial Loan Co.*, 251 Ala. 672, 38 So.2d 571, 573. See license fee or tax, *supra*. *Black's Law Dictionary* 4th Ed. page 1070

Streets and Ways. City having right to regulate use of its streets by motor vehicles for hire may issue licenses; license being permission. *Ex parte Schutte*, 118 Tex.Cr.R 182, 42 S.W.2d 252, 255. Permissive use and license as synonymous, *Aldine Realty Co. of Pittsburgh v. Manor Real Estate & Trust Co.*, 297 Pa. 583, 148 A. 56, 58. *Black's Law Dictionary* 4th Ed. pages 1068-1069

To them may be added the case of *W. W. Cargill Co. v. Minnesota*, 180 U.S. 452, 468, where it was held that "the acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or to comply with any provisions of the statute . . . that are repugnant to the Constitution of the United States.", ***Power Manufacturing Company v. Saunders*, 274 U.S. 490 (1927).**

FLEXING YOUR CONSTITUTIONAL CIVIL RIGHTS TO LAW ENFORCEMENT

"I hereby invoke and refuse to waive all of the following rights, and privileges afforded to me by the US Constitution
I invoke and refuse to waive my 5th amendment right to remain silent, do not ask me any questions, I invoke and refuse to waive my 6th amendment rights to an attorney of my choice, do not ask me any questions without my attorney present,
I invoke and refuse to waive all of the privileges and rights pursuant to *Miranda vs. Arizona*, do not ask me any questions or make any comments of this decision, I invoke and refuse to waive my 4th amendment rights to be free from any unlawful searches and seizures - I do not consent to any searches and seizures of my property or any property in my possession, do not ask me any questions about my ownership of any property, I do not consent to this contact with you,
If I am not presently under arrest or under investigatory detention please allow me to leave, any statement I make or allege consent I give in response to your questioning is hereby under protest and under duress and in submission to your claim of lawful authority to force me to provide you with that information. Am I free to go or are you detaining me, and if you are detaining me what is your reasonable cause? - I file 1983s of Qualified Immunity - Intimidate me again"

"Outside areas of plainly harmful conduct, every American is left to shape his own life as he thinks best, do what he pleases, go where he pleases." *Kent v. Dulles*, 357 U.S. 116 (1958)

"The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without the due process of law under the Fifth Amendment. So much is conceded by the Solicitor General. In Anglo-Saxon law that right was emerging at least as early as the Magna Carta." *Kent v. Dulles*, 357 U.S. 116 (1958)

"The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. *United States v. Butler*, 297 U.S. 1, 56 S.Ct. 312, 102 A.L.R. 914 (1935)

"Every State law must conform in the first place to the Constitution of the United States, and then to the subordinate constitutions of the particular state; and if it infringes upon the provisions of either, it is so far void." *Houston v. Moore*, 18 U.S. 1, (1840)

"Police power does not justify any act which violates prohibitions of state or federal Constitutions." *Panhandle Eastern Pipe Line Co. v. State Highway...*, 294 U.S. 613 (1935)

"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority." *Connolly vs. Union Sewer Pipe Co.*, 184 US 540; *Lafarier vs. Grand Trunk R.R. Co.*, 24 A. 848; *O'Neil vs. Providence Amusement Co.*, 108 A. 887.

Failure to obey the command of a police officer constitutes a traditional form of breach of the peace. Obviously, however, one cannot be punished for failing to obey the command of an officer if that command is itself violative of the constitution. *Wright v. Georgia*, 373 U.S. 284, 291-2.

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." *Norton vs. Shelby County*, 118 US 425 (1886)

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it." *United States v. Lee*, 106 U.S. 196, 220 (1882)

CASE CITATIONS:

United States v. Butler, 297 U.S. 1, 56 S.Ct. 312, 102 A.L.R. 914 (1935)

Houston v. Moore, 18 U.S. 1, (1840)

Panhandle Eastern Pipe Line Co. v. State Highway..., 294 U.S. 613 (1935)

Connolly vs. Union Sewer Pipe Co., 184 US 540

Wright v. Georgia, 373 U.S. 284, 291-2.

Norton vs. Shelby County, 118 US 425 (1886)

Terry v. Ohio, 392 U.S. 1

Legal Definitions:

Intrastate Commerce. Commerce within a state, as opposed to commerce between states (i.e. interstate). See also Balance of Interests; Commerce. Compare Interstate commerce. Black's Law Dictionary 6th Ed. p.823

Stop. "Stop" occurs when police officer restrains person's liberty by physical force or show of authority. State v. Butkovich, 87 Or.App. 587, 743 P.2d 752, 753. "Stop," within the term stop and frisk, is a temporary restraint of a person's freedom to walk away and is permissible seizure within the Fourth Amendment dimensions when such a person is suspected of being involved in a past, present or pending criminal activity. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889; State v. Anonymous (1971-20), Conn.Cir. 583, 280 A.2d 816, 818. See also Stop and frisk. Black's Law Dictionary 6th Ed. page 1420.

License tax. A license, strictly so-called, imposed in exercise of the ordinary police power of the state, or a tax, laid in the exercise of the power of taxation. State v. Commercial Loan Co., 251 Ala. 672, 38 So.2d 571, 573. See license fee or tax, supra. Black's Law Dictionary 4th Ed. page 1070

Privilege. A particular or peculiar benefit or advantage enjoyed by a person, company, or class beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. Black's Law Dictionary 5th Ed. page 1077

License. The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, or a tort. People v. Henderson, 391 Mich. 612, 218 N.W.2d. 2, 4. Certificate or the document itself which gives permission. Black's Law Dictionary 5th Ed. page 829

Licensee. A person licensed; one who holds a license. *Texas-Louisiana Power Co. v. Webster*, 127 Tex. 126, 91 S.W. 2d 302. Black's Law Dictionary 4th Ed. page 1070

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Black's Law Dictionary 4th Ed. page 1070

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Permit. In general, any document which grants a person the right to do something. A license or grant of authority to do a thing. *Matter of Building Permit and Zoning*, 29 N.C.App. 749, 225 S.E.2d 647, 649. A written license or warrant, issued by a person in authority, empowering the grantee to do some act not forbidden by law, but not allowable without such authority. Black's Law Dictionary 5th Ed. page 1027

Permit. n. A certificate evidencing permission; a license <a gun permit>. Black's Law 8th Edition page 1176

Easement of access. Right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the lot owner. Black's Law 6th ed. page 510

Private or public easements. A private easement is one in which the enjoyment is restricted to one or a few individuals, while a public easement is one the right to the enjoyment of which is vested in the public generally or in an entire community; such as an easement of passage on the public streets and highways or of navigation on a stream. Black's Law 6th Ed. page 510

The [sovereign citizen movement](#) has become the bane of many police officers in the U.S.

These people feel that due to some contrived loopholes in the constitution they can declare themselves free and laws do not apply to them. However, people who get their legal advice from Wikipedia find out these loopholes don't tend to actually exist.

For many officers, a traffic stop will be a likely way to encounter one of these people. Please [do not take them lightly](#). Most sovereign citizens are basically law-abiding people, albeit highly misinformed about how the law works. However, some sovereigns have proved a willingness and ability to be violent. If you suspect you are dealing with a sovereign citizen as a LEO, please call for backup.

If you read any sovereign literature, they advocate trying to confuse and befuddle the police. Their mantra is to make a cop so confounded the officer just decides to end the contract before he/she becomes more perplexed.

1. "I am not driving, I am traveling."

Often the sovereign citizens don't bother to pay for their licenses. They feel the right to free movement means they do not need a license. Travel is a right, which is true.

What the sovereigns fail to grasp is they are free to travel, by foot, by bike, even by horse. A car is a complex machine. To operate a complex machine requires training and some licensure to operate said machine. Heck, here in Wisconsin all our driving laws are worded with "operate a motor vehicle"; none say "drive."

2. "As a free person, I do not recognize the jurisdiction you have blah blah blah blah..."

At some point, a sovereign citizen will say they are a free person. As a free person, they are not subject to any local laws and are "free of any legal constraints," including taxes and fines.

What they fail to grasp is that they want all the protection of local government without paying the cost for it. Ask a sovereign what they would do if their child was hurt. Ask if their house was on fire how they plan to put it out? Their response is always to call 911. It is a funny, eye-opening experience to point out that 911 and the fire/EMS service is a local, tax-funded entity. So if they are a free person, well maybe 911 is something they are free to keep away from as well -- as in no ambulance and no fire trucks for them because they are not paying for the service.

3. “Speeding is not a crime; a crime requires an ‘injured party.’”

In their twisted view of the law they feel ordinance violations are not valid because there is no victim. Yet they forget we have different levels of legal violations in this country.

Here in Wisconsin most, traffic and other minor violations are ordinance violations. Not a crime, but a civil forfeiture. Thus, no “injured party” is needed. It is a civil matter, not a criminal matter.

4. “As a free person, your license plate taxes do not apply to me.”

It seems some sovereign citizens will make their own license plates for their cars. These plates will display terms like “US Constitutional Plate,” “Exempt: Sovereign Neutral Non-Combatant,” “Sovereign Christian Citizen.” or any of some other non-legal terms. They feel they are exempt from the 'illegal' tax on car ownership.

These sovereigns love to use legal terms and talk about contracts. They forget the nice roads they “travel” on have to be paved and, in the winter, plowed. Point out to them that there is a social contract between the people using the roads and the people keeping the roads open for travel. Someone needs to pay for the cost of the roads, so license plate costs are not a tax, they are a user fee.

5. “Am I being detained?”

The sovereign citizens and the CopBlock movement both love this question. People who got their law degrees by reading Facebook comments feel that being detained is the same as an arrest. Yet real lawyers can explain the difference between the two.

Yes, a traffic stop is a short investigative detention. An officer with reasonable suspicion that a violation has taken place may stop someone for a short time to establish facts related to that violation. How brief that short time will be is decided solely by the citizen. If they want to play games, they are the one making the contact last longer.

Conclusion

Remember, sovereign citizens have the propensity for violence. Make sure you have backup. Keep your eyes open for threats. Just because they are dumb enough to get brainwashed into some crazy belief system does not mean they are too stupid to learn tactics to hurt us.

Their tactic is to cause confusion with the officer. [Turn the tables on them](#) and confuse them. Make them question what they have learned by watching videos on YouTube. Twice I have used the example of the fire department on a sovereign citizen. Both times they were so flummoxed they forgot all the other rhetoric.

QUALIFIED IMMUNITY

"Qualified immunity means that government officials can get away with violating your rights as long as they violate them in a way nobody thought of before."[\[42\]](#)

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured”

Depriving Persons Of Rights Or Privileges

“If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.”

“The [U.S. Supreme Court](#) first introduced the qualified immunity doctrine in [Pierson v. Ray \(1967\)](#), a case litigated during the height of the [civil rights movement](#), it is stated to have been originally introduced with the rationale of protecting law enforcement officials from frivolous lawsuits and financial liability in cases where they acted in good faith in unclear legal situations.[\[5\]\[6\]](#)”

18 U.S. Code § 241 - Conspiracy Against Rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, [62 Stat. 696](#); [Pub. L. 90–284](#), title I, § 103(a), Apr. 11, 1968, [82 Stat. 75](#); [Pub. L. 100–690](#), title VII, § 7018(a), (b)(1), Nov. 18, 1988, [102 Stat. 4396](#); [Pub. L. 103–322](#), title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept.

13, 1994, [108 Stat. 1970](#), 2109, 2113, 2147; [Pub. L. 104–294, title VI](#), §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, [110 Stat. 3507](#), 3511.)

18 U.S. Code § 242 - Deprivation of Rights Under Color of Law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, [62 Stat. 696](#); [Pub. L. 90–284, title I, § 103\(b\)](#), Apr. 11, 1968, [82 Stat. 75](#); [Pub. L. 100–690, title VII, § 7019](#), Nov. 18, 1988, [102 Stat. 4396](#); [Pub. L. 103–322, title VI, § 60006\(b\)](#), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, [108 Stat. 1970](#), 2109, 2113, 2147; [Pub. L. 104–294, title VI](#), §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, [110 Stat. 3507](#), 3511.)

<https://fb.watch/86H4IWv1pT/>

STANDING IN COURT:

CAPITIS DEMAXIMUS Vs. CAPITIS DIMUNOTO

U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely.

U.S. SUPREME COURT AND OTHER HIGH COURT CITATIONS PROVING THAT NO LICENSE IS NECESSARY FOR NORMAL USE OF AN AUTOMOBILE ON COMMON WAYS - "The right of a citizen to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile, is not a

mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the pursuit of happiness. Under this constitutional guaranty one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's rights, he will be protected, not only in his person, but in his safe conduct." **Thompson v. Smith, 154 SE 579, 11 American Jurisprudence, Constitutional Law, section 329, page 1135**

"The right of the Citizen to travel upon the public highways and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, for the usual and ordinary purpose of life and business." -Thompson vs. Smith, supra.; Teche Lines vs. Danforth, Miss., 12 S.2d 784 "... the right of the citizen to drive on a public street with freedom from police interference... is a fundamental constitutional right" -White, 97 Cal.App.3d.141, 158 Cal.Rptr. 562, 566-67 (1979)

"Citizens have a right to drive upon the public streets of the District of Columbia or any other city absent a constitutionally sound reason for limiting their access." Caneisha Mills v. D.C. 2009

"The use of the automobile as a necessary adjunct to the earning of a livelihood in modern life requires us in the interest of realism to conclude that the RIGHT to use an automobile on the public highways partakes of the nature of a liberty within the meaning of the Constitutional guarantees. . ." Berberian v. Lussier (1958) 139 A2d 869, 872, See also: Schechter v. Killingsworth, 380 P.2d 136, 140; 93 Ariz. 273 (1963).

"The right to operate a motor vehicle [an automobile] upon the public streets and highways is not a mere privilege. It is a right of liberty, the enjoyment of which is protected by the guarantees of the federal and state constitutions." Adams v. City of Pocatello, 416 P.2d 46, 48; 91 Idaho 99 (1966). "A traveler has an equal right to employ an automobile as a means of transportation and to occupy the public highways with other vehicles in common use." Campbell v. Walker, 78 Atl. 601, 603, 2 Boyce (Del.) 41. "The owner of an automobile has the same right as the owner of other vehicles to use the highway, * * * A traveler on foot has the same right to the use of the public highways as an automobile or any other vehicle." Simeone v. Lindsay, 65 Atl. 778, 779; Hannigan v. Wright, 63 Atl. 234, 236. "The RIGHT of the citizen to DRIVE on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a FUNDAMENTAL CONSTITUTIONAL RIGHT which must be protected by the courts." People v. Horton 14 Cal. App. 3rd 667 (1971) "The right to make use of an automobile as a vehicle of travel long the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some other vehicle." House

v. Cramer, 112 N.W. 3; 134 Iowa 374; Farnsworth v. Tampa Electric Co. 57 So. 233, 237, 62 Fla. 166.

"The automobile may be used with safety to others users of the highway, and in its proper use upon the highways there is an equal right with the users of other vehicles properly upon the highways. The law recognizes such right of use upon general principles. Brinkman v Pacholike, 84 N.E. 762, 764, 41 Ind. App. 662, 666. "The law does not denounce motor carriages, as such, on public ways. They have an equal right with other vehicles in common use to occupy the streets and roads. It is improper to say that the driver of the horse has rights in the roads superior to the driver of the automobile. Both have the right to use the easement."

"A highway is a public way open and free to any one who has occasion to pass along it on foot or with any kind of vehicle." Schlesinger v. City of Atlanta, 129 S.E. 861, 867, 161 Ga. 148, 159; Holland v. Shackelford, 137 S.E. 2d 298, 304, 220 Ga. 104; Stavola v. Palmer, 73 A.2d 831, 838, 136 Conn. 670 "There can be no question of the right of automobile owners to occupy and use the public streets of cities, or highways in the rural districts." Liebrecht v. Crandall, 126 N.W. 69, 110 Minn. 454, 456 "The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on highways." -American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200 Motor Vehicle: 18 USC Part 1 Chapter 2 section 31 definitions: "(6) Motor vehicle. - The term "motor vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways..." 10) The term "used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit. "A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of persons for which remuneration is received." -International Motor Transit Co. vs. Seattle, 251 P. 120 The term 'motor vehicle' is different and broader than the word 'automobile.'" -City of Dayton vs. DeBrosse, 23 NE.2d 647, 650; 62 Ohio App. 232 "Thus self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled" - Ex Parte Hoffert, 148 NW 20 "The Supreme Court, in Arthur v. Morgan, 112 U.S. 495, 5 S.Ct. 241, 28 L.Ed. 825, held that carriages were properly classified as household effects, and we see no reason that automobiles should not be similarly disposed of." Hillhouse v United States, 152 F. 163, 164 (2nd Cir. 1907).

"...a citizen has the right to travel upon the public highways and to transport his property thereon..." State vs. Johnson, 243 P. 1073; Cummins vs. Homes, 155 P. 171; Packard vs. Banton, 44 S.Ct. 256; Hadfield vs. Lundin, 98 Wash 516, Willis vs. Buck, 263 P. 1 982; Barney vs. Board of Railroad Commissioners, 17 P.2d 82

"The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived." Chicago Motor Coach vs. Chicago, 169 NE 22; Ligare vs. Chicago, 28 NE 934; Boon vs. Clark, 214 SSW 607; 25 Am.Jur. (1st) Highways Sect.163

"the right of the Citizen to travel upon the highway and to transport his property thereon in the ordinary course of life and business... is the usual and ordinary right of the Citizen, a right common to all." - Ex Parte Dickey, (Dickey vs. Davis), 85 SE 781 "Every Citizen has an unalienable RIGHT to make use of the public highways of the state; every Citizen has full freedom to travel from place to place in the enjoyment of life and liberty." People v. Nothaus, 147 Colo. 210.

"No State government entity has the power to allow or deny passage on the highways, byways, nor waterways... transporting his vehicles and personal property for either recreation or business, but by being subject only to local regulation i.e., safety, caution, traffic lights, speed limits, etc. Travel is not a privilege requiring licensing, vehicle registration, or forced insurances." Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 169 N.E. 22. "Traffic infractions are not a crime." People v. Battle

"Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right... may ignore the law and engage with impunity in exercise of such right." Shuttlesworth v. Birmingham 394 U.S. 147 (1969)

"The word 'operator' shall not include any person who solely transports his own property and who transports no persons or property for hire or compensation." Statutes at Large California Chapter 412 p.83 "Highways are for the use of the traveling public, and all have the right to use them in a reasonable and proper manner; the use thereof is an inalienable right of every citizen." Escobedo v. State 35 C2d 870 in 8 Cal Jur 3d p.27 "RIGHT -- A legal RIGHT, a constitutional RIGHT means a RIGHT protected by the law, by the constitution, but government does not create the idea of RIGHT or original RIGHTS; it acknowledges them. . . " Bouvier's Law Dictionary, 1914, p. 2961.

"Those who have the right to do something cannot be licensed for what they already have right to do as such license would be meaningless." City of Chicago v Collins 51 NE 907, 910.

"A license means leave to do a thing which the licensor could prevent." Blatz Brewing Co. v. Collins, 160 P.2d 37, 39; 69 Cal. A. 2d 639.

“The object of a license is to confer a right or power, which does not exist without it.”
Payne v.

Massey (19__) 196 SW 2nd 493, 145 Tex 273. “The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus, when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure and transportation.” Wingfield v. Fielder 2d Ca. 3d 213 (1972).

“If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void.” - Shuttlesworth v. Birmingham 394 U.S. 147 (1969).

“With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority.” Donnolly vs. Union Sewer Pipe Co., 184 US 540; Lafarier vs. Grand Trunk R.R. Co., 24 A. 848; O’Neil vs. Providence Amusement Co., 108 A. 887.

“The right to travel (called the right of free ingress to other states, and egress from them) is so fundamental that it appears in the Articles of Confederation, which governed our society before the Constitution.” (Paul v. Virginia).

“[T]he right to travel freely from State to State ... is a right broadly assertable against private interference as well as governmental action. Like the right of association, it is a virtually unconditional personal right, guaranteed by the Constitution to us all.” (U.S. Supreme Court, Shapiro v. Thompson).

EDGERTON, Chief Judge: “Iron curtains have no place in a free world. ...’Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the Constitution.’ Williams v. Fears, 179 U.S. 270, 274, 21 S.Ct. 128, 45 L.Ed. 186.

“Our nation has thrived on the principle that, outside areas of plainly harmful conduct, every American is left to shape his own life as he thinks best, do what he pleases, go where he pleases.” Id., at 197. Kent vs. Dulles see Vestal, Freedom of Movement, 41 Iowa L.Rev. 6, 13—14.

“The validity of restrictions on the freedom of movement of particular individuals, both substantively and procedurally, is precisely the sort of matter that is the peculiar domain of the courts.” Comment, 61 Yale L.J. at page 187.

“a person detained for an investigatory stop can be questioned but is “not obliged to answer, answers may not be compelled, and refusal to answer furnishes no basis for an arrest.” Justice White, *Hiibel*

“Automobiles have the right to use the highways of the State on an equal footing with other vehicles.” *Cumberland Telephone. & Telegraph Co. v Yeiser* 141 Kentucky 15.
“Each citizen has the absolute right to choose for himself the mode of conveyance he desires, whether it be by wagon or carriage, by horse, motor or electric car, or by bicycle, or astride of a horse, subject to the sole condition that he will observe all those requirements that are known as the law of the road.” *Swift v City of Topeka*,

The Supreme Court said in *U.S. v Mersky* (1960) 361 U.S. 431: An administrative regulation, of course, is not a "statute."

A traveler on foot has the same right to use of the public highway as an automobile or any other vehicle. *Cecchi v. Lindsay*, 75 Atl. 376, 377, 1 Boyce (Del.) 185.

Automotive vehicles are lawful means of conveyance and have equal rights upon the streets with horses and carriages. *Chicago Coach Co. v. City of Chicago*, 337 Ill. 200, 205; See also: *Christy v. Elliot*, 216 Ill. 31; *Ward v. Meredith*, 202 Ill. 66; *Shinkle v. McCullough*, 116 Ky. 960; *Butler v. Cabe*, 116 Ark. 26, 28-29. ...automobiles are lawful vehicles and have equal rights on the highways with horses and carriages. *Daily v. Maxwell*, 133 S.W. 351, 354.
Matson v. Dawson, 178 N.W. 2d 588, 591.

A farmer has the same right to the use of the highways of the state, whether on foot or in a motor vehicle, as any other citizen. Draffin v. Massey, 92 S.E.2d 38, 42. *Persons may lawfully ride in automobiles, as they may lawfully ride on bicycles. Doherty v. Ayer*, 83 N.E. 677, 197 Mass. 241, 246; *Molway v. City of Chicago*, 88 N.E. 485, 486, 239 Ill. 486; *Smiley v. East St. Louis Ry. Co.*, 100 N.E. 157, 158.

"A soldier's personal automobile is part of his 'household goods[.]' *U.S. v Bomar*, C.A.5(Tex.), 8 F.3d 226, 235" 19A Words and Phrases - Permanent Edition (West) pocket part 94. "[I]t is a jury question whether ... an automobile ... is a motor vehicle[.]" *United States v Johnson*, 718 F.2d 1317, 1324 (5th Cir. 1983).

Other right to use an automobile cases:

- EDWARDS VS. CALIFORNIA, 314 U.S. 160
- TWINING VS NEW JERSEY, 211 U.S. 78
- WILLIAMS VS. FEARS, 179 U.S. 270, AT 274

- CRANDALL VS. NEVADA, 6 WALL. 35, AT 43-44
- THE PASSENGER CASES, 7 HOWARD 287, AT 492
- U.S. VS. GUEST, 383 U.S. 745, AT 757-758 (1966)
- GRIFFIN VS. BRECKENRIDGE, 403 U.S. 88, AT 105-106 (1971)
- CALIFANO VS. TORRES, 435 U.S. 1, AT 4, note 6
- SHAPIRO VS. THOMPSON, 394 U.S. 618 (1969)
- CALIFANO VS. AZNAVORIAN, 439 U.S. 170, AT 176 (1978)

<http://hawaiiassembly.org/images/docs/right-to-drive-no-license.pdf>

Affidavit Of Federal Constitutional Right To Travel

i am: a NON-CORPORATE: NON FICTITIOUS: NON-RESIDENT: living, breathing, flesh and blood, naturally born: man and inhabitant, and now affirm, secure, claim and defend my UNALIENABLE, SELF-EVIDENT, and INHERENT RIGHT TO TRAVEL, UNREGULATED, UNMOLESTED AND UNRESTRICTED, upon public walkways, waterways and highways, and to transport my personal, private, lodial, and/or allodial property, in/with my private automobiles and/or conveyances, unhindered by any private, corporate or statutory law, code, ordinance, Department of Motor Vehicles regulation, so called "requirement", or person.

My unalienable RIGHT TO TRAVEL is affirmed and protected by my Creator; by the organic Constitution of the several united states (1789), specifically the ninth & tenth amendments; and by the organic Bill of Rights (1791,) and also upheld numerous times by various courts, including the Supreme Court, in support of that right. i now explicitly, and without prejudice or recourse, RESERVE, ASSERT, CLAIM and DEFEND my Right To Travel. Because i can, so long as i do not damage property or injure parties. i expressly RESERVE ALL RIGHTS WITHOUT PREJUDICE or RECOURSE HEREIN AND HEREAFTER. This AFFIDAVIT becomes constructive filing, administrative Notice and an evidentiary document submitted upon request or demand of a "Driver License", registration, or proof of insurance, and as part of the Official Record of ANY ensuing action. THIS AFFIDAVIT MUST be introduced as evidence in ANY said current or future action.

i: Joe-Henry: King, am NOT a corporate 14th Amendment "person", "Operator", "Resident", "Trustee" or "Operator of a motor vehicle", as defined in both Bouvier's and Black's law dictionaries, as i am a NON-FICTITIOUS AND NON CORPORATE AND NON-RESIDENT flesh and blood man whom is NOT FOR HIRE. i do NOT utilize the public walkways, roadways, highways or "waterways" for commercial purposes EVER. i am an Article IV Section II State Citizen for the California Republic. The corporate and/or administrative laws, codes and statutes also clearly define that a "driver license" is for "drivers" and "motor Vehicles" are involved in commerce only.

i am not a driver or operator of a motor vehicle, unless by deception of those legal definitions. My PRIVATE and self-propelled "conveyance"/"automobile" is for "travel" between point A and point B, and is for non-commercial use, and for my enjoyment and convenience ONLY. Anyone in my automobile is a "Guest" and not a "passenger".

Therefor i declare my private automobile/conveyance/property is not a "motor vehicle", as clearly defined by legal dictionaries, corporate laws, codes, statutes, the corporate State of California Department of Motor Vehicles, and adequately and clearly defined within United States Code (U.S.C.). These are YOUR definitions and corporate creations, not mine.

Moving forward, i cannot in Good Faith apply for a STATE OF CALIFORNIA Driver License as i would be committing PERJURY. I would have to swear, under oath, that I am a "resident" (agent), "surety", "trustee" and/or "franchisee" of the corporate STATE OF CALIFORNIA when the established FACTS by AFFIDAVIT herein directly contradict that i am any of those legal definitions. i CAN NOT be any of those above definitions AND be a living flesh and blood man at the same time, although i can act as the "Authorized Agent" for the separate "person" the STATE OF CALIFORNIA created to have control over my body, assets and property, and to be a beneficiary of the UNITED STATES indebtedness. My current Driver License was

obtained because I wasn't given full disclosure (fraud) and it may be kept as a form of identification, or in the event that I do ever choose to be for hire, but is NOT my consent to be subject to for-profit statutes, codes or regulations where there is no damaged property, losses or injured parties with a verified & bonded claim.

ANY action or unverified claim against me lacking articulable and reasonable suspicion that i committed a crime against an injured party, and/or is carried out without obtaining a warrant based on that same articulable and reasonable suspicion PRIOR to me being detained, violated, coerced or impeded is hereby and hereafter declared NULL and VOID ab initio. ANY act to deprive me of ANY of my constitutionally protected or self-evident rights or inalienable rights or unalienable rights or inherent rights or Common Law rights is an act of aggression, the deprivation of my rights, false imprisonment, a violation of their Oath of Office, and a felony in addition to being a federal crime pursuant to Title 18 U.S.C (criminal code), Title 28 U.S.C. (Civil code), and/or, but not limited to Title 42 U.S.C. (civil rights). I reserve all remedies and recourses in such matters, including but not limited to, holding all parties PERSONALLY LIABLE for of deprivation of rights, extortion, coercion, kidnapping, false imprisonment, racketeering, conspiracy etc. pursuant to Title 42 U.S.C. Section 1983, 1985 & 1988 and the applicable Uniform Commercial Codes. Precedent for damages has been set at \$USD 1.8 million per day.

*"public officials are not immune from suit when they transcend their lawful authority by invading Rights" - **Alecio vs. Woodward, 406 F2d 137t***

This AFFIDAVIT also certifies that I have completed and passed all tests measuring my competency to safely travel or control my conveyances or private automobiles upon the public roadways, highways, and even land defined as "waterways" by any State (as well as passed all tests to drive or operate a motor vehicle in a commercial capacity in the future if I ever so choose to use the public roadways or highways in such capacity). I am NOT an administrative slave and as long as I continue to be a peaceful, careful and responsible man, I do NOT need anyone or anything's "Permission" to travel; or to exercise ANY of my rights; or be compelled to relinquish ANY of my rights or property under the threat of violence or coercion; or to register ANY of my private property or possessions, despite the phony colorable "laws" created by lobbyists and corporations in their own self-interest, and then prosecuted in fraudulent "colorable" courts that have self-proclaimed "authority" over the free and sovereign naturally born inhabitants or People for We the People, and whom also prosecute innocent and peaceful People and Citizens for for-profit victimless "crimes". i expressly do not consent to these obscene corporate bylaws,

nor do I waive ANY of my inalienable rights, unalienable rights, self-evident rights, inherent rights, Natural rights, Creator endowed rights, Constitutionally protected

rights, Common law rights or any other rights not mentioned in this Affidavit, for any reason, EVER.

https://www.constitutionallawgroup.us/files/ffg-affidavit_right_to_travel_and_declaration_of_status.pdf

Freedom of Movement Under United States Law

Freedom of movement under United States law is governed primarily by the [Privileges and Immunities Clause](#) of the [United States Constitution](#) which states, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Since the [circuit court](#) ruling in [Corfield v. Coryell](#), 6 Fed. Cas. 546 (1823), [freedom of movement](#) has been judicially recognized as a fundamental Constitutional right. In [Paul v. Virginia](#), 75 U.S. 168 (1869), the Court defined freedom of movement as "right of free ingress into other States, and egress from them."^[1] However, the [Supreme Court](#) did not invest the federal government with the authority to protect freedom of movement. Under the "privileges and immunities" clause, this authority was given to the states, a position the Court held consistently through the years in cases such as [Ward v. Maryland](#), 79 U.S. 418 (1871), the [Slaughter-House Cases](#), 83 U.S. 36 (1873) and [United States v. Harris](#), 106 U.S. 629 (1883).^{[2][3]}

Constitutional freedom

As early as the [Articles of Confederation](#) the Congress recognized freedom of movement (Article 4), though the right was thought to be so fundamental during the drafting of the [Constitution](#) as not needing explicit enumeration.^[4]

The U.S. Supreme Court in [Crandall v. Nevada](#), 73 U.S. 35 (1868) declared that freedom of movement is a fundamental right and therefore a [state](#) cannot inhibit people from leaving the state by taxing them. In [United States v. Wheeler](#), 254 U.S. 281 (1920), the Supreme Court reiterated its position that the Constitution did not grant the federal government the power to protect freedom of movement. However, *Wheeler* had a significant impact in other ways. For many years, the roots of the Constitution's "privileges and immunities" clause had only vaguely been determined.^[5] In 1823, the circuit court in *Corfield* had provided a list of the rights (some fundamental, some not) which the clause could cover.^{[6][7]} The *Wheeler* court dramatically changed this. It was the first to locate the right to travel in the [privileges and immunities clause](#), providing the right with a specific guarantee of constitutional protection.^[8] By reasoning that the clause derived from Article IV of the Articles of Confederation, the decision suggested a narrower set of rights than those enumerated in *Corfield*, but also more clearly defined those rights as absolutely fundamental.^[9] The Supreme Court began rejecting *Wheeler's* reasoning within a few years. Finally, in [United States v. Guest](#), 383 U.S. 745 (1966), the Supreme Court overruled Chief Justice White's conclusion that the federal government could protect the right to travel only against state infringement.^{[2][3][10]}

The Supreme Court has specifically ruled that *Crandall* does not imply a right to use any particular *mode* of travel, such as driving an automobile. In *Hendrick v. Maryland* (1915), the appellant asked the Court to void Maryland's motor vehicle statute as a violation of the freedom of movement. The Court found "no solid foundation" for the appellant's argument and unanimously held that "in the absence of national legislation covering the subject, a state may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles — those moving in [interstate commerce](#) as well as others."^[11]

The U.S. Supreme Court also dealt with the right to travel in the case of *Saenz v. Roe*, 526 U.S. 489 (1999). In that case, Justice [John Paul Stevens](#), writing for the majority, held that the [United States Constitution](#) protected three separate aspects of the right to travel among the states:

- (1) the right to enter one state and leave another (an inherent right with historical support from the Articles of Confederation),
- (2) the right to be treated as a welcome visitor rather than a hostile stranger (protected by the "Privileges and Immunities" clause in [Article IV](#), § 2), and
- (3) (for those who become permanent residents of a state) the right to be treated equally to native-born citizens (this is protected by the [14th Amendment's Privileges or Immunities Clause](#); citing the majority opinion in the [Slaughter-House Cases](#), Justice Stevens said, "the Privileges or Immunities Clause of the Fourteenth Amendment . . . has always been common ground that this Clause protects the third component of the right to travel.").

Article 13 of the Universal Declaration of Human Rights reads:

- (1) Everyone has the right to freedom of movement and residence within the borders of each State.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 12 of the International Covenant on Civil and Political Rights incorporates this right into treaty law:

- (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- (2) Everyone shall be free to leave any country, including his own.
- (3) The above-mentioned rights shall not be subject to any restrictions except those provided by law, are necessary to protect national security, public order (*ordre publique*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- (4) No one shall be arbitrarily deprived of the right to enter his own country.

Manual on Uniform Traffic Control Devices This manual is the the standard for compliance for all 50 states for the posting of signs. Signs failing to comply with the guide are deemed not to exist and have no force and effect of law. In other words - if the sign does not comply it does not exist and there is no law in effect making the summons null and void ab initio.

Brief for the Right to Drive This case **Washington v. Port** is important s it details how the case for the right to drive can be won. Port lost the case because of her error in admitting the state had a right. Read the case and you will soon see how she could easily have won. She actually had won the case until she said the wrong thing.

The following argument has been used in at least three states (Pennsylvania, Ohio, and West Virginia) as a legal brief to support a demand for dismissal of charges of "**driving without a license.**" It is the argument that was the reason for the charges to be dropped, or for a "**win**" in court against the argument that free people can have their right to travel regulated by their servants. These arguments can be used in nearly any state against the state trying to deny a driver's right to travel.

The forgotten legal maxim is that free people have a right to travel on the roads which are provided by their servants for that purpose, using ordinary transportation of the day. Licensing cannot be required of free people, because taking on the restrictions of a license requires the surrender of a right. The driver's license can be required of people who use the highways for trade, commerce, or hire; that is, if they earn their living on the road, and if they use extraordinary machines on the roads. If you are not using the highways for profit, you cannot be required to have a driver's license.

<https://www.uslawbooks.com/travel/travelcites.htm>

The General Assembly finds that: Free people have a common law and constitutional right to travel on the roads and highways that are provided by their government for that purpose. Licensing of drivers cannot be required of free people because taking on the restrictions of a license requires the surrender of an inalienable right; In England in 1215, the right to travel was enshrined in Article 42 of Magna Carta: It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom: excepting prisoners and outlaws, according to the laws of the land, and of the people of the nation at war against us, and Merchants who shall be treated as it is said above. Where rights secured by the Constitution of the United States and the State of Georgia are involved, there can be no rule making or legislation that would abrogate these rights. The claim and exercise of a

constitutional right cannot be converted into a crime. There can be no sanction or penalty imposed upon an individual because of this exercise of constitutional rights;

American citizens have the inalienable right to use the roads and highways unrestricted in any manner so long as they are not damaging or violating property or rights of others. The government, by requiring the people to obtain drivers' licenses, is restricting, and therefore violating, the people's common law and constitutional right to travel;

In **Shapiro v Thompson, 394 U.S. 618 (1969)**, Justice Potter Stewart noted in a concurring opinion that the right to travel "is a right broadly assert-able against private interference as well as governmental action. Like the right of association...it is a virtually unconditional personal right, guaranteed by the Constitution to us all." The Articles of Confederation had an explicit right to travel; and we hold that the right to travel is so fundamental that the Framers thought it was unnecessary to include it in the Constitution or the Bill of Rights;

(6) The right to travel upon the public highways is not a mere privilege which may be permitted or prohibited at will but the common right which every citizen has under his or her right to life, liberty, and the pursuit of happiness. Under this constitutional guarantee one may, therefore, under normal conditions, travel at his or her inclination along the public highways or in public places while conducting himself or herself in an orderly and decent manner; and Thus, the legislature does not have the power to abrogate the citizens' right to travel upon the public roads by passing legislation forcing the citizen to waive the right and convert that right into a privilege.

Amdt14.S1.4.3.2.1 Interstate Travel

Fourteenth Amendment, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The doctrine of the right to travel actually encompasses three separate rights, of which two have been notable for the uncertainty of their textual support. The first is the right of a citizen to move freely between states, a right venerable for its longevity, but still lacking a clear doctrinal basis.¹ The second, expressly addressed by the first sentence of Article IV, provides a citizen of one state who is temporarily visiting another state the Privileges and Immunities of a citizen of the latter state.² The third is the right of a new arrival to a state, who establishes citizenship in that state, to enjoy the same rights and benefits as other state citizens. This right is most often

invoked in challenges to durational residency requirements, which require that persons reside in a state for a specified period of time before taking advantage of the benefits of that state's citizenship.

https://constitution.congress.gov/browse/essay/amdt14_S1_4_3_2_1/

CITATIONS OF CONSTITUTIONAL RIGHTS