

RIGHT TO TRAVEL VERSUS "DRIVING" A "MOTOR VEHICLE" FOR COMMERCIAL PURPOSES

Definitions

License.

The permission by a competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise not allowable.

-**Black's Law Dictionary**, Sixth Edition, page 920.

Motor vehicle.

"**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 transportation of passengers, passengers and property, or property and cargo; ... **"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[.]**" 18 U.S.C. 31. [emphasis added]

Traffic.

Commerce; trade; sale or exchange of merchandise, bills, money, and the like. -**Black's Law Dictionary**, Sixth Edition, page 1495. [emphasis added]

Color of law.

The **appearance or semblance, without the substance, of legal right. Misuse of power**, possessed by virtue of state law and made possible only **because wrongdoer is clothed with authority of state**, is taken under "color of state law."
-**Black's Law Dictionary**, Sixth Edition, page 265. [emphasis added]

Personal liberty.

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. [emphasis added]

De facto.

In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs which must be accepted for all practical purposes, **but is illegal or illegitimate.** Thus, **an office, position or status existing under a claim of color of right such as a de facto corporation.** Thus, an officer, king, or government **de facto is one who is in the actual possession of the office of supreme power, but by usurpation, or without lawful title;** while an officer, king, or governor **de jure is one who has just claim and rightful title to the office or power,** but has never had plenary possession of it, or is not in actual possession.

-Black's Law Dictionary, Sixth Edition, Page 416. [emphasis added]

De jure.

Of right; legitimate; lawful; by right and just title. In this sense it is the contrary of de facto (q.v.).

-Black's Law Dictionary, Sixth Edition, page 425.

Supporting Case and Legal Citations – Right to Travel

"The right to travel on the public highways is a constitutional right." Teche Lines v. Danforth, Miss. 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."

Kent v. Dulles 357 U.S. 116; U.S. v. Laub 385 U.S. 475. [emphasis added]

"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. [emphasis added]

"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. [emphasis added]

and;

"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.

"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, affirmed by the Supreme Court in Thompson v. Smith 154 S.E. 579. [emphasis added]

"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 139 A2d 869, 872 (1958) [emphasis added]

and;

"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. [emphasis added]

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

Miller vs. U.S., 230 F. 486, 489. [emphasis added]

"All laws which are repugnant to the Constitution are null and void."

Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803) [emphasis added]

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

16 Am Jur 2nd, Sec 177 late 2d, Sec 256. [emphasis added]

"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. [emphasis added]

In Summary:

Natural Rights; personal liberty cannot be taxed, regulated, registered, or licensed.

Only "U.S. citizens", a subject class of citizenship created by the 14th Amendment, having relinquished their protected Natural Rights in exchange for "limited liability" and "privileges and immunities," and employees, officers, and agents of de facto government, are subject to the statutes, policies, codes, rules, regulations, etc. of color of law states, courts, and their employees/officers/agents, all of which are commercial corporate entities. Only these classes of "persons" as well as those "persons" engaged in commercial activities while using the public roadways are required to register their "motor vehicles" with the state and obtain a state-issued license to "drive." "Driving" is a commercial activity. Traveling is not "driving" but is instead an essential aspect of personal liberty. A privately owned automobile not used commercially is merely a household good. An automobile used commercially is a "motor vehicle" and is subject to Motor Vehicle Administration/Department of Motor Vehicles licensing and registration. ~ Michael Anthony

*"If men, through fear, fraud or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of Almighty God, **it is not in the power of man to alienate this gift and voluntarily become a slave.**" ~ Samuel Adams, our great president.*
[emphasis added]