

● A license is a police regulation controlling the exercise of a profession, business or occupation. *Flannigan v. Sierra County*, 25 S. Ct. 314, 196 U.S. 553

8. **FACT: FEDERAL TRANSPORTATION ADMINISTRATIVE AUTHORITY OVER STATE MOTOR VEHICLE REGULATIONS IS DUE TO COMMERCE CLAUSE (“INSTRUMENTALITIES OF COMMERCE”), AND FEDERAL HIGHWAY GRANT AGREEMENTS / COMPACTS WITH STATES, e.g.,**
- 49 United States Code (“USC”) §13102; 18 USC §31(a)(6)&(10); 49 CFR pt.392;
 - 29 Code of Federal Regulations (“CFR”)776.29 (Channels of Commerce), etc.

9. **FACT: KEY WORDS AND PHRASES IN TMVC AND FEDERAL TRANSPORTATION REGULATIONS ARE COMMERCIAL IN NATURE AND DO NOT APPLY TO PRIVATE, UNALIENABLE RIGHT TO TRAVEL: EXAMPLES (all commercial definitions)**
- motor vehicle, carrier
 - driver, operator, chauffeur
 - commerce, privilege
 - transportation, freight, traffic
 - passenger, etc.

10. **FACT: “MOTOR VEHICLE” IS A SPECIAL CLASS OF VEHICLE USED IN COMMERCE FOR HIRE (i.e., FOR-PROFIT)**
- That “motor vehicles” may properly be treated as a special class i.e. “instrumentalities of commerce”. *Continental Baking Co. v. Woodring*, 286 U.S. 352, 366 (1932) No. 677

11. **FACT: DEPT. OF SAFETY AUTHORIZED TO REGULATE COMMERCIAL ACTIVITY**
- “The department of safety is vested with the power and authority, and it is its duty, to license, supervise and regulate every motor carrier in the state and promulgate rules and regulations pertaining thereto. TCA. § 65-15-106(a).

12. **FACT: IRREPARABLE INJURY OCCURS WHEN CONSTITUTIONALLY SECURED RIGHTS ARE DENIED OR VIOLATED AND IS A CAUSE FOR TORT ACTION**
- It has long been established that the loss of constitutional freedoms, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion) (citing *New York Times Co. v. United States*, 403 U.S. 713 (1971)).” — *Caneisha Mills, et al., v. District of Columbia* No. 08-7127, U.S. Court of Appeals for the District of Columbia, July 10, 2009

LEO status question: “Sir, are you engaged in transporting passengers or goods for-profit?”

If “no,” then you’re free to go. If “yes,” may I see your license, please.
“Therefore to him that knoweth to do good, and doeth it not, to him it is sin.”
James 4:17

NOTICE TO FEDERAL & TENNESSEE JUDICIAL OFFICERS, PROSECUTORS AND LAW ENFORCEMENT

Notice to the principal is notice to the agent, and notice to the agent is notice to the principal

“IGNORANCE OF THE LAW IS NO EXCUSE”

The Truth Regarding TRAVEL vs. TRANSPORTATION (“Privileges”)

For decades Tennessee police have stopped, searched, ticketed, arrested, harassed, racially profiled and testified against non-commercial travelers on the public highways for allegedly violating the Tennessee Motor Vehicle Code (“TMVC”) codified at Tennessee Code Annotated (“TCA”) Title 55. Annual revenue generated from traffic tickets is substantial, provides a heavy cash flow for the state, gives ticketing quotas incentive, and ready employment for local, county and state law enforcement officers (“LEOs”).

The truth is that Title 55 penalty statutes have been illegally, and fraudulently enforced for many years, and misapplied to people traveling by natural, unalienable right – not engaged in “for-profit” commercial transportation activities. Many lives have been ruined as a result. (Most license suspensions amount to “civil death sentences.”) Facts below will prove that said title deals exclusively with commercial transportation by special class “motor vehicles/carriers” which require the licensing of drivers, operators and chauffeurs as a taxable permissive “privilege” upon application, i.e. **IT APPLIES ONLY TO THOSE ENGAGED IN A FOR-PROFIT ACTIVITY AFFECTING THE PUBLIC INTEREST WHEN TRANSPORTING PEOPLE OR GOODS BY MOTOR VEHICLE / CARRIER FOR HIRE ON THE PUBLIC HIGHWAYS.** It does not apply to the general public exercising their naturally inherent, unalienable liberty right to travel/move/locomote on the public highways privately in the ordinary course of life and business in their own private conveyance. It is routinely presumed or pretended by Tennessee LEOs, prosecutors and state and federal courts that everyone who uses the public highways is engaged in a regulable, taxable, “privileged” occupation, vocation, trade, pursuit, business, or calling and is subject to TMVC “privilege” regulations. Both statutes and well established case law (*stare decisis*) rebut and disprove this presumption. It’s time for the truth to be known, the unlawful oppression of the people to cease (i.e., endless debtors’ prison racket scheme), and the inherent, God-given personal right to travel freely in privacy to be recognized and respected by all public servants.

NATURAL RIGHTS vs. TAXABLE STATE GRANTED PRIVILEGES

Statutes, Vol. 1, 1917

1. FACT: PUBLIC HIGHWAYS BELONG TO THE PEOPLE BY RIGHT–NOT BY PRIVILEGE

- A public highway is such a passageway as any and all members of the public have an absolute right to use as distinguished from a permissive privilege of using same. *Standard Life Ins. Co. v. Hughes*, 203 Tenn. 636, 315 S.W.2d 239, 243, 1958 Tenn. LEXIS 229 (1958).
- "Public highways". . . are open as a matter of right to the use of the public for the purposes of vehicular travel." *Buck v. Kuykendall*, 267 U.S. 307, 314 (1925)
- The right to travel is an "unconditional personal right," a right whose exercise may not be conditioned. *Shapiro v. Thompson*, 394 U.S. 618, 643; *Dunn V. Blumstein*, 405 U.S. 330, 342 (1972) No. 70-13; *State v. Stroud*, 52 S.W. 697, 698 (Tenn. 1899); (Also see 3 Kent, Comm. 432).

2. FACT: PUBLIC HIGHWAYS ARE FOR PRIVATE, PERSONAL PURPOSES

- "The business of using the public highways for profit, earned by transporting persons and property for hire, has been definitely excluded from the category of private or personal rights. . . . that the primary use of the state highways is the use for private purposes." *State v. Harris*, 76 S.W.2d 324, 168 Tenn. 159 (1934)
- "Every member of the public has the right to use the public roads in a reasonable manner for the promotion of his health and happiness. . ." "A public road is a way open to all the people, without distinction, for passage and repassage at their pleasure." *Sumner County v. Interurban Transp. Co.*, 141 Tenn. 493, 213 S.W. 412, 1918 Tenn. LEXIS 112, 5 A.L.R. 765 (1919).
- "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 and uses it for private gain in the running of a stagecoach or omnibus. The former is the usual and ordinary right of the Citizen, a right common to all, while the latter is special, unusual, and extraordinary." *Ex Parte Dickey*, (*Dickey vs. Davis*), 85 SE 781. (Also see *Hoover Motor Express Co. v. Fort*, 167 Tenn. 628 *, 72 S.W.2d 1052 **, 1933 Tenn. LEXIS 71; *Thompson v. Smith*, 155 Va. 367, 377 (1930))
- "It is well established law that the highways of the state are public property; that their primary and preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary, which, generally at least, the legislature may prohibit or condition as it sees fit." *Stephenson v. Binford*, 287 U.S. 251, 264; *Packard v. Banton*, 264 U.S. 140, 144, and cases cited; *Frost Trucking Co. v. Railroad Comm.* U.S. 583, 592-593; *Hodge Co. v. Cincinnati*, 284 U.S. 335, 337; *Johnson Transfer & Freight Lines v. Perry*, 47 F. (2d) 900, 902; *Southern Motorways v. Perry*, 39 F. (2d) 145, 147; *People's Transit Co. v. Henshaw*, 20 F. (2d) 87, 89; *Weksler v. Collins*, 317 Ill. 132, 138-139; 147 N.E. 797; *Maine Motor Coaches v. Public Utilities*, 125 Me. 63, 65 130 Atl. 866.

3. FACT: PLEASURE NOT TAXABLE AS A BUSINESS

- "A privilege tax cannot be imposed upon anything or any act, unless it constitutes a business, occupation, pursuit or vocation. Such use for pleasure does not constitute a business, occupation, pursuit or vocation. Pleasure taking does not constitute a business, occupation, pursuit or vocation, in the sense of the definition of a taxable privilege; and therefore is not subject to privilege taxation ." *Shannon's Compilation of Tennessee*

4. FACT: TWO CLASSES OF HIGHWAY USERS

- See *Standard Life Ins. Co. v. Hughes* above in #1.

5. FACT: 5th & 14th AMENDMENTS RIGHT TO TRAVEL vs. STATE GRANTED PRIVILEGE

- "A citizen may have, under the Fourteenth Amendment, the right to travel and transport his property upon them 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 is a privilege which may be granted or withheld by the state in its discretion, without violating either the due process clause or the equal protection clause." *Packard v. Banton*, 264 U.S. 140, 144
- "It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. . . Constitutional rights would be of little value if they could be . . . 'indirectly denied'. . . ." *Harman v. Forsenius*, 380 U.S. 528, 540 (1965).
- "In any event, freedom to travel throughout the United States has long been recognized as a basic right under the Constitution." "[T]he right to travel freely . . . it is a virtually unconditional personal right, guaranteed by the Constitution to us all." *United States v. Guest*, 383 U. S. 745, 757-758 (1966)
- "The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." "Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country, may be necessary for a livelihood." *Kent v. Dulles*, 357 U.S. 116, 125, 126 (1958) 481, 125

6. FACT: COMMERCIAL REASON FOR DRIVER LICENSE, REGISTRATION AND INSURANCE

- "The use of public highways by private intrastate and interstate carriers of goods by motor vehicle may be conditioned by the state upon the carrier's obtaining a license, complying with reasonable regulations, paying a reasonable license fee and a tax, for expenses of highway administration and maintenance and reconstruction of the highways covered by the license, and upon the filing of an insurance policy as security against injuries from the carrier's negligent operations to persons and property other than the passengers and property he carries." *Continental Baking Co. v. Woodring*, 286 U.S. 352, 365 (1932)
- "Commerce must pay its way [PRIVILEGE TAX; LICENSE IS TAX RECEIPT]. It is not exempt from any type of taxation if imposed by an authorized authority." *Murdock v. Pennsylvania (City Jeannette)* *FN*, 63 S. Ct. 870, 319 U.S. 105 (U.S. 05/03/1943) No. 480

7. FACT: PRIVILEGE LICENSE - TAXABLE BUSINESS ACTIVITY

- License: Streets and highways. A permit to use street is a mere license revocable at pleasure. *Lanham v. Forney*, 196 Wash. 62, 81 P.2d 777, 779. The privilege of using the streets and highways by the operation thereon of motor carriers for hire can be acquired only by permission or license from the state or its political subdivisions. *Black's Law Dictionary, 6th Ed., p. 919*