

Joseph A. Sovereign

4105 Sanctuary Drive
My Community, California near [90034]
[310] 555-1212

NOTICE and Declaration of my personal Right to Travel

Notice to agent is notice to principal. Notice to principal is notice to agent.

September 15, 2012 (*Replace with today's date*)

Office of the Director (*Replace this with the other names & addresses to other parties*)
Department of Motor Vehicles
2415 First Ave, Mail Station F-101
Sacramento, California, [94232-3450]

I, **Joseph A. Sovereign** (*Replace with your name*), do solemnly declare, under penalty of perjury, that from this date forward I am traveling within the state of California (*Replace with your state*) in my private capacity in my personal non-commercial road machine (**not** defined as a motor vehicle). This machine will display my DOT registrant number **1234567**. (*Replace with your number*). This is a valid number issued to me by the US Department of Transportation.

At no time will I voluntarily accept the definition of my travel in California (*Replace with your state*) in my personal machine as a 'commercial activity'. As your legal department may be well aware: "No state (or municipal entity) shall convert a liberty (ie: my right to travel) into a privilege, license it, and attach a fee to it." *Murdoch v Peon*, 319 US 262. "If the state (or municipal entity) converts a liberty into a privilege the citizen can engage in the right with impunity" *Shuttlesworth v Birmingham, Alabama*, 373 US 262. "A person reserves the Common Law right to not be bound by, nor compelled to perform under any contract, commercial agreement, or bankruptcy not entered into knowingly, voluntarily, and intentionally. A person is not required to accept the liability associated with the compelled benefit of ANY unrevealed contract or commercial agreement ." UCC 1-207 and 1-308

Before responding to this Notice, you are directed to all relevant case law - particularly if your office intends to act under *any* commercial provision of California DMV. "Qualified immunity defense fails if a public official violates clearly established right because a reasonably competent official should know the law governing his conduct." *Jones v Counce* 7-F3d-1359-8th Cir 1993; *Benetiz v Wolff* 985-F3d 662 2nd Cir 1993. (*Replace with your state*)

Any attempts by your office, or any agent employed, contracted or appointed by you, to cite, stop, immobilize, impound, or issue liens against my non-commercial personal road machine, or its contents, by you (*or, by any party* under your direction - including, but not limited to: local police officers, state highway patrol, or DMV) shall be considered a violation of Title 18 US Code § 241 and thus place your office in jeopardy along with possible penalties under full commercial liability in *your, your supervisor's and your principal's* public and private capacities.

If you elect to challenge my established Right to Travel 'not in commerce' your office is advised of the following court rulings and established legal definitions:

Title 18 US Code, § 31 (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 in the transportation of passengers, passengers and property, or property or cargo.

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Title 18 US Code, § 31 (10) defines “Commercial Purposes”: 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, intended for profit."

SHAPIRO v THOMPSON 394 US 618:

All citizens must be free to travel throughout the United States uninhibited by statutes, rules, and regulations, which unreasonably burden or restrict this movement. If a law has no other purpose than to chill assertions of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional.

The equal protection clause prohibits apportionment of state services according to per tax contributions of its citizens. Any classification that serves to penalize the exercise of the right of interstate travel unless shown to be necessary to promote a compelling government interest is unconstitutional.

All power of attorney with STATE OF CALIFORNIA is void where license to drive and certificate of title are *by color of law*. (*Replace with your state*)

THOMPSON v SMITH, 155 Va 367:

"The RIGHT of the citizen TO TRAVEL UPON THE PUBLIC HIGHWAYS and to transport his property thereon, either by horse-drawn carriage OR BY AUTOMOBILE, IS NOT A MERE PRIVILEGE which the city may prohibit or permit at will, BUT IS A COMMON RIGHT which he has under the Right to life, liberty, and the pursuit of happiness."

American Jurisprudence 1st. Constitutional Law, Sect.329, p 1135:

"Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the 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 the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee 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.***"

Chicago Motor Coach v. Chicago, 169 NE 221. "The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived."

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The Constitution is the supreme law of the land

MARBURY v. MADISON, 5 U.S. 137 “The constitution of these United States is the supreme law of the land. Any (law, statute or custom) in conflict is null and void of law.”

“**This Constitution, and the laws of the United States** which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby....”

“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...”

SCHUTTLESWORTH v. BIRMINGHAM, ALABAMA, 373 us 262 states: “If the state does convert your right into a privilege and issue a license and charge a fee for it, you can ignore the license and fee and engage in the right with impunity”.

DALLAS v. MITCHELL 245 SW 944 states: “The rights of the individual are not derived from government agencies .. Or even from the Constitution, but they exist inherently in every man, and are merely reaffirmed in the Constitution and restricted only to the extent they have been voluntarily surrendered by the citizenship to the agencies of government.”

US v BISHOP, 412 US 346 states: “Willfulness is one of the major elements, which is required to be proven in any criminal element. You have to prove (1) that you are the party (2) that you had a method or opportunity to do the thing, and (3) that you did so with willful intent. Willful is defined as an evil motive or intent to avoid a known duty or task under the law.”

May the STATE OF CALIFORNIA change the definition of a word or term (MOTOR VEHICLE) from the original meaning (USC Title 18, § 31 (6) to another definition (CVC 12500) to fit their own needs? Not at all. Neither the STATE OF CALIFORNIA **nor any** municipality can change the meaning of “motor vehicle” and “driver” to fit their own needs:

CRAIG v MISSOURI, U S 29, 410 Is the proposition to be maintained, that the Constitution is meant to prohibit names and not things? That a very important act, big with great and ruinous mischief which is expressly forbidden by words most appropriate for its description; may be performed by the substitution of a name? That the constitution, in one of its most important provisions, may be openly evaded by giving a new name to an old thing? We cannot think so.” [The State] cannot change the name of a thing to avoid the mandates of the Constitution.

Since the burden on the STATE OF CALIFORNIA is to prove my non-commercial personal travel willfully avoids a known duty or task under the law, and also determine that I have NOT relied upon the United States Constitution and the rulings of the U S Supreme Court, then the STATE OF CALIFORNIA cannot perform this task: For the STATE OF CALIFORNIA to prevail, it would have to amend the U S Constitution, overturn the case law cited above, **and** prove willful intent to violate the law. Hence no [probable] cause for action. Since the STATE OF CALIFORNIA cannot do this and cannot provide a claim for which relief can be granted, it is in the best interest of the STATE OF CALIFORNIA to avoid this matter entirely. Failure to state a claim for which relief can be granted is a violation of FRCP 12 (b)(6)

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THAT THIS DECLARATION if not rebutted by any man, representing you or any state or county government agency or party, at any level, at any time within 21 days upon receipt, these facts stand as true in both the private and public record.

MAXIM OF LAW:

1. In Commerce - Truth is Sovereign
2. For a matter to be resolved, it must be expressed.
3. Silence equates to agreement.

SIGNED AND DECLARED THIS ____ DAY OF _____, 2012

Sui Juris [Joseph A. Sovereign](#), Authorized Representative – all rights reserved
Without Prejudice, UCC 1-207 and 1-308

FIRST WITNESS:

Printed Name: _____ Signed: _____ Date: _____

SECOND WITNESS:

Printed Name: _____ Signed: _____ Date: _____

(Adjust the list below according to your location)

Cc: State of California Attorney General
California Senator Barbara Boxer
California Senator Diane Feinstein
My County Sheriff
My Local Mayor
My Chief of Police

[the following page is to be printed on the back side of all pages of this letter]

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NOTICE

Parties who wish to dispute the claims made on the reverse side of this notice or make counterclaims must respond within twenty-one (21) days of receipt of this notice as follows: Responses must be signed under oath or attestation, subject to full commercial liability and penalty of perjury pursuant to 28 U.S.C. Section 1746, and received by [Joseph A. Sovereign](#) at the address provided above, by registered mail, and no later than twenty-one (21) days from the date of receipt of this notice by you, as attested by you and proven by notary certificate of service, or PS Form 3811, or verification by electronic signature.

Your failure to dispute the claims made herein, in the above-described manner, creates by tacit approval, silence and acquiescence a full and complete acceptance of all claims herein by default thus establishing a permanent and irrevocable estoppel, forever barring future claim or claims, contemplating any claim or declaration herein, under any Statute or Act.

DEMAND FOR ACCEPTANCE

Declarant grants STATE OF CALIFORNIA or any party interested in this subject matter twenty-one (21) days, exclusive of receipt of this Notice, to accept the declaration printed on the reverse side of this page. Failure to accept the terms of this declaration as supported by numerous examples of positive case law is a commercial dishonor [UCC 3-505].

THE FOLLOWING DAMAGES ARE ASSESSED AGAINST STATE OF CALIFORNIA AND TO ANY PARTY FAILING TO ACKNOWLEDGE THE MERITS OF THE DECLARATION OF THE RIGHT TO TRAVEL.

1. Failure to state a claim for which relief can be granted: \$1,000,000.00 [One Million US Dollars] per count, per violation, per party.
2. Failure to acknowledge the legal standing of non-commercial personal travel and the case law cited in the Declaration: \$1,000,000.00 [One Million US Dollars] per count, per violation, per party.
3. Default by non-response or incomplete response: \$1,000,000.00 [One Million US Dollars] per count, per violation, per party.
4. Dishonor in Commerce: \$1,000,000.00 [One Million US Dollars] per count, per violation, per party.

I do not consent at any time to the compelled performance of any contract that I did not enter knowingly, voluntarily or intentionally. I will make all efforts to secure a summary judgment to legitimately collect the damages itemized above, upon any attempts by STATE OF CALIFORNIA, and/or its agents, to restrict my inherent protected Right to Travel in my private personal non-commercial vehicle..

THAT, the statements on the reverse side of this NOTICE, if not rebutted by any man, representing you or any state or county government agency or party, at any level, at any time within 21 days upon receipt, of these facts [either delivered in person or by mail] stand as true in the private and public record.

SIGNED AND DECLARED THIS _____ DAY OF _____ 2012

Sui Juris, [Joseph A. Sovereign](#), Authorized Representative, - all rights reserved
Without Prejudice, UCC 1-207