

Traveling is a Right

For many years professionals within the criminal justice system have acted upon the belief that traveling by motor vehicle upon the roadway was a privilege that was gained by a citizen only after approval by their respective state governments in the form of a permit or drivers license.

Legislators, police officers, and court officials are being made aware that there are court decisions disproving the opinion that traveling is a privilege that requires government approval.

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest and convenience." *Chicago Motor Coach v. Chicago*, 169 NE 22.

("Regulated" here means traffic safety enforcement: stop lights, signs, etc.)

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit at will, but a common right which he has under the right to life, liberty, and the pursuit of happiness." *Thompson v. Smith*, 154 SE 179.

It could not be stated more conclusively that citizens of the states have a right to travel, without approval or restrictions (license), and that this right is protected under the U.S. Constitution. Here are other court decisions that expound the same facts:

"The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the 5th Amendment." *Kent v. Dulles*, 357 US 116, 125.

"Undoubtedly the right of locomotion, the right to move from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th amendment and by other provisions of the Constitution." *Schactman v. Dulles*, 96 App DC 287, 293.

As hard as it is for those in law enforcement to believe, there is no room for speculation in these court decisions. The American citizen does indeed have the inalienable right to use the roadways unrestricted in any manner as long as they are not damaging or violating property or rights of others.

Government, in requiring the people to file for drivers license, vehicle registrations, mandatory insurance, and demanding they stop for vehicle inspections, roadblocks, etc. are restricting and therefore violating the peoples' common law right to travel.

Is this a new legal interpretation on this subject? Apparently not. The American Citizens and Lawmen Association, in conjunction with the U.S. Federal Law Research Center are presently involved in studies in several areas involving questions on constitutional law. One of the many areas under review is that of the citizen's right to travel. A spokesman stated in an interview:

"Upon researching this subject over many months, substantial case law has presented itself that

completely substantiates the position that the 'right to travel unrestricted upon the nations highways' is and always has been a fundamental right of every Citizen."

This means that the beliefs and opinions of our state legislators, the courts, and those of us involved in the law enforcement profession have acted upon for years have been in error. Researchers armed with actual facts state that U.S. case law is overwhelming. To restrict in any fashion the movement of the individual American, in free exercise of the right to travel upon the roadways (excluding commerce, which the state legislatures are correct in regulating), is a serious breach of those freedoms secured by the U.S. Constitution, as well as most state constitutions.

Our system of law dictates that there is only one way to remove a right belonging to the people. That is by a person knowingly waiving a particular right.

Some of the confusion in our present system has arisen because many millions of people have waived their right to travel unrestricted, and opted into the jurisdiction of the state. Those who have knowingly given up these rights are legally regulated by state law, and must obtain permits, registrations, insurance, etc.

Every police officer should keep the following U.S. court ruling in mind before issuing citations:

"The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v. U.S.*, F.2d 486, 489.

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It is important to be aware of a different point of view about traffic since a near police state exists on America's highways today. Traffic Support Services' goal is to reestablish the RIGHT to travel!