

## **RIGHT TO TRAVEL vs PRIVILEGE TO DRIVE**

Most of the following is case law which cannot be argued with. Your rights always supersede legislation.

"The navigable waters leading into the Mississippi and St. Lawrence,\*and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." [Northwest Ordinances, Article 4]

"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 vs. State 35 C2d 870 in 8 Cal Jur 3d p.27

"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 vs. Safety Coach Transit Co., 229 Ky 731, 17 SW2d 1012, and affirmed by the Supreme Court in Thompson vs. Smith 154 S.E. 579.

"Users of the highway for transportation of persons and property for hire may be subjected to special regulations not applicable to those using the highway for public purposes." Richmond Baking Co. vs. Department of Treasury 18 N.E. 2d 788.

"Constitutionally protected liberty includes...the right to travel..." 13 Cal Jur 3d p.416

In California, a license is defined as "A permit, granted by an appropriate governmental body, generally for a consideration, to a person or firm, or corporation to pursue some occupation or to carry on some business subject to regulation under the police power." Rosenblatt vs. California 158 P2d 199, 300.

"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 vs. City of Pocatello 416 P2d 46

"One who DRIVES an automobile is an operator within meaning of the Motor Vehicle Act." Pontius vs. McClean 113 CA 452

"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.833

"A citizen may have the right, under the 14th amendment to the Constitution of the United States, to travel and transport his property upon the public highways by auto vehicle, but he has no right to make the highways his place of business by using them as a common carrier

for hire; such use being a privilege which may be granted or withheld by the state in its discretion, without violating the due process or equal protection clauses." In Re Graham 93 Cal App 88.

"The license charge imposed by the motor vehicle act is an excise or privilege tax, established for the purpose of revenue in order to provide a fund for roads while under the dominion of the state authorities, it is not a tax imposed as a rental charge or a toll charge for the use of the highways owned and controlled by the state." - PG&E vs. State Treasurer, 168 Cal 420.

"The same principles of law are applicable to them as to other vehicles upon the highway. It is therefore, the adaptation and use, rather than the form or kind of conveyance that concerns the courts." Indiana Springs Co. vs. Brown, 74 N.E. 615.

"The automobile is not inherently dangerous." Moore vs. Roddie, 180 P. 879, Blair vs. Broadmore 93 S.E. 632.

"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 vs. Lussier (1958) 139 A2d 869, 872

"Truck driver's failure to be licensed as chauffeur does not establish him or his employer as negligent as a matter of law with respect to accident in which driver was involved, in absence of any evidence that lack of such license had any casual or causal connection with the accident...Bryant vs. Tulare Ice Co. (1954) 125 CA 2d 566

"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 vs. Horton 14 Cal. App. 3rd 667 (1971)

"The RIGHT to TRAVEL on the public highways is a constitutional RIGHT." Teche Lines vs. Danforth, Miss. 12 So 2d 784, 787.

"The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." Kent vs. Dulles 357 U.S. 116, U.S. vs. Laub 385 U.S. 475

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"CVC 17459. The acceptance by a resident of this state of a certificate of ownership or a certificate of registration of any motor vehicle or any renewal thereof, issued under the provisions of this code, shall constitute the CONSENT by the person that service of summons may be made upon him within or without this state, whether or not he is then a

resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of the ownership or operation of the vehicle." California Vehicle Code

"CVC 17460. The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the CONSENT of the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of his operation of a motor vehicle anywhere within this state." California Vehicle Code

"When a person applies for and accepts a license or permit, he in effect knows the limitations of it, and takes it at the risk and consequences of transgression." Shevlin-Carpenter Co. vs. Minnesota, 218 U.S. 57.

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