

USPS certified mail no. 7019 2970 0000 3531 8867

c/o 10520 Brickhill Lane
Soddy-Daisy, TN 37379
June 16, 2021

Commissioner Jeff Long
312 Rosa L. Parks Avenue
Nashville, TN 37243

Dear Commissioner Long,

I'm watching two department videos of the arrest of Gregory Parker in Chattanooga March 29, 2021.

Mr. Parker was arrested without a warrant in apparent violation of Tenn. Code Ann. § 40-7-103, warrantless arrest, grounds.

It also appears, pursuant to my April 2, 2021, letter, that the trooper operated outside the scope of authority in Tenn. Code Ann. § Title 55, motor and other vehicles, and Tenn. Code Ann. § Title 65, chapter 15, carriers, as Mr. Parker insists he is not on the road as carrier in a motor vehicle in privileged activity for private profit and gain.

This reporter, 1,201 days ago, on March 5, 2018, placed in the U.S. mail a first-class envelope containing a complete copy of Tennessee transportation administrative notice to your predecessor, David W. Purkey, commissioner of safety and homeland security. This document should be on file.

That same day I sent in the U.S. mail, under registered letter seal no. RE338842074US, a copy of the administrative notice to Gov. Bill Haslam.

The department has been notified of the authority and the limits of Title 55 and of Title 65, authorizing the department to regulate carriers. Notice makes clear that departmental authority is statutory, and thus limited. It is upon privileged parties exercising a privileged occupation, trade or calling on the public road. Your department has authority to regulate the privileges of shipping, trucking,

transportation, the privileged use of the roads for hire for private profit and gain as described in court cases and the statute itself.

Mr. Parker's position in court has been that he is traveling the public right of way by right, not in commerce, as a "natural living man," as he tells the officer, not for private profit and gain, not as a carrier, but privately per right, giving notice on the back of his truck, "not for hire," which notice officer Dale Herring ignored. Mr. Parker, of Georgia, has defeated criminal prosecution of his right to freely communicate his person and property on the road.

On first sight in one video, his truck is traveling within the flow of traffic in a 55 mph zone. Why is he arrested? I ask. If there is probable cause state on radio for the chase, it is missing or deleted. It appears the department singles out Mr. Parker for a glass-smashing violent arrest, cuffing, search of his truck and effects, towing of his car and effects, jailing and a stack of criminal charges, including "retaliation for past action," he says, in a comment about personal liability of Mr. Herring, implying for Mr. Herring a legal attachment that might affect the Herring family and estate.

I understand neither you nor your public relations person will respond to questions about the Parker criminal case. So, below, I have general questions. But to go further in the particulars of the Parker case, to indicate the basis of my inquiry, I note that trooper Dale Herring, under transportation administrative notice, appears to be knowingly and intentionally enforcing the administrative trucking law on a nontrucker.

Mr. Herring is enforcing — as a crime alleged against Mr. Parker — the transportation statutes at 55 and 65 on a man explicitly and noisily *not involved in the transportation privilege*, and Mr. Herring has alleged these acts as crimes without first alleging they are administrative wrongs subject to the uniform administrative procedures act and the requirement for exhaustion of administrative remedies in an administrative matter.

If you are on aware of the limits of the statute, by notice of the law itself, and secondarily by notice from Tennessee transportation administrative notice, you appear to be putting Mr. Herring and other such employees in legal jeopardy as to their persons and estates.

This point is one made by Mr. Parker in his comments to the officer — for which he is being criminally charged.

Mr. Parker says one of the charges against him is retaliation for past action. This charge, he says, stems from comments I didn't hear in the record about a lawsuit attaching to Mr. Herring personally (and, by implication, to his family). The defendant is saying Mr. Herring is acting personally, and so may face personal consequence for his act.

Does Mr. Herring know personally about the 1,201-day-old Tennessee transportation administrative notice? Under the Tennessee doctrines of notice, he has imputed knowledge, and is liable for harm done once notice obtains to the principal of whom he is agent.

Your department accepts the notice as authoritative as a matter of law. It acquiesced by silence to its report of the state of the law in Tennessee. The notice is a public document in Rhea County register's office, and published notoriously in Hamilton County by classified ad run over four weeks' time (documentation affidavit available on request).

As for Mr. Herring's arrest of Mr. Parker, there appears to be no legal basis for it that respects his due process rights, and in court an obvious defense is lack of subject matter jurisdiction.

Mr. Long, does this arrest exhibit ***animus and bad faith*** by you against an innocent member of the traveling public?

Secondarily, Mr. Long, are you ***protecting the personal estates and persons of your employees*** by permitting them to seemingly illegal acts, which such arrests as that of Mr. Parker appear to be?

If Mr. Herring made this arrest of a person the department evidently identifies as a free-travelling American citizen, intending to arrest him without a warrant and apart from an automobile crash under the requirements of Tenn. Code Ann. § 40-7-103, is it not proper to ask about the department's care of its employees who performed that deed? Are they serving your policy in contravention to the

notice that outlines the authority of the constitution and the limits and constraints of Tenn. Code Ann. § Titles 55 and 65?

Mr. Long, is Mr. Herring liable to Mr. Parker for harm because you have legally stranded the employee Mr. Herring outside the statute? To restate: Are state employees under your authority enforcing the law at their own risk, on their own dime, exposed to the elements, as it were, because you have continued the policy of commercial enforcement upon noncommercial private users of the road, of whom there are tens of thousands in Tennessee, despite being under administrative notice 1,201 days?

Mr. Moster says the department will answer no queries on the Parker case in criminal court.

Here, then, nine *general* questions about your traffic enforcement arrest policy.

1. Does your department train officers to understand the distinction between travel and transportation?
2. If not, do troopers view all users of the roads as exercising the driving and operating privilege, and so subject to arrest for alleged privilege, tax and rules of the road infractions?
3. Do you admit people may use the public roads privately, in exercise of protected rights (communication, religion, redress of grievance, political, abortion)?
4. Are troopers personally liable for traffic arrests of private users of the road, given transportation administrative notice?
5. Is it true that, given transportation administrative notice, your arrest of private users apart from for-profit transportation privileged activity imposes a legal liability on troopers personally and individually?
6. Does the department have a policy of arresting travelers whom it knows by surveillance and intelligence are private users of the road?
7. Is ***operating or driving a motor vehicle*** on an expired, suspended or revoked driver's license committing a "public offense" under Tenn. Code Ann. § 40-7-103 subject to on-the-spot arrest without warrant?

8. Is ***traveling privately*** in a car, truck or motorbike while one's driver license is revoked, suspended or expired a "public offense" under Tenn. Code Ann. § 40-7-103 subject to on-the-spot arrest without warrant?
9. On what grounds does the department translate "public offense" in Tenn. Code Ann. § 40-7-103 to mean "any infraction" or "any offense" or any "administrative breach" and so arrest travelers without warrant under criminal charge?

As investigative journalist, I report continued abuse by local cops and deputies of Tenn. Code Ann. § 40-7-103 in support of tax and privilege enforcement of Titles 55 and 65.

My reporting about the warrantless arrest law is boiled down into a notice of which you have a copy in my April 2, 2021, letter to Mr. Moster. I gave Chattanooga and Hamilton County a copy of a second administrative notice about the warrantless arrest law April 15, 2020.

Please be on awares of the notice about the limited exceptions to the constitutional ban on warrantless arrest. City of Chattanooga and Hamilton County have acquiesced to the notice given 429 days ago.

All parties subject to the law administer the law under warning of Tenn. Code Ann. § 39-16-402, official misconduct.

I know you are concerned to do the right thing under our law, and would never order officers to do anything that hurts the people or violates their rights as against law, no matter how longstanding and familiar the practice might be on which I make report. I believe you will halt all activities in contravention to the constitution and to black-letter law once these are brought to your attention, as well.

Please answer the questions of my letter April 2, 2021, to Wes Moster about department enforcement and arrest practices that appear to be done in the officer's personal capacity. Mr. Moster demurred on commenting on the Parker case, as it is in criminal court. I'm intending to get to the origin of the department's enforcement practices and their authority.

I would appreciate a response to my questions at your earliest convenience, and response to unanswered questions in my April 2 letter to Mr. Moster.

Respectfully yours,



David Tulis

Tenn. Code Ann. § 40-7-103

Warrantless arrest, grounds

(a) An officer may, without a warrant, arrest a person:

- (1)** For a **public offense** committed or a **breach of the peace threatened** in the officer's presence;
- (2)** When the person has committed a felony, though not in the officer's presence;
- (3)** When a **felony** has in fact been committed, and the officer has reasonable cause for believing the person arrested has committed the felony;
- (4)** On a charge made, upon reasonable cause, of the commission of a felony by the person arrested;
- (5)** Who is attempting to commit **suicide**;
- (6)** At the scene of a **traffic accident** who is the driver of a vehicle involved in the accident when, based on personal investigation, the officer has probable cause to believe that the person has committed an offense under title 55, chapters 8 and 10. This subdivision (a)(6) shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars (\$1,000), unless the officer has probable cause to believe that the driver of the vehicle has committed an offense under § 55-10-401;

(7) Pursuant to § 36-3-619;

[**domestic abuse**]

(8) Who is the driver of a vehicle involved in a **traffic accident** either at the scene of the accident or up to four (4) hours after the driver has been transported to a health care facility, if emergency medical treatment for the driver is required and the officer has probable cause to believe that the driver has violated § 55-10-401; ‡

(9) When an officer has probable cause to believe a person has committed the offense of **stalking**, as prohibited by § 39-17-315;

(10) Who is the driver of a motor vehicle involved in a **traffic accident**, who leaves the scene of the accident, who is apprehended within four (4) hours of the accident, and the officer has probable cause to believe the driver has violated § 55-10-401; ‡ or

(11) Pursuant to § **55-10-119**. [55-10-119. Detaining drivers involved in accidents involving serious bodily injury or death if driver does not have valid driver license and evidence of financial responsibility.]

(b) If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the **conditions of release** imposed pursuant to § 40-11-150, and verifies that the alleged violator received notice of the conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer.

(c) Unless a law enforcement officer has probable cause to believe that an offense has been committed, no officer, except members of the Tennessee highway patrol acting pursuant to § 4-7-104, shall have the authority to stop a motor vehicle for the **sole purpose of examining or checking the license** of the driver of the vehicle.