**“Right To Travel” Explained:**

"**It is settled that the streets of a city belong to the people of a state and the use thereof is an inalienable right of every citizen of the state.**"  
Whyte v. City of Sacramento, 65 Cal. App. 534, 547, 224 Pac. 1008, 1013 (1924);  Escobedo v. State Dept. of Motor Vehicles, 222 Pac.2d 1, 5, 35 Cal.2d 870 (1950).   
  
If you have the "inalienable right" to use the streets, why bother to enter a contract with the DMV and request the "privilege" to "drive" when it is perfectly legal to use the streets in the first place?   
  
You have the right to travel without a "license" or permission from the government, as long as you are **not** using the roadways to conduct **commercial** activity.

**A right cannot be converted into either a privilege or a crime by the state**  
**Until you contract with the federal Government  
You have rights, not privileges**

**If you drive for a living, and are engaged in commerce on the road, you are are required to have a driver’s license under statutory law.** If you are not engaged in commerce on the road, say you are only traveling to work, not actually doing your work while driving, then you are not engaged in commerce on the road. If you are not engaged in commerce on the road you do not need to have a drivers license because **you are not driving, you are traveling.**  
  
Under Common Law, humans have the right to travel freely and these days, that includes using a car when travelling.   The Legalese people want to persuade you that you are no longer a "Traveler" under Common Law, but instead, you are a "Driver" subject to their statutes, and they demand that a "Driver" must have a driving licence, car tax, car insurance, and anything else that they can think up.   If you wish to live in freedom and somebody asks to see your licence (which would have been issued by your 'begging' for the supply of one and so subjecting yourself voluntarily to their authority by doing so), then the question is "Why would I want one of those?". 

In California, a license is defined as  "*A  permit, granted  by an appropriate governmental body, generally for a consideration, to a*[***person***](http://spoonfedtruth.ucoz.com/index/legalese/0-19)*or firm, or corporation to pursue some occupation or to carry on some business subject to regulation under the police power*."

Rosenblatt v. California, 158 P2d 199, 300.

A **drivers licence** is only needed for the driver of a ***motor vehicle*** which is taking part in ***commerce***.   It is very important not to give your name, address or (supposed) date of birth or to show any form of ID as that places you in a position of voluntary submission by:

(a) Obeying the command of another human being (who is of equal standing to you) and/or

(b) Associating yourself with, and consequently representing, a strawman who is automatically subject to all statutes, being itself, a legal fiction and part of that fictional world.

So, if you are not carrying a passenger who is paying for the journey and you are not stopping off on the journey to sell things, then you are not a "Driver" with a "Passenger", but instead, you are a "Traveler" with a "Guest".   Travelers do not need a driving licence.

**We have a right to freely travel on the land.**

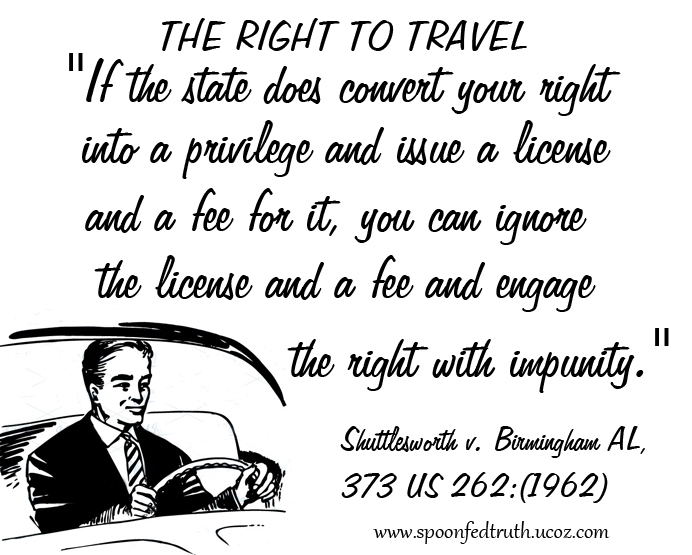
We also have the right to use our own possessions free of charge. **We are not obligated to register anything that we own.** This is why many freemen/sovereigns do not register their automobiles or renew their drivers’ licenses. It’s not because they want to speed and not stop at stop signs and cause havoc on the road, it’s because they are responsible adults who demand their freedom to travel where they like in their **automobiles** and to be responsible for their own actions.

**You are NOT required to register your vehicle.**

**Why would you want to?**

Most people believe that when they buy a car, they are required to register it with the DMV (DVLA in Britain). (After all the government wants to TAG your vehicle with a license plate, and keep it in a police database so, you are only making it very easy for them to identify you.)  Very few people realize the fact that applying for a registration actually transfers the ownership of the car from you, the purchaser who paid money for it, to the DMV.  Why would anyone willingly give up ownership of their car? This is a blatant fraud! There certainly was not full disclosure on the terms of this contract.  If you were told the truth, you might have second thoughts.

The change of ownership is shown by the fact that you, the previous owner, are now sent a document stating that you are now "the Registered Keeper" of the vehicle which you have just bought.   You are left to pay for maintaining the vehicle which you do not own, and the actual owner can, and will, destroy the vehicle (which cost the owner nothing) if you, the 'Registered Keeper' do not keep on paying for the use of the vehicle.   Destroying the vehicle would be unlawful if the vehicle did not belong to the company doing the destroying.  So you pay the taxes, title transfer fees. You pay for the license plate. You pay to renew your driver's license, and you pay any fines you incur.  You pay to renew your registration, and you pay for inspections, emissions inspections, and whatever else may exist in your state/country.



***"It is settled that the streets of a city belong to the people of a state and the use thereof is an inalienable right of every citizen of the state."***  
Whyte v. City of Sacramento, 65 Cal. App. 534, 547, 224 Pac. 1008, 1013 (1924);  Escobedo v. State Dept. of Motor Vehicles, 222 Pac.2d 1, 5, 35 Cal.2d 870 (1950).

When they procure this "privilege", they also confer upon the state the right to require those who *drive* the *vehicle* to use a **license**. A automobile that is not registered can lawfully be operated by a free human being, without the need for a driver's license. **To travel is a right, not a privilege!** The act of obtaining a license shall make one liable to the **"vehicle code"** of the state.   
  
Look at the back of your license. You will see**"CLASS C".**This is a **COMMERCIAL LICENSE**. "*I"m not doing anything commercial*" you might say. Well, as a "taxpayer" and a "public office" doing "trade or business" with a domicile on **federal territory** the government presumes that you *are*.

**"DRIVING" A MOTOR VEHICLE IS A TAXED & REVOCABLE COMMERCIAL PRIVILEGE**

**- THE LICENSE PERMITS THE HOLDER BEING COMPENSATED BY PASSENGERS -**

**- A LICENSE IS REQUIRED TO ENGAGE IN COMMERCE -**

**- COMMERCIAL CONTRACTORS MUST BE LICENSED -**

**- PASSENGERS PAY A FARE TO BE TRANSPORTED -**

**- THEIR EQUIPMENT MUST BE REGISTERED -**

**- DRIVING IS COMMERCIAL ACTIVITY -**

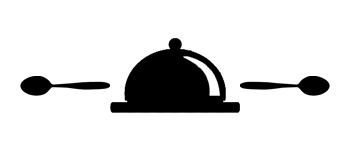
**"ALL codes restricting the right to travel go against the highest fundamental and founding laws of the land, i.e. Laws of Nature and Nature's God, the Declaration of Independence and the intent and success of the American Revolution.**

**These unnecessary and illegitimate regulations include, drivers licenses, vehicle plates, seat belts, traffic red light cams. These "codes" are for government revenue NOT safety. If "safety" could be used as a legitimate reason for legislation, you would be a slave,**

**which we are.**

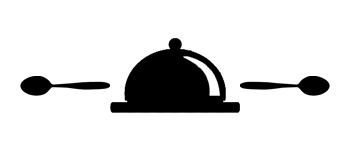
**ONLY government (municipal corporations) employees, can legislate laws to limit themselves. State Citizens are NOT employees of**

**government nor can they be forced into these political subdivisions against their will. A true and honest republic CANNOT limit the natural born state Citizens because they are SOVEREIGN and free.**



A "**vehicle**" is something used for "**transportation**," which is a line of **commercial activity** that involves the removing of people and/or goods from here to there for profit or hire under a choice of law of the "place" called "this state."  
  
A "**vehicle**" is something made "transportation ready" via the scam by which we're suckered into trading a **"full title"** (the MSO) for a "legal title only" (the "certificate of title"). In other words, no STATE may/can compel us to put our otherwise private property into use/service as ***commercial*** property. THAT transaction has to be *100% voluntary*. And, it is, because it's evaluated by the "objective standard" associated with "this state" (a body of law that is counter-intuitive to us) rather than the "subjective standard" which is associated with the Law of the Land (also known as Common law).  
  
A "**vehicle**" IS something that may very well be subject to regulation by the state/federal regulators, because it's "***commercial property***" that may be "in use" for "**transportation**" activities.  
  
A "**car**" or a "**truck**" is private property.  
  
**No state or federal agency has any authority to regulate private property**. But, they may/can regulate property in which they have an ownership interest, which happens every time we trade the "full title" (the **MSO**) for a "legal title only" (a "***certificate of title***"), which transactions happen because "we" have been "taught" to think that the STATE may regulate whatever it wants to regulate. Thus, we are purposefully distracted from the legal reality, which is based, fundamentally, on using our signature against us.  
  
[The] **STATE** may/can regulate "**commerce**." But, [the] STATE may never compel us into "commerce," and [the] STATE may never compel us into any agreement. [Think Thirteenth Amendment] So, if "we" have "voluntarily" put our "car" or "truck" into trust, which is what happens when we "voluntarily" trade our MSO (which most people never even knows to exist) for the "certificate of title," we've "voluntarily" made our otherwise and formerly private property into "transportation ready" property in which [the] STATE has an ownership interest (as a beneficiary).

[Read More](http://freedom-school.com/travel/word-games.html)



If ever a judge understood the public's right to use the public roads, it was Justice Tolman of the Supreme Court of the State of Washington. Justice Tolman stated:  
  
*"Complete freedom of the highways is so old and well established a blessing that we have forgotten the days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the highways may be completely monopolized,****if, through lack of interest, the people submit, then they may look to see the most sacred of their liberties taken from them one by one,****by more or less rapid encroachment."* Robertson vs. Department of Public Works, 180 Wash 133, 147.  
  
The words of Justice Tolman ring most prophetically in the ears of people throughout the country today as **the use of the public roads has been monopolized** by the very entity which has been empowered to stand guard over our freedoms, i.e., that of state government.  
  
The "most sacred of liberties" of which Justice Tolman spoke was personal liberty. The definition of personal liberty is:  
  
*"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property...and is regarded as inalienable."* 16 C.J.S., Constitutional Law, Sect.202, p.987.  
  
This concept is further amplified by the definition of personal liberty:  
  
"***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 horsedrawn 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."* II Am.Jur. (1st) Constitutional Law, Sect.329, p.1135.   
  
*"Personal liberty consists of the power of locomotion, of changing situations, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due process of law."* 1 Blackstone's Commentary134; Hare, Constitution\_\_.777; Bovier's Law Dictionary , 1914 ed., Black's Law Dictionary, 5th ed.  
  
**Justice Tolman was concerned about the State prohibiting the Citizen from the "most sacred of his liberties," the Right of movement, the Right of moving one's self from place to place without threat of imprisonment, the Right to use the public roads in the ordinary course of life**.  
  
When the State allows the formation of a corporation it may control its creation by establishing guidelines (statutes) for its operation (charters). Corporations who use the roads in the course of business do not use the roads in the ordinary course of life. There is a difference between a corporation and an individual. The United States Supreme Court has stated: "...*We are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for examination on the suit of the State. 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 doors to investigation, so far as it may tend to incriminate him.****Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public.****It receives certain special****privileges and franchises****, and holds them subject to the laws of the state and the limitations of its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that the State, having chartered a corporation to make use of certain franchises, could not in exercise of its sovereignty inquire how those franchises had been employed, and whether they had been abused, and demand the production of corporate books and papers for that purpose."* Hale vs. Hinkel, 201 US 43, 74-75  
  
**Corporations** engaged in mercantile equity fall under the purview of the State's admiralty jurisdiction, and the public at large must be protected from their activities, **as they (the corporations) are engaged in business for profit**.  
  
"*..Based upon the fundamental ground that the sovereign state has the plenary control of the streets and highways in the exercise of its police power (see police power, infra.), may absolutely prohibit the use of the streets as a place for the prosecution of a private business for gain.****They all recognize the fundamental distinction between the ordinary Right of the Citizen to use the streets in the usual way and the use of the streets as a place of business****or a main instrumentality of business for private gain. The former is a common Right, the latter is an extraordinary use. As to the former the legislative power is confined to regulation, as to the latter it is plenary and extends even to absolute prohibition. Since the use of the streets by a common carrier in the prosecution of its business as such is not a right but a mere license of privilege."* Hadfield vs. Lundin, 98 Wash 657l, 168, p.516.

"***So long as one uses his private property for private purposes and does not devote it to the public use, the public has no interest in it and no voice in its control.***" Associated Pipe v. Railroad Commission, 176 Cal. 518

"*The claim and exercise of****a constitutional Right cannot be converted into a crime****."* Miller vs. U.S., 230 F. 486, 489.  
  
"*There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights*." Snerer vs. Cullen, 481 F. 946.  
  
Streets and highways are established and maintained for the purpose of travel and transportation by the public. Such travel may be for business or pleasure.  
  
*"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 public highways and to transport his property thereon, either by horse drawn carriage or by automobile, is not a mere privilege which a city can prohibit or permit at will, but a common Right which he has under the right to life, liberty, and the pursuit of happiness."*Thompson vs. Smith, 154 SE 579.**  
  
Here the court held that a Citizen has the Right to travel upon the public highways, but that he did not have the right to conduct business upon the highways. On this point of law all authorities are unanimous.  
  
*"Heretofore the court has held, and we think correctly, that 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, either in whole or in part, as a place of business for private gain."* Barney vs. Board of Railroad Commissioners, 17 P.2d 82; Willis vs. Buck, 263 P.l 982.  
  
*"The right of the citizen to travel upon the highway and to transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business for private gain in the running of a stagecoach or omnibus."* State vs. City of Spokane, 186 P. 864.  
  
So what is a privilege to use the roads? By now it should be apparent even to the "learned" that an attempt to use the road as a place of business is a privilege. The distinction must be drawn between... **Travelling upon and transporting one's property upon the public roads**, which is our Right; and Using the public roads as a place of business or a main instrumentality of business, which is a privilege.

Other U.S. court cases that confirm and point out the difference between the "right" of the citizen to travel and a government "privilege" are - Barney v Board of Railroad Commissioners; State v City of Spokane, 186 P. 864; Ex Parte Dickey (Dickey v Davis), 85 S.E. 781; Teche Lines v Danforth, 12 So.2d 784. In Marbury v. Madison, 5 US 137 (1803) it is stated that **The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution of America is null and void**.

Murdock v. Penn., 319 US 105 (19) "*No State shall convert a liberty into a privilege, license it, and attach a fee to it*." Shuttlesworth v. Birmingham, 373 US 262 (1963) ***"If the State converts a liberty into a privilege, the Citizen can engage in the right with impunity*."**Miller v. U.S., 230 F. 2nd. 486, 489 (5th Cir. 1959) Id. at 489-490

In order to understand the correct application of the statute in question, we must first define the terms used in connection with this point of law. As will be shown, many terms used today do not, in their legal context, mean what we assume they mean, thus resulting in the misapplication of statutes in the instant case.

**There is a clear distinction between an automobile and a motor vehicle.**

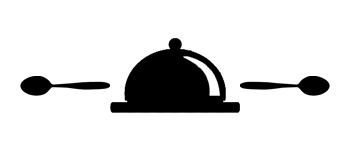
An **automobile** has been defined as:  
  
*"The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on highways."*American Mutual Liability Ins. Co. vs. Chaput, 60 A.2d 118, 120; 95 NH 200.  
  
While the distinction is made clear between the two as the courts have stated:  
  
"*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.  
  
"**Motor vehicle**" means every description or other contrivance propelled or drawn by mechanical power and used for *commercial purposes* on the highways in the transportation of passengers, or passengers and property.  
  
"***Used for commercial purposes***" means the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit. Clearly, **an automobile is private property in use for private purposes**, while a motor vehicle is a machine which may be used upon the highways for trade, commerce, or hire.  
  
**TRAVEL**:  
  
"*The term****'travel'****and****'traveler'****are usually construed in their broad and general sense...so as to include all those who rightfully use the highways viatically (when being reimbursed for expenses) and who have occasion to pass over them for the purpose of business, convenience, or pleasure.*" [emphasis added] 25 Am.Jur. (1st) Highways, Sect.427, p.717.  
  
"***Traveler****One who passes from place to place, whether for pleasure, instruction, business, or health.*" Locket vs. State, 47 Ala. 45; Bovier's Law Dictionary, 1914 ed., p. 3309.  
  
"***Travel:****To journey or to pass through or over; as a country district, road, etc. To go from one place to another, whether on foot, or horseback, or in any conveyance as a train, an automobile, carriage, ship, or aircraft; Make a journey.*" Century Dictionary, p.2034.  
  
*"It will be observed from the language of the ordinance that a distinction is to be drawn between the terms 'operator' and 'driver'; the 'operator' of the service car being the person who is licensed to have the car on the streets in the business of carrying passengers for hire; while the 'driver' is the one who actually drives the car. However, in the actual prosecution of business, it was possible for the same person to be both 'operator' and 'driver.'"* Newbill vs. Union Indemnity Co., 60 SE.2d 658.  
  
To further clarify the definition of an "**operator**" the court observed that this was a vehicle "for hire" and that it was in the business of carrying passengers.  
  
This definition would seem to describe a ***person* who is using the road as a place of business,** or in other words, a person engaged in the **"privilege"** of using the road for gain. This definition, then, is a further clarification of the distinction mentioned earlier, and therefore: Travelling upon and transporting one's property upon the public roads as a matter of Right meets the definition of a traveler. Using the road as a place of business as a matter of privilege meets the definition of a driver or an operator or both. The next term to define is **"traffic"**:  
  
"*...Traffic thereon is to some extent destructive, therefore, the prevention of unnecessary duplication of auto transportation service will lengthen the life of the highways or reduce the cost of maintenance, the revenue derived by the state...will also tend toward the public welfare by producing at the expense of those operating for private gain, some small part of the cost of repairing the wear..."* Northern Pacific R.R. Co. vs. Schoenfeldt, 213 P. 26.  
  
Therefore, the term **"travel**" or **"traveler**" refers to one who uses a conveyance to go from one place to another, and included all those who use the highways as a matter of Right. Notice that in all these definitions the phrase "for hire" never occurs. This term "travel" or "traveler" implies, by definition, one who uses the road as a means to move from one place to another.  
  
The term "**driver"** in contradistinction to "traveler" is defined as:  
  
"***Driver****: One employed in conducting a coach, carriage, wagon, or other vehicle...*" Bovier's Law Dictionary, 1914 ed., p. 940.  
  
**Today we assume that a "traveler" is a "driver," and a "driver" is an "operator." However, this is not the case**.  
  
Note: In the above, Justice Tolman expounded upon the key of raising revenue by **taxing the "privilege"** to use the public roads "at the expense of those operating for gain." In this case, the word "traffic" is used in conjunction with the unnecessary Auto Transportation Service, or in other words, "vehicles for hire." The word **"traffic"** is another word which is to be strictly construed to the conducting of business.   
  
"*Traffic Commerce, trade, sale or exchange of merchandise, bills, money, or the like. The passing of goods and commodities from one person to another for an equivalent in goods or money..."* Bovier's Law Dictionary, 1914 ed., p. 3307.  
  
It seems only proper to define the word **"license**," as the definition of this word will be extremely important in understanding the **statutes** as they are properly applied:   
  
"*The permission, by competent authority to do an act which without permission, would be illegal, a trespass, or a tort.*" People vs. Henderson, 218 NW.2d 2, 4.   
"*Leave to do a thing which licensor could prevent.*" Western Electric Co. vs. Pacent Reproducer Corp., 42 F.2d 116, 118.  
  
In order for these two definitions to apply in this case, **the state would have to take up the position that the exercise of a Constitutional Right to use the public roads in the ordinary course of life and business is illegal, a trespass, or a tort, which the state could then regulate or prevent. This position, however, would raise magnitudinous Constitutional questions as this position would be diametrically opposed to fundamental Constitutional Law.**

**The claim and exercise of a Constitutional right cannot be converted into a crime.**

"*When acting to****enforce a statute****and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes****do not act judicially****, but merely ministerially*". Thompson v. Smith, 154 SE 583.

That is **ADMINISTRATIVE** courts. **There are no Judicial courts in America**and there has not been since 1789. Judges do not enforce Statutes and Codes. **Executive Administrators enforce Statutes and Codes**. (FRC v. GE 281 US 464, Keller v. PE 261 US 428, 1 Stat. 138-178)  They do not operate under the constitution, or law.  Statutes are LEGISLATIVE rules of a society.  If you are not a party to that society, then it's statutes do not apply to you.

In the instant case, the proper definition of a **"license"** is: *"a permit, granted by an appropriate governmental body, generally for consideration, to a person, firm, or corporation, to pursue some occupation or to carry on some business which is subject to regulation under the police power."* Rosenblatt vs. California State Board of Pharmacy, 158 P.2d 199, 203.



[Do You Need a Driver's License Part One](http://www.youtube.com/watch?v=3QTcMe9GO8I&context=C496d709ADvjVQa1PpcFOHCXDBIcySFmbSJmIdre1oSph4wzvulDQ=)  
[Do You Need A Driver's License Part Two](http://www.youtube.com/watch?v=yUvwswH9nAA&context=C496d709ADvjVQa1PpcFOHCXDBIcySFmbSJmIdre1oSph4wzvulDQ=)  
Watch these videos

This definition would fall more in line with the "privilege" of carrying on business on the streets. Most people tend to think that "licensing" is imposed by the state for the purpose of raising revenue, yet there may well be more subtle reasons contemplated; for **when one seeks permission from someone to do something he invokes the jurisdiction of the "licensor" which, in this case, is the state.** In essence, the licensee may well be seeking to be regulated by the "licensor."

Are these licenses really used to fund legitimate government, or are they nothing more than **a subtle introduction of police power into every facet of our lives**? Have our "enforcement agencies" been diverted from crime prevention, perhaps through no fault of their own, instead now busying themselves as they **"check" our papers to see that all are properly endorsed by the state?** How much longer will it be before we are forced to get a license for our lawn mowers, or before our wives will need a license for her "blender" or "mixer?" They all have motors on them and the state can always use the revenue.

"***So long as one uses his private property for private purposes and does not devote it to the public use, the public has no interest in it and no voice in its control****.”*

Associated Pipe v. Railroad Commission, 176 Cal. 518

The confusion of the police power with the power of taxation usually arises in cases where the police power has affixed a penalty to a certain act, or where it requires licenses to be obtained and a certain sum be paid for certain occupations. The power used in the instant case cannot, however, be the power of taxation since **an attempt to levy a tax upon a Right would be open to Constitutional objection**.  
  
**Each law relating to the use of police power must ask three questions:***"1. Is there threatened danger? 2. Does a regulation involve a Constitutional Right? 3. Is this regulation reasonable?"* People vs. Smith, 108 Am.St.Rep. 715; Bovier's Law Dictionary, 1914 ed., under "Police Power."  
  
When applying these three questions to the statute in question, some very important issues emerge. First, "is there a threatened danger" in the individual using his automobile on the public highways, in the ordinary course of life and business? To deprive all persons of the Right to use the road in the ordinary course of life and business, because one might, in the future, become dangerous, would be a deprivation not only of the **Right to travel**, but also the **Right to due process**. Next, does the regulation involve a Constitutional Right? This question has already been addressed and answered in this brief, and need not be reinforced other than to remind this Court that this Citizen does have the Right to travel upon the public highway by automobile in the ordinary course of life and business. It can therefore be concluded that this regulation does involve a Constitutional Right.  
  
The third question is the most important in this case. **"Is this regulation reasonable?" The answer is No!** This licensing statute is oppressive and could be effectively administered by less oppressive means. Although the Fourteenth Amendment does not interfere with the proper exercise of the police power, in accordance with the general principle that the power must be exercised so as not to invade unreasonably the rights guaranteed by the United States Constitution, it is established beyond question that every state power, including the police power, is limited by the Fourteenth Amendment (and others) and by the inhibitions there imposed.  
  
Moreover, **the ultimate test of the propriety of police power regulations must be found in the Fourteenth Amendment,** since it operates to limit the field of the police power to the extent of preventing the enforcement of statutes in denial of Rights that the Amendment protects. (See Parks vs. State, 64 NE 682.)  
  
*"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.   
  
*"It is well settled that the Constitutional Rights protected from invasion by the police power, include Rights safeguarded both by express and implied prohibitions in the Constitutions."* Tiche vs. Osborne, 131 A. 60.  
  
As has been shown, the courts at all levels have firmly established an absolute **Right to travel**.

In the instant case, the state, by applying commercial statutes to all entities, natural and artificial persons alike, has deprived this free and natural person of the Right of Liberty, without cause and without due process of law.

*"The essential elements of due process of law are...Notice and The Opportunity to defend."* Simon vs. Craft, 182 US 427.  
  
**Yet, not one individual has been given notice of the loss of his/her Right, let alone before signing the license (contract).** Nor was the Citizen given any opportunity to defend against the loss of his/her right to travel, by automobile, on the highways, in the ordinary course of life and business. This amounts to an**arbitrary deprivation of Liberty.**

**"*There should be no arbitrary deprivation of Life or Liberty...*" Barbour vs. Connolly, 113 US 27, 31; Yick Wo vs. Hopkins, 118 US 356.**

"***Obviously, administrative agencies, like police officers must obey the Constitution and may not deprive persons of constitutional rights****.”* Southern Pac. Transportation Co. v. Public Utilities Com., 18 Cal.3d 308 [S.F. No. 23217. Supreme Court of California. November 23, 1976.]  
  
The focal point of this question of **police power** and **due process** must balance upon the point of making the public highways a safe place for the public to travel. If a man travels in a manner that creates actual damage, an action would lie (civilly) for recovery of damages. The state could then also proceed against the individual to deprive him of his Right to use the public highways, for cause. This process would fulfill the due process requirements of the Fifth Amendment while at the same time insuring that Rights guaranteed by the U.S. Constitution and the state constitutions would be protected.  
  
But **unless or until harm or damage (a crime) is committed, there is no cause for interference in the private affairs or actions of a Citizen.** One of the most famous and perhaps the most quoted definitions of due process of law, is that of Daniel Webster in his Dartmouth College Case (4 Wheat 518), in which he declared that by due process is meant *"a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial."* (See also State vs. Strasburg, 110 P. 1020; Dennis vs. Moses, 52 P. 333.)

**NO VICTIM - NO CRIME**

**(Read All About)  
(**[**Common Law**](http://justiceforall.ucoz.com/common-law-abatement.pdf)**)**

Somewhat similar is the statement that is a rule as old as the law that "***no one shall be personally bound (restricted) until he has had his day in court,***" by which is meant, until he has been duly cited to appear and has been afforded an opportunity to be heard. Judgment without such citation and opportunity lacks all the attributes of a judicial determination; it is judicial usurpation and **it is oppressive** and can never be upheld where it is fairly administered. (12 Am.Jur. [1st] Const. Law, Sect.573, p.269.)  
  
This sounds like the process used to deprive one of the "privilege" of operating a motor vehicle "for hire." It should be kept in mind, however, that we are discussing the arbitrary deprivation of the Right to use the road that all citizens have "in common."   
  
"*Under its power to regulate private uses of our highways, our legislature has required that****motor vehicle operators****be licensed (I.C. 49-307). Undoubtedly, the primary purpose of this requirement is to insure, as far as possible, that all****motor vehicle operators****will be competent and qualified, thereby reducing the potential hazard or risk of harm, to which other users of the highways might otherwise be subject. But once having complied with this regulatory provision, by obtaining the required license, a motorist enjoys the privilege of travelling freely upon the highways..."; Washington A.G.O. 59-60 No. 88, p. 11.  
  
This alarming opinion appears to be saying that every person using an automobile as a matter of Right, must give up the Right and****convert the Right into a privilege.****This is accomplished****under the guise of regulation****. This statement is indicative of the insensitivity, even the ignorance, of the government to the limits placed upon governments by and through the several constitutions.  
  
This legal theory may have been able to stand in 1959; however, as of 1966, in the United States Supreme Court decision in Miranda, even this weak defense of the state's actions must fall.*

***"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda vs. Arizona, 384 US 436, 491.***

*Thus****the legislature does not have the power to abrogate the Citizen's Right to travel upon the public roads****, by passing legislation forcing the citizen to waive his Right and convert that Right into a privilege. Furthermore, we have previously established that this "privilege" has been defined as applying only to those who are "conducting business in the streets" or "operating for-hire vehicles." The legislature has attempted, by legislative fiat, to deprive the Citizen of his Right to use the roads in the ordinary course of life and business, without affording the Citizen the safeguard of "due process of law."*This has been accomplished **under supposed powers of regulation.**  
  
First, let us consider the reasonableness of this statute requiring all people to be licensed (presuming that we are applying this statute to all people using the public roads). In determining the reasonableness of the statute we need only ask two questions:  
  
***1. Does the statute accomplish its stated goal?***The answer is No!  
**The attempted explanation for this regulation "to insure the safety of the public by insuring, as much as possible, that all are competent and qualified."**  
  
However, one can keep his license without retesting, from the time he/she is first licensed until the day he/she dies, without regard to the competency of the person, by merely renewing said license before it expires. It is therefore possible to completely skirt the goal of this attempted regulation, thus proving that this regulation does not accomplish its goal.

Furthermore, by testing and licensing, the state gives the appearance of underwriting the competence of the licensees, and could therefore be held liable for failures, accidents, etc. caused by licensees.  
About 115 people die every day in vehicle crashes in the United States -- one death every 13 minutes.  
On average, every years 6,000,000 people get into car accidents in the United States  
  
***2. Is the statute reasonable?***The answer is No! This statute cannot be determined to be reasonable since **it requires to the Citizen to give up his or her natural Right to travel** unrestricted in order to accept the privilege. The purported goal of this statute could be met by much less oppressive regulations, i.e., competency tests and certificates of competency before using an automobile upon the public roads. (This is exactly the situation in the aviation sector.) But isn't this what we have now?   
  
The answer is No! **The real purpose of this license is much more insidious.** When one signs the license, **he/she gives up his/her Constitutional Right to travel** in order to accept and exercise a **privilege**. After signing the license, a quasi-contract, the Citizen has to give the state his/her consent to be prosecuted for constructive crimes and quasi-criminal actions where there is no harm done and no damaged property*.*These prosecutions take place without affording the Citizen of their **Constitutional Rights** and guarantees such a the Right to a trial by jury of twelve persons and the Right to counsel, as well as the normal safeguards such as proof of intent and a corpus dilecti and a grand jury indictment. These **unconstitutional prosecutions** take place because the Citizen is exercising a privilege and has given his/her **"implied consent"** to legislative enactments designed to control interstate commerce, a regulatable enterprise under the police power of the state.  
  
Keep in mind that these "violations" without injury, such as a speeding violation, failure to use a turn signals, failure to stop completely at a stop sign, driving without wearing a seatbelt, having tinted windows, etc, are simply REVENUE violations. (Rules meant to be broken, otherwise they wouldn't get your money.)

**Think about it. . .**

Over **100,000 people a day**receive a speeding ticket in this country.

 That's over**41,000,0000**speeding tickets per year.

**The average speeding ticket costs $150.00.**

41,000,000 x 150.00 = $6,150,000,000 **That's over 6 BILLION dollars per year in speeding ticket fines alone**.

The average raise in insurance costs for one speeding ticket over the course of 3 years is $900.00.   
Multiply 900 by 41,000,000 and **you get $36,900,000,000 (36.9 BILLION dollars) in extra insurance money**the insurance industry makes in a single year just from speeding tickets.

[Speeding Ticket Facts](http://www.trafficticketsecrets.com/speeding-ticket-facts.html)  
  
In the United States, on average, there are almost **1,000,000 people arrested for a DUI every year**.

Average Costs in**Fines**and Fees Range from **$5,000 - $20,000**

Do the math and that comes to **$5,000,000,000 to $20,000,000,000**In **DUI FINES** ALONE!

 The **average auto insurance**expenditure nationwide was $795 in 2007

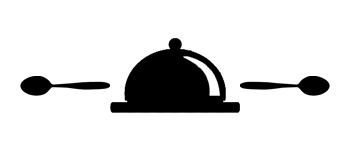
196,165,666 is**the average number of Licensed Drivers**.

 (Assuming they are good slaves and get car insurance)

(Don't forget there are**fines for driving without insurance**)

Calculating the average cost of insurance with the average number of Drivers:   
**The Insurance Companies make approximately $155,951,704,470 per year!**

**THIS IS A BILLION DOLLAR INDUSTRY**



**Unless there is an injured party, or injured property, police officers have no business pulling you over**to give you a citation. In fact, that policeman is violating YOUR rights, harassing you, and frankly wasting your time. Check out Asserting Your Right under Right to Travel to learn how to deal with police, how to fight in court, etc.   
  
We must now conclude that the Citizen is **forced to give up Constitutional guarantees of "Right"** in order to exercise his state **"privilege"** to travel upon the public highways in the ordinary course of life and business. **A Citizen cannot be forced to give up his/her Rights in the name of regulation.** If one cannot be placed in a position of being forced to surrender Rights in order to exercise a privilege, how much more must this maxim of law, then, apply when one is simply exercising (putting into use) a Right?  
  
***"To be that statute which would deprive a Citizen of the rights of person or property, without a regular trial, according to the course and usage of the common law, would not be the law of the land."***Hoke vs. Henderson, 15 NC 15*.****"We find it intolerable that one Constitutional Right should have to be surrendered in order to assert another."****Simons vs. United States, 390 US 389. Since the state requires that one give up Rights in order to exercise the privilege of driving, the regulation cannot stand under the police power, due process, or regulation, but must be exposed as****a statute which is oppressive and one which has been misapplied to deprive the Citizen of Rights guaranteed by the United States Constitution****and the state constitutions.*

*"Any claim that this statute is a taxing statute would be immediately open to****severe Constitutional objections****. If it could be said that the state had****the power to tax a Right****, this would enable the state to****destroy Rights guaranteed by the constitution****through the use of****oppressive taxation.****The question herein, is one of the state taxing the Right to travel by the ordinary modes of the day, and whether this is a legislative object of the state taxation. The views advanced herein are neither novel nor unsupported by authority. The question of taxing power of the states has been repeatedly considered by the Supreme Court.****The Right of the state to impede or embarrass the Constitutional operation of the U.S. Government or the Rights which the Citizen holds under it, has been uniformly denied.****"*McCulloch vs. Maryland, 4 Wheat 316.  
  
As previously demonstrated, the Citizen has the **Right to travel** and to transport his property upon the public highways in the ordinary course of life and business. However, if one exercises this Right to travel **(without first giving up the Right and converting that Right into a privilege)** the Citizen is by **statute, guilty of a crime.**  
  
**This amounts to converting the exercise of a Constitutional Right into a crime.** Indeed, the very purpose for creating the state under the limitations of the constitution was to **protect the rights of the people from intrusion, particularly by the forces of government.** So we can see that any attempt by the legislature to make the act of using the public highways as a matter of Right into a crime, is **void upon its face.** Any human being who claims his Right to travel upon the highways, and so exercises that Right, **cannot be tried for a crime of doing so**. As we have already shown, the term **"drive" can only apply to those who are employed in the business of transportation for hire.** It has been shown that freedom includes the Citizen's Right to use the public highways in the ordinary course of life and business without license or regulation by the police powers of the state.  
  
It is the duty of the court to recognize the substance of things and not the mere form.  
  
*"The courts are not bound by mere form, nor are they to be misled by mere pretenses. They are at liberty indeed they are under a solemn duty to look at the substance of things, whenever they enter upon the inquiry whether the legislature has transcended the limits of its authority. If, therefore, a statute purported to have been enacted to protect...the public safety, has no real or substantial relation to those objects or is a palpable invasion of Rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the Constitution."*Mulger vs. Kansas, 123 US 623, 661.  
  
*"****It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon."***Boyd vs. United States, 116 US 616.  
  
*"Constitutional Rights cannot be denied simply because of hostility to their assertions and exercise; vindication of conceded Constitutional Rights cannot be made dependent upon any theory that it is less expensive to deny them than to afford them."*Watson vs. Memphis, 375 US 526.  
  
Therefore, the Court's decision in the instant case must be made without the issue of cost to the state being taken into consideration, as that issue is irrelevant. **The state cannot lose money that it never had a right to demand from the "Sovereign People."** Finally, we come to the issue of "public policy." It could be argued that the "licensing scheme" of all persons is a matter of "public policy." However, if this argument is used, it too must fail, as: 

***"No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution." 16 Am.Jur. (2nd), Const. Law, Sect.70.***

**Since no notice is given to people applying for driver's (or other) licenses that they have a perfect right to use the roads without any permission, and that they surrender valuable rights by taking on the regulation system of licensure, the state has committed a massive construction fraud. This occurs when any person is told that they must have a license in order to use the public roads and highways. The license, being a legal contract under which the state is empowered with policing powers is only valid when the licensee takes on the burdens of the contract and bargains away his or her rights knowingly, intentionally, and voluntarily. (Otherwise the Contract, which is the License, is VOID, INVALID) Few know that the driver's license is a contract without which the police are powerless to regulate the people's actions or activities.**

**No one in their right mind voluntarily surrenders complete liberty  
and accepts in its place a set of regulations.**

**Driver's licenses are used as a 'guilty plea' and a signed confession of guilt.** Police are given "warden" authority; rather than **'peace officer'** authority over **'drivers'**. The **confiscation** by the Province or State of the **Vehicle Identification Number**, New Vehicle Identification Statement (NVIS) or Manufacturers Certificate of Origin(MCO) of all automobiles sold at the dealer level, and the **registration** by the Province or State of an automobile gives it the status of a **'legal entity'**, thus making the owner a '**ward of the Crown**' as a confessed criminal (license holder), with the 'privilege' of possession of that automobile.