

# U.S. SUPREME COURT AND OTHER HIGH COURT CITATIONS PROVING THAT NO LICENSE IS NECESSARY FOR NORMAL USE OF AN AUTOMOBILE ON COMMON WAYS

“The right of a 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 a common right which he has under his right to life, liberty and the pursuit of happiness. Under this constitutional guaranty 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.”

**Thompson v. Smith**, 154 SE 579, 11 American Jurisprudence, Constitutional Law, section 329, page 1135 “The right of the Citizen to travel upon the public highways and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, for the usual and ordinary purpose of life and business.” –

**Thompson vs. Smith**, supra.; Teche Lines vs. Danforth, Miss., 12 S.2d 784 “... the right of the citizen to drive on a public street with freedom from police interference... is a fundamental constitutional right” -White, 97 Cal.App.3d.141, 158 Cal.Rptr. 562, 566-67 (1979) “citizens have a right to drive upon the public streets of the District of Columbia or any other city absent a constitutionally sound reason for limiting their access.”

**Caneisha Mills v. D.C.** 2009 “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** (1958) 139 A2d 869, 872, See also: *Schechter v. Killingsworth*, 380 P.2d 136, 140; 93 Ariz. 273 (1963). “The right to operate a motor vehicle [an automobile] upon the public streets and highways is not a mere privilege. It is a right of liberty, the enjoyment of which is protected by the guarantees of the federal and state constitutions.”

**Adams v. City of Pocatello**, 416 P.2d 46, 48; 91 Idaho 99 (1966). “A traveler has an equal right to employ an automobile as a means of transportation and to occupy the public highways with other vehicles in common use.”

**Campbell v. Walker**, 78 Atl. 601, 603, 2 Boyce (Del.) 41. “The owner of an automobile has the same right as the owner of other vehicles to use the highway, \* \* \* A traveler on foot has the same right to the use of the public highways as an automobile or any other vehicle.”

**Simeone v. Lindsay**, 65 Atl. 778, 779; *Hannigan v. Wright*, 63 Atl. 234, 236. “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 v. Horton* 14 Cal. App. 3rd 667 (1971) “The right to make use of an automobile as a vehicle of travel long the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some other vehicle.”

**House v. Cramer**, 112 N.W. 3; 134 Iowa 374; *Farnsworth v. Tampa Electric Co.* 57 So. 233, 237, 62 Fla. 166. “The automobile may be used with safety to others users of the highway, and in its proper use upon the highways there is an equal right with the users of other vehicles properly upon the highways. The law recognizes such right of use upon general principles.

**Brinkman v Pacholike**, 84 N.E. 762, 764, 41 Ind. App. 662, 666. “The law does not denounce motor carriages, as such, on public ways. They have an equal right with other vehicles in common use to occupy the streets and roads. It is improper to say that the driver of the horse has rights in the roads superior to the driver of the automobile. Both have the right to use the easement.”

**Indiana Springs Co. v. Brown**, 165 Ind. 465, 468. U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely YHVH.name 2 2 “A highway is a public way open and free to any one who has occasion to pass along it on foot or with any kind of vehicle.” **Schlesinger v. City of Atlanta**, 129 S.E. 861, 867, 161 Ga. 148, 159;

**Holland v. Shackelford**, 137 S.E. 2d 298, 304, 220 Ga. 104; **Stavola v. Palmer**, 73 A.2d 831, 838, 136 Conn. 670 “There can be no question of the right of automobile owners to occupy and use the public streets of cities, or highways in the rural districts.” **Liebrecht v. Crandall**, 126 N.W. 69, 110 Minn. 454, 456 “The word ‘automobile’ connotes a pleasure vehicle designed for the transportation of persons on highways.”

**American Mutual Liability Ins. Co., vs. Chaput**, 60 A.2d 118, 120; 95 NH 200 Motor Vehicle: 18 USC Part 1 Chapter 2 section 31 definitions: “(6) Motor vehicle. – The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways...” 10) The term “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. “A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of persons for which remuneration is received.”

**International Motor Transit Co. vs. Seattle**, 251 P. 120 The term ‘motor vehicle’ is different and broader than the word ‘automobile.’”

**City of Dayton vs. DeBrosse**, 23 NE.2d 647, 650; 62 Ohio App. 232 “Thus self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled” – Ex Parte Hoffert, 148 NW 20 ”

The Supreme Court, in **Arthur v. Morgan**, 112 U.S. 495, 5 S.Ct. 241, 28 L.Ed. 825, held that carriages were properly classified as household effects, and we see no reason that automobiles should not be similarly disposed of.”

**Hillhouse v United States**, 152 F. 163, 164 (2nd Cir. 1907). "...a citizen has the right to travel upon the public highways and to transport his property thereon..." **State vs. Johnson**, 243 P. 1073; **Cummins vs. Homes**, 155 P. 171; **Packard vs. Banton**, 44 S.Ct. 256; **Hadfield vs. Lundin**, 98 Wash 516, **Willis vs. Buck**, 263 P. 1 982;

**Barney vs. Board of Railroad Commissioners**, 17 P.2d 82 "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 "the right of the Citizen to travel upon the highway and to transport his property thereon in the ordinary course of life and business... is the usual and ordinary right of the Citizen, a right common to all." –

Ex Parte Dickey, (**Dickey vs. Davis**), 85 SE 781 "Every Citizen has an unalienable RIGHT to make use of the public highways of the state; every Citizen has full freedom to travel from place to place in the enjoyment of life and liberty." **People v. Nothaus**, 147 Colo. 210. "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. "Traffic infractions are not a crime." **People v. Battle** "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right... may ignore the law and engage with impunity in exercise of such right."

**Shuttlesworth v. Birmingham** 394 U.S. 147 (1969). U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely YHVH.name 3 "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.83 “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 v. State** 35 C2d 870 in 8 Cal Jur 3d p.27 “RIGHT — A legal RIGHT, a constitutional RIGHT means a RIGHT protected by the law, by the constitution, but government does not create the idea of RIGHT or original RIGHTS; it acknowledges them. . . “ Bouvier’s Law Dictionary, 1914, p. 2961. “Those who have the right to do something cannot be licensed for what they already have right to do as such license would be meaningless.”

**City of Chicago v Collins** 51 NE 907, 910. “A license means leave to do a thing which the licensor could prevent.” **Blatz Brewing Co. v. Collins**, 160 P.2d 37, 39; 69 **City of Chicago v Collins** 51 NE 907, 910. “A license means leave to do a thing which the licensor could prevent.” **Blatz Brewing Co. v. Collins**, 160 P.2d 37, 39; 69 Cal. A. 2d 639. “The object of a license is to confer a right or power, which does not exist without it.”

**Payne v. Massey** (19\_\_ ) 196 SW 2nd 493, 145 Tex 273. “The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus, when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure and transportation.”

**Wingfield v. Fielder** 2d Ca. 3d 213 (1972). “If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void.” –

**Shuttlesworth v. Birmingham** 394 U.S. 147 (1969). “With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority.” **Donnolly vs. Union Sewer Pipe Co.**, 184 US 540; **Lafarier vs. Grand Trunk R.R. Co.**, 24 A. 848; **O’Neil vs. Providence Amusement Co.**, 108 A. 887. “The right to travel (called the right of free ingress to other states, and egress from them) is so fundamental that it appears in the Articles of Confederation, which governed our society before the Constitution.”

**(Paul v. Virginia)**. “[T]he right to travel freely from State to State ... is a right broadly assertable against private interference as well as governmental action. Like the right of association, it is a virtually unconditional personal right, guaranteed by the Constitution to us all.” (U.S. Supreme Court,

**Shaprio v. Thompson**). EDGERTON, Chief Judge: “Iron curtains have no place in a free world. ...’Undoubtedly the right of locomotion, the right to remove 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 Constitution.’

**Williams v. Fears**, 179 U.S. 270, 274, 21 S.Ct. 128, 45 L.Ed. 186. “Our nation has thrived on the principle that, outside areas of plainly harmful conduct, every American is left to shape his own life as he thinks best, do what he pleases, go where he pleases.” *Id.*, at 197.

**Kent vs. Dulles** see Vestal, Freedom of Movement, 41 Iowa L.Rev. 6, 13—14. “The validity of restrictions on the freedom of movement of particular individuals, both substantively and procedurally, is precisely the sort of matter that is the peculiar domain of the courts.” Comment, 61 Yale L.J. at page 187. “a person detained for an investigatory stop can be questioned but is “not obliged to answer, answers may not be compelled, and refusal to answer furnishes no basis for an arrest.” Justice White, *Hiibel* “Automobiles have the right to use the highways of the State on an equal footing with other vehicles.”

**Cumberland Telephone. & Telegraph Co. v. Yeiser** 141 Kentucky 15. “Each citizen has the absolute right to choose for himself the mode of conveyance he desires, whether it be by wagon or carriage, by horse, motor or electric car, or by bicycle, or astride of a horse, subject to the sole condition that he will observe all those requirements that are known as the law of the road.”

**Swift v. City of Topeka**, 43 U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely YHVH.name 4 Kansas 671, 674. The Supreme Court said in **U.S. v Mersky** (1960) 361 U.S. 431: An administrative regulation, of course, is not a “statute.” A traveler on foot has the same right to use of the public highway as an automobile or any other vehicle.

**Cecchi v. Lindsay**, 75 Atl. 376, 377, 1 Boyce (Del.) 185. Automotive vehicles are lawful means of conveyance and have equal rights upon the streets with horses and carriages.

**Chicago Coach Co. v. City of Chicago**, 337 Ill. 200, 205; See also: *Christy v. Elliot*, 216 Ill. 31; *Ward v. Meredith*, 202 Ill. 66; **Shinkle v. McCullough**, 116 Ky. 960; **Butler v. Cabe**, 116 Ark. 26,

28-29. ...automobiles are lawful vehicles and have equal rights on the highways with horses and carriages. *Daily v. Maxwell*, 133 S.W. 351, 354.

**Matson v. Dawson**, 178 N.W. 2d 588, 591. A farmer has the same right to the use of the highways of the state, whether on foot or in a motor vehicle, as any other citizen.

**Draffin v. Massey**, 92 S.E.2d 38, 42. Persons may lawfully ride in automobiles, as they may lawfully ride on bicycles. *Doherty v. Ayer*, 83 N.E. 677, 197 Mass. 241, 246;

**Molway v. City of Chicago**, 88 N.E. 485, 486, 239 Ill. 486; *Smiley v. East St. Louis Ry. Co.*, 100 N.E. 157, 158. "A soldier's personal automobile is part of his 'household goods[.]'"

**U.S. v Bomar**, C.A.5(Tex.), 8 F.3d 226, 235" 19A Words and Phrases – Permanent Edition (West) pocket part 94. "[I]t is a jury question whether ... an automobile ... is a motor vehicle[.]"

*United States v Johnson*, 718 F.2d 1317, 1324 (5th Cir. 1983). Other right to use an automobile cases: –

EDWARDS VS. CALIFORNIA, 314 U.S. 160 –

TWINING VS NEW JERSEY, 211 U.S. 78 – WILLIAMS VS. FEARS, 179 U.S. 270, AT 274 – CRANDALL VS. NEVADA, 6 WALL. 35, AT 43-44 – THE PASSENGER CASES, 7 HOWARD 287, AT 492 – U.S. VS. GUEST, 383 U.S. 745, AT 757-758 (1966) –

GRIFFIN VS. BRECKENRIDGE, 403 U.S. 88, AT 105-106 (1971) – CALIFANO VS. TORRES, 435 U.S. 1, AT 4, note 6 –

SHAPIRO VS. THOMPSON, 394 U.S. 618 (1969) – CALIFANO VS. AZNAVORIAN, 439 U.S. 170, AT 176 (1978) Look the above citations up in American Jurisprudence. Some citations may be paraphrased.

## Supreme Court Case

**MARBURY V. MADISON**, 5 U.S. 137. "The constitution of the United States is the supreme law of the land. Any in conflict is null and void of law." [emphasis added]

**Miranda vs. Arizona**, 384 US 436, 491 "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

**MURDOCK v. PENNSYLVANIA**, 319 U.S. 105 Can the state arbitrarily convert a secured liberty, [insert your recognized right here], into a privilege, and issue a license and fee for it? NO: "No state may convert a secured liberty into a privilege, and issue a license and fee for it."

**SHUTTLESWORTH V. BIRMINGHAM, ALABAMA**, 373 U.S. 262 If a state does attempt to convert the right into a privilege and attempts to issue a license and fee for the exercise of that privilege; can it be enforced as law? NO: "If the state does convert a right into a privilege and issue a license and charge a fee for it, you can ignore the license and fee and engage in the right with impunity."

**U.S. v. BISHOP**, 412 U.S. 346. Did you willfully and with intent violate the law? NO: "Willfulness is one of the major elements, which is required to be proven in any criminal element. You will have to prove (1) that you are the party (2) that you had a method or opportunity to do the thing, and (3) that you did so with willful intent. Willful is defined as an evil motive or intent to avoid a known duty or task under the law."

**Kent v. Dulles**, 357 U.S. 116, 125. 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. So much is conceded by the solicitor general. In Anglo Saxon law that right was emerging at least as early as Magna Carta. Kent v. Dulles, 357 U.S. 116, 125.

**People vs Battle** Traffic infractions are not a crime." People v. Battle, 50 Cal. App. step 1, Super, 123 Cal. Rptr. 636, "Traffic infractions are not a crime." People v. Battle "To this end, the Fourth Amendment requires that a seizure must be based on specific objective facts indicating that society's legitimate interests require the seizure of the

particular individual, or that the seizure must be carried out pursuant to a plan embodying explicit, neutral limitations on the conduct of individual officers

**Hurtado v. California** , 110 U.S. 516. The State cannot diminish rights of the people.

## **Practicing Law Without A License**

**NAACP vs Button** the Court held that the activities of the NAACP amounted to "modes of expression and association protected by the First and Fourteenth Amendments which Virginia may not prohibit." NAACP-initiated litigation was "a form of political expression" and not "a technique of resolving private differences,"

**Schwartz v. Board of Examiners**, 353 U.S. 232 (1957). There is no such thing as an Attorney License to practice law. The UNITED STATES SUPREME COURT held a long time ago that 'The practice of Law CANNOT be licensed by any state/State.'

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection [353 U.S. 232, 239] Clause of the Fourteenth Amendment.

Further, as a CERTIFICATE IS NOT A LICENSE then it also gives no power to anyone to practice Law AS AN OCCUPATION, nor to DO BUSINESS AS A LAW FIRM.

**Sims v. Ahrens**, 271 S.W. 720 (1925) "The practice of Law is an occupation of common right." Further, The state bar association is not a government entity. The state bar ass...is "PROFESSIONAL ASSOCIATION" and their "STATE BAR" CARD IS NOT A LICENSE either. All that card is – is a "UNION DUES CARD" like the Actors Union, Painters Union, Electricians union etc.

## Travel vs. Driving

**SHAPIRO v. THOMPSON** 394 US 618 "All citizens must be free to travel throughout the United States uninhibited by statutes, rules, and regulations..."

**THOMPSON v. SMITH**, 155 Va 367 "The RIGHT of the citizen TO TRAVEL UPON THE PUBLIC HIGHWAYS and to transport his property thereon, either by horse-drawn carriage OR BY AUTOMOBILE, IS NOT A MERE PRIVILEGE which the city may prohibit or permit at will, BUT IS A COMMON RIGHT."

**CHICAGO MOTOR COACH v. CHICAGO**, 169 NE 221 Chicago , 337 Ill. 200, 169 NE 22, 66 ALR 834. Ligare v. Chicago , 139 Ill. 46, 28 NE 934. Boone v. Clark JUR (1st) Highways, Sec. 163. , 214 SW 607; 25 A M "The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived."

**SHUTTLESWORTH v. BIRMINGHAM, ALABAMA**, 373 US 262 "If the state does convert your right into a privilege and issue a license and charge a fee for it, you can ignore the license and fee and engage in the right with impunity."

## My car is NOT a "Motor Vehicle"

**USC Title 18, § 31 9(6)** - Definition of "**Motor Vehicle**": "The term "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 the transportation of passengers and property, or property or cargo."

**USC Title 18, § 31(10)** - Definition of "**Commercial Purposes**": "The term "used for commercial purposes" means the carriage of the persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking for profit."

So your car, SUV, or motorcycle is only a "commercial vehicle" if you are getting paid to "drive" it. If you are only using it to travel around to go to work, school, groceries, or any other private reason then it IS NOT A "MOTOR VEHICLE".

Here is the dilemma, when the government started requiring the commercial vehicles to be registered and licensed it made that a regulable activity for that purpose. They made everyone else believe it was the same for the general public. The police, you and all your friends are taught that you are always 'operating' a 'motor vehicle' which are both commercial regulable activities.

May the state change the definition of a word or term (MOTOR VEHICLE) from the original meaning (USC Title 18, § 31 (6) to another definition to fit their own needs? NO:

**CRAIG v. MISSOURI**, U S 29, 410 The state cannot change the meaning of "motor vehicle" and "driver" to fit their own needs: "Is the proposition to be maintained, that the constitution meant to prohibit names and not things? That a very important act, big with great and ruinous mischief which is expressly forbidden by words most appropriate for its description; may be performed by the substitution of a name? That the constitution, in one of its most important provisions, may be openly evaded by giving a new name to an old thing? We cannot think so." [...The State] cannot change the name of a thing to avoid the mandates of the Constitution.]"

What the United States Supreme Court, the highest court in the land, says here is that the state cannot change the meaning of "person traveling" to "driver", and they cannot change the name or term of "private car," "pickup" or "motorcycle" to "Motor Vehicle". C