

Right to Operate a Private Automobile

"NOTICE" TO PUBLIC SERVANTS intending to violate my free rights under law:

The Bearer, being an un-enfranchised Sovereign, is authorized under statute at large, First Congress 1789, Session 1, Chapters, page 52; Articles of Confederation, Article 4-3-1-1781; MC 38: Title 18, Section 241, USC Title 42, Section 1983, 1985, 1986, of the unhampered use of all navigable waters and all common law highways, roadways, and byways which are used for transport either private, public, or commerce anywhere in these United 50 States of America. Said Private Traveler is affirmed in obedience for the protection of the Constitution for the United States of America and may be detained only upon sworn complaint of an injured party as per the Bill of Rights, Article IV, and common law. The undersigned claims his rights at law as a Sovereign citizen (NOT a resident) of Texas state, and rejects, and is not subject to, the contract obligations in equity known as the Motor Vehicle Codes of the respective states, via U.C.C. 1.

Freedom to travel by foot, horse, bicycle, Automobile, or any other form of conveyance has long been upheld in the Supreme courts, Each and every private person not operating a business upon the roadways (IE Hauling Freight or Passengers for hire) have an inherent and inalienable RIGHT TO TRAVEL.

Case Law: (Emphasis mine throughout)

Americans' "freedom to travel throughout the United States has long been recognized as a basic right under the Constitution," according to multiple cases including *Williams v Fears*, 179 US 270, 274; 21 S Ct 128; 45 L Ed 186 (1900); *Twining v New Jersey*, 211 US 78, 97; 29 S Ct 14; 53 L Ed 97 (1908), as listed in the case of *United States v Guest*, 383 US 745; 86 S Ct 1170; 16 L Ed 2d 239 (1968), a case involving criminally prosecuting people for obstructing the right (obstruction is a federal crime pursuant to federal criminal law 18 USC 241).

Case law shows that the "liberty" protected by the Fourteenth Amendment extends beyond freedom from bodily restraint and includes a much wider range of human activity, including but not limited to the opportunity to make a wide range of personal decisions concerning one's life, family, and private pursuits. See *Meyer v*, 262 US 390, 399; 43 SCt 625, 626; 67 L Ed 1043 (1923), and *Roe v Wade*, 410 US 113, 152-153; 93 S Ct 705, 726-727; 35 L Ed 2d 147 (1973). One of these life, family, private pursuits is obviously driving.

In effect, as per the Supreme Court decision in the case of *Crandall v Nevada*, 73 US 35; 18 L Ed (1867), speed limits and other traffic control devices, being non-fact-based, are simply an unlawful tax or impost on travel, and thus unconstitutional for the reason cited in *Crandall*. (*Crandall* involved a tax on travelers! which is what in essence speed limits, unscientific stop signs, etc., simply are, stripped of all the phony fraudulent politician folderol pretending them to relate somehow to safety, not to mention that are extortion violating the federal anti-racketeering act (RICO), 18 USC 1961 and the law against obstructing federal rights, 18 USC 241).

"...For while a citizen has the right to travel upon the public highways and to transport his property thereon, that right does not extend to the use of the highways...as a place for private gain. For the latter purpose, no person has a vested right to use the highways of this state, but it is a privilege...which the (state) may grant or withhold at its discretion..." State v. Johnson, 245 P 1073.

"The right to travel is a part of the liberty of which a citizen cannot be deprived without due process of law under the Fifth Amendment."

"**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 14th Amendment** and by other provisions of the Constitution." - Schactman v Dulles, 96 App D.C. 287, 293.

"The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles 357 U.S. 116, 125. Reaffirmed in Zemel v. Rusk 33 US 1.

"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. California 314 US 160 (1941).

"**Even the legislature has no power to deny to a citizen the right to travel upon the highway** and transport his property in the ordinary course of his business or pleasure, though this right may be **regulated** in accordance with the public interest and convenience. - Chicago Motor Coach v Chicago, 169 NE 22 ("**Regulated**" here means stop lights, signs, etc. **NOT a privilege that requires permission or unconstitutional taxation**; i.e. - licensing, mandatory insurance, vehicle registration, etc., requiring financial consideration, which are more illegal taxes.)

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, **is not a mere privilege which a city may prohibit or permit at will**, but a common right which he has under the right to life, liberty, and the pursuit of happiness."- Thompson v Smith, 154 SE 579.

"The right to travel is protected by the Equal Protection Clause of the 14th Amendment."

"Right to travel is constitutionally protected against private as well as public encroachment."

Volunteer Medical Clinic, Inc. V. Operation Rescue, 948 F2d 218; International Org. Of Masters, Etc. V. Andrews, 831, F2d 843; Zobel v. Williams, 457 US 55, 102 Sct. 2309.

"The right to make use of an automobile as a vehicle of travel along 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 vehicle." House v. Cramer, 112 N. W. 3; 134 Iowa 374 (1907).

"License: In the law of contracts, is a permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or tort." Blacks Law Dictionary, 2nd Ed. (1910).

"The license means to confer on a person the right to do something which otherwise he would not have the right to do." City of Louisville v. Seabee, 214 S.W. 2D 248; 308 Ky. 420.

"The object of a license is to confer a right or power which does not exist without it." Pavne v. Mashev, 196 S.W. 2D 493; 145 Tex. 273; Shuman v. City of Ft. Wayne, 127 Indiana 109; 26 NE 560, 561 (1891); 194 So 569 (1940).

"A license is a mere permit to do something that without it would be unlawful." Littleton v. Buess, 82 P. 864, 866; 14 Wyo.173.

"A license, pure and simple, is a mere personal privilege...River Development Corp. V. Liberty Corp., 133 A. 2d 373, 385; 45 N.J. Super. 445.

"A license is merely a permit or privilege to do what otherwise would be unlawful, and is not a contract between the authority, federal, state or municipal granting it and the person to whom it is granted..."American States Water Services Co. Of Calif. V. Johnson, 88 P.2d 770, 774; 31 Cal. App.2d 606.

"A license when granting a privilege, may not, as the terms to its possession, impose conditions which require the abandonment of constitutional rights." Frost Trucking Co. V. Railroad Commission, 271 US 583, 589 (1924); Terral v. Burke Construction Company, 257 US 529, 532 (1922).

Public roads belong to the people, since we pay for them, therefore exercising one's liberty upon them is a natural right. The right to travel, or to locomotion, is upheld in the constitution, and actually predate the constitution;

"These are rights which existed long before our constitution, and we have taken pride in their maintenance, making them a part of the fundamental law of the land."

"Personal liberty, which is guaranteed to every citizen under our constitution and laws, consists of the right to locomotion, to go where one pleases, and when, and to do that which may lead to one's business or pleasure, only so far restrained as the rights of others may make it necessary for the welfare of all other citizens. . . .

"Any law which would place the keeping and safe conduct of another in the hands of even a conservator of the peace, unless for some breach of the peace committed in his presence, or upon

suspicion of felony, would be most oppressive and unjust, and destroy all the rights which our Constitution guarantees." *Pinkerton v Verberg*, 78 Mich 573, 584; 44 NW 579, 582-583 (1889).

The general rule is that an unconstitutional statute, though **having the form and name of law**, is in reality no law, **but is wholly void and ineffective for any purpose**, since its unconstitutionality dates from the time of its enactment... **In legal contemplation, it is as inoperative as if it had never been passed...** Since an unconstitutional law is void, the general principles follow that it **imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it...** A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the **fundamental law of the land, (the Constitution JTM)** it is superseded thereby. **No one is bound to obey an unconstitutional law and no courts are bound to enforce it."** *Bonnett v. Vallier*, 116 N.W. 885, 136 Wis. 193 (1908); *NORTON v. SHELBY COUNTY*, 118 U.S. 425 (1886)

"The word privilege is defined as a particular benefit, favor, or advantage, a right or immunity not enjoyed by all, or it may be enjoyed only under special conditions." *Knoll Gold Club v. U.S.*, 179 Fed Supp. 377, 380.

"...those things which are considered as inalienable rights which all citizens possess cannot be licensed since those acts are not held to be a privilege." *City of Chicago v. Collins*, 51 N.E. 907, 910

"Illegitimate and unconstitutional practices get their first footing in that way, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed." *Boyd v. United States*, 116 U.S. 616, 635 (1884); *Exparte Rhodes*, 202Ala. 68 71.

"The State cannot diminish rights of the people." *Hertado v. California*, 110 U.S. 516

"Statutes that violate the plain and obvious principles of common right and common reason are null and void." *Bennett v. Boggs*, 1 Baldw 60.

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..." Article VI of the U.S. Constitution:

"Under our system of government upon the individuality and intelligence of the citizen, **the state does not claim to control him/her**, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself." *Mugler v. Kansas* 123 U.S. 623, 659-60.

"The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." - Davis v. Wechsler, 263 U.S. 22, 24.

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." - Miranda v. Arizona, 384 U.S. 436, 491.

"The claim and exercise of a constitutional right cannot be converted into a crime." - Miller v. U.S., 230 F 2d 486, 489.

"For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." - Sherar v. Cullen, 481 F. 945.

There is no question that there is NO injured party involved here, and a citation/ticket issued by a police officer, or jail/incarceration for any cause including no valid driver's license, registration or insurance, and save for criminal activities involving an injured party, is a penalty or sanction, and is indeed "converting a Right into a crime."

"The use of the highway for the purpose of **travel and transportation is not a mere privilege**, but a common and fundamental right which the public and **individuals cannot be rightfully deprived.**" Chicago Motor Coach v. Chicago, 337 ILL200,169 NE 22, 66 ALR 834. Ligare v. Chicago 139 ILL. 46, 28 NE 934. Booney v. dark, 214 SW 607; 25 A M JUR (11) Highways, Sec. 163.

Sovereignty itself is, of course, not subject to law. Yick Wo vs. Hopkins, U.S. 356 (1886)

"Our system of government, based upon the individuality and intelligence of the citizen, the state does not claim to control him, **except as his conduct to others**, leaving him the sole judge as to all that only affects himself." Mugler v. Kansas 123 U.S. 623, 659-60.

"A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Murdock v. Pennsylvania, 319 U.S. 105, at 113.

Compelling me, a Private individual, into a contract with Texas by securing, for money, a "driver's" license or vehicle registration, or face fines or imprisonment for non-crimes, is a direct violation of my rights under law.

The Claims will produce forensic evidence showing how the **UNITED STATES OF AMERICA CORPORATION** issues **LETTERS OF MARQUE** via Colorable de facto Laws, Statutes, Public Policies, Codes, Rules Administrative Procedures etc., to Agencies and the Agents in turn function as the Insurgents committing hostile and warlike acts of blatantly, directly, forcible, employing intimidation, fear, threats, actions such as coercion, terrorism, racketeering, privateering under the Color of Law and Color of Right, conspiring against, abridging and depriving the Defendants, and access to the Rights and Constitutional Exemptions of the Defendants and that are Secured and Protected by Law from such actions.

1. Belligerency - the status of de facto statehood attributed to a body of insurgents, by which their hostilities are legalized. The international status assumed by a state (i.e. nation) which wages war against another.

2. Belligerent - One who is hostile or combative which as a state is hostile, combative and wages war hostilities and aggression against its own citizens by a body of insurgents by which their war hostilities are presumed legalized.

3. Privateer - A vessel owned, equipped, and armed by one or more individuals, and duly commissioned by a belligerent power to make war upon the enemy, usually by preying on his commerce. A vessel is commissioned by a state or a nation by the issue of a letter of marque to its owner to carry on all hostilities, presumably according to the laws of war. Formerly a state issued letters of marque to its own subjects, and to those of neutral states as well, but a privateersman who accepted letters of marque from both belligerents was regarded as a pirate. Piracy and Privateering are Federal offences 18 USCA 1692 et seq. See Black's Law Dictionary 6th Edition page 1195

4. Letter of Marque - An authorization formerly granted in time of war by a government to the owner of a vessel to capture enemy vessels and goods. See Article I 8 US Constitution.

5. War - For there to be a war a sovereign or a quasi-sovereign must engage in hostilities. Pan American World Airways, Inc. v. Aetna Cas. & Sur. Co., C.A.N.Y., 505 F.2d 989,1005.

6. Piracy - Those acts of robbery and depredation upon the high seas, which if committed on land, would have amounted to a felony. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life. 18 USCA 1651. Piracy and Privateering are Federal offences 18 USCA 1692 et seq. **Blacks Law Dictionary**

Further potential crimes:

-Title 28- Judiciary and Judicial Procedure, Chapter 13 Civil Rights, 241 Conspiracy against private property rights.

-Title 28- Judiciary and Judicial Procedure, Chapter 13 Civil Rights, 242 Deprivation of rights under color of law.

-The 4th Constitutional Amendment; Deprivation of security of the Private Property Right from government invasion.

-The 5th Constitutional Amendment Deprivation of Liberty and Private Property without Just Compensation.

-The Theft of the Personal Private Property by Taking without Just Compensation.

-The United States Code Title 42 Chapter 21 Subchapter I 1985-Conspiracy interfering with Private Property Rights.

-The United States Code Annotated Title 18 1651 et seq Piracy and Privateering activities conducted on vessels at dry dock under commercial law by a body of insurgent Privateers.

-The United States Code Title 18 152 and 3571 provides fine up to \$500,000.00 or imprisonment for up to 5 years for the presenting of fraudulent claims, fraudulent indictment, fraudulent evidence.

-The United States Code Title 42 Chapter 21 Subchapter II obstructing the evidence in the witnesses through the modification of language creating Federal Racketeering; Influenced and Corrupt Organizations activities extorting financial means creating economical damage point

beyond recovery.

- The United States Code Title 42 Chapter 21 Subchapter III deprivation of the evidence in the witnesses through modification of language creating acts of Federal Racketeering; Influenced and Corrupt Organizations; Terrorism; Privateering.
- The United States Code Title 42 1986 For knowledge and the right to stop and correct a wrong,
- The United States Code Title 28 USC 1746 and Title 18 1621 Perjury and conspiring to commit perjury.
- The United States Code Title 18 1001 and the Federal Rules of Civil Procedure 9(b). Extorting private property through the modification of language.
- The United States Code Title 18 Part I Chapter 95 1651 Interference with commerce by threats or violence.
- Acting without establishing as a matter of record, Proper Jurisdiction over me.
- Breach of Fiduciary Duty of Upholding the "Oath of Office" and Upholding the Office of Public Trust.
- Acts of War against the United States Government Treaties and Organic Constitution Constituting Treason.
- Violation of Substantive Rights and Private Property Rights Secured and Protection by Constitutional Law.
- Employing Intimidation to affect Identity, Nationality, Birthright. Thief Using a Fiction, Artificial Person Name to Impersonate and Steal the Sovereign De Jure Identity.

Federal law 18 USC 1961 bans engaging in a pattern of crime. When state and local officials in essence extort money, they are committing federal felonies and are in essence "racketeers" as per the law.

Under penalty of perjury, I affirm that the information contained in this document is true and correct to the best of my knowledge. All Specific Rights are explicitly reserved, without prejudice, U.C.C. 1-207, Common Law, Law of Nations.

Billy Joel Fuchs

Private Citizen, Non-Commercial and Not For Hire