

To: **Officer [redacted] SGT,**
Manor PD

12/14/16

SUBJ: Traffic Stop Casual Conversation Follow-up

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Greetings to you and peace be upon you...

I wanted to follow up to our casual discussion with some LAW for your edification. You struck me as an honest man and one who cares about the truth, the Manor PD's image and practices and the community you are tasked to serve and protect. I know about serving. I served this country in the military for many years at risk of my life and I am a disabled veteran. I also have served others in the work of the ministry of the gospel, for no profit or personal gain but only for the good of those I have served and the good name of my God, the Maker of Heaven and Earth. I am writing to you out of sincerity that you may know, at least for yourself, what is the truth, what is the law (as opposed to code, policies or regulations) and what my behavior is based on. I do not expect anything from you nor is this meant to be "official." As you will see from the enclosed information, I handle my affairs on my own behalf without attorneys and have gone into the courts many, many times over basic rights, freedoms, law and the government's various officials who conduct themselves in violation of those laws, under COLOR OF LAW. Although I had cause and evidence to do great damage to those public servants who wronged me in violation of their oath and the law, I elected not to do so but suffered those abuses without malice or revenge. I hope this small exchange may assist you, first personally and perhaps professionally to be a better servant and example to your superiors, your peers, your subordinates and those who pay you to serve and protect them (not the State).

You may find yourself challenged by this letter but I promise you that it is with the utmost sincerity and goodwill that I write to you. I like you and respect you. I also know that you, like those Doctors we spoke about, have been programmed, with various beliefs that are not based on the law you took an oath to but upon an agenda (not your own). Remember that you took an oath to uphold the Constitution.

As you can clearly see from the attached information, I have been to court over the right to travel going back as far as 2008 (and much further). Every matter has ultimately been DISMISSED. What I sent you was just a sampling. There is a simple reason, as you can see in part from the attached materials. The law is on my side. You and nearly all the police are in error. Most of the lower courts and municipalities are in error. Put differently, violating the law. If I were inclined (which I am not) I could sue the police, the city and various individuals in Federal Court for considerable monetary damages for the stolen time and the emotional stress of having to continuously fight against COLOR OF LAW behavior.

What I shared with you is limited in the event I go to trial in the latest matter. It is just prudence. But you will note that there is Texas specific law in addition to various Supreme Court case rulings which is unmistakable in it's language.

Some of the confusion in our present system has arisen because many millions of people have waived their

right to travel unrestricted and volunteered into the jurisdiction of the state. Those who have knowingly given up these rights are now legally regulated by state law and must acquire the proper permits and registrations. **There are basically two groups of people in this category:**

- (1) Citizens who involve themselves in commerce upon the highways of the state. Here is what the courts have said about this: "...For while a citizen has the right to travel upon the public highways and to transport his property thereon, that right does not extend to the use of the highways...as a place for private gain. For the latter purpose, no person has a vested right to use the highways of this state, but it is a privilege...which the (state) may grant or withhold at its discretion..." **State v. Johnson, 245 P 1073**. There are many court cases that confirm and point out the difference between the right of the individual to travel and a *government privilege* and there are numerous other court decisions that spell out the jurisdiction issue in these two distinctly different activities. However, because of space restrictions, we will leave it to you to research it further for yourself.
- (2) The second group of individuals that are legally under the jurisdiction of the state are those citizens who have voluntarily and knowingly waived their right to travel unregulated and unrestricted by requesting placement under such jurisdiction through the acquisition of a state driver's license, vehicle registration, mandatory insurance, etc. (In other words, by contract.) We should remember what makes this legal and not a violation of the common law right to travel is that they knowingly volunteer by contract to waive their rights. **If they were forced, coerced or unknowingly placed under the state's powers, the courts have said it is a clear violation of their rights.** This in itself raises a very interesting question.

What percentage of the people in each state have applied for and received licenses, registrations and obtained insurance after erroneously being advised by their government that it was mandatory?

A word about administrative law and statutes. The meaning of statutes has been diluted. Subject matter which might better be relegated to regulations has been elevated to the status of statute. "*While in practical effect regulations may be called "little laws" they are at most but off-spring of statutes.*" See **United States v. Jones, 345 U.S. 377, 73 S.Ct. 759, 97 L ED.. 1108**. The result is that neither the statute nor the regulations are complete without the other, and only together do they have any force. In effect, therefore, the construction of one necessarily involves the construction of the other. See **U.S. v. Mersky, 361 U.S. 431, 80 S.Ct. 459**

"The claim and exercise of a constitutional right cannot be converted into a crime." **Miller v. US, 230 F 486, 489.** (Not even by "little laws" - inferior in power and subject to the higher laws)

These powers are utilized in the Superior courts throughout nearly all the states, not just as a resource for income (taking of property from the people traveling in some state,) but also in the same way the Jews in Nazi Germany were identified with a tattoo on the arm for control.

The following was selected for you from a police force educational paper written by a retired Phoenix Officer

THE RIGHT TO TRAVEL DESPITE ACTIONS OF POLICE AND LOCAL COURTS, HIGHER COURTS HAVE RULED THAT AMERICAN CITIZENS HAVE A RIGHT TO TRAVEL WITHOUT STATE PERMITS By Jack McLamb, Ret. Phoenix Officer

For years professionals within the criminal justice system have acted on the belief that traveling by motor vehicle was a "privilege" that was given to a citizen only after approval by their state government in the form of a permit or license to drive. In other words, the individual must be granted the privilege before his use of the state highways was considered legal.

Legislators, police officers, and court officials are becoming aware that there are court decisions that disprove the belief that driving is a privilege and therefore requires government approval in the form of a license. Presented here are **some** of these Supreme Court cases:

CASE #1: "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." - Chicago Motor Coach v. Chicago, 169 NE 221.

CASE #2: "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 or permit at will, but a common law right which he has under the right to life, liberty, and the pursuit of happiness." **Thompson v. Smith, 154 SE 579.**

It could not be stated more directly or conclusively that citizens of the states have a common law right to travel, without approval or restriction (license), and that this right is protected under the U.S Constitution.

"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." **Kent v. Dulles (1958) 357 US 116, 125.**

"The right to travel is a well-established common right that does not owe its existence to the federal government. It is recognized by the courts as a natural right." - **Schactman v. Dulles 96 App DC 287, 225 F2d 938, at 941.**

As hard as it is for those of us in law enforcement to believe, there is no room for speculation in these court decisions. American citizens do 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.

Many of our courts, attorneys and police officials are just becoming informed about this important issue and the difference between privileges and rights. We can assume that the majority of those Americans carrying state licenses and vehicle registrations have no knowledge of the rights they waived in obeying statutes and codes such as these that the U.S. Constitution clearly states are unlawful, (i.e. laws of no effect - laws that are not laws at all.) An area of serious consideration for every police officer is to understand that the most important law in our land which he has taken an oath to protect, defend, and enforce, is not state laws and city or county ordinances, but the law that supersedes all other laws -- the U.S. Constitution. If laws in a particular state or local community conflict with the supreme law of our nation, there is no question that the officer's duty is to uphold the U.S. Constitution.

Every police officer should keep the following U.S. court ruling -- discussed earlier -- in mind before issuing citations concerning licensing, registration, and insurance:

"The claim and exercise of a constitutional right cannot be converted into a crime." **Miller v. US, 230 F 486, 489.**

This is not "DEPENDING" on Manor or even Texas "statutes." It is the ABSOLUTE law upheld by countless Supreme Court cases, the Constitution, etc.. It would take you years to read and realize the overwhelming collection of evidence which supports this SIMPLE maxim of law. The "right to travel" without license, without registration, without permission is clearly established and the only confusion or exception is when the individual is engaged in COMMERCE (for profit activity).

"The license is designed to operate upon those who hold themselves out as common carriers, and a license may be exacted from such as a proper exercise of police power; but no reason exists why it should be applied to the owners of private vehicles, used for their individual use exclusively, in their own business, or for their own pleasure, as a means of locomotion." **City of Chicago v. Collins et al., Supreme Court of Illinois. 175 Ill. 445, 51 N.E. 907 (Oct. 24, 1898).**

You said it was having no registration sticker on my car was "a crime" "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. (A detention is a "seizure")

"The officers of the law, in the execution of process, are required to know the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they must respond in damages." **Roger**

v. Marshall (United neutral limitations on the conduct of individual officers. **Rogers v. Conklin**), 1 Wall. (US) 644, 17 Led 714.

"An officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Const. Co. v. Stewart**, 284 F.Supp. 94.

"It is a general rule that an officer, executive, administrative, quasi-judicial, ministerial, or otherwise, who acts outside the scope of his jurisdiction, and without authorization of law may thereby render himself amenable to personal liability in a civil suit." **Cooper v. O'Conner**, 69 App DC 100, 99 F (2d)

"Public officials are not immune from suit when they transcend their lawful authority by invading constitutional rights." **AFLCIO v. Woodard**, 406 F 2d 137.

"That an officer or employee of a state or one of its subdivisions is deemed to be acting under "color of law" as to those deprivations of right committed in the fulfillment of the tasks and obligations assigned to him." **Monroe v. Page**, 1961, 365 U.S. 167. (Civil law)

"The application of...(a code)...to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe appellant was engaged, or had engaged, in criminal conduct. Accordingly, appellant may not be punished for refusing to identify himself, and the conviction is reversed." (Probable cause) **Brown v. Texas**, 443 U.S. 47, (1979)

The state cannot sell a right to drive; it was already ours.

"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 rule of state preemption of authority to prescribe traffic rules was set out by the Supreme Court in **Rumford v. City of Berkeley**, supra, 31 Cal.3d 545, 549-550: " *The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof, subject to legislative control The right of control over street traffic is an exercise of a part of the sovereign power of the state' (Ex parte Daniels (1920) 183 Cal. 636, 639.)* ' *"The use of highways for purposes of travel and transportation is not a mere privilege, but a common and fundamental right, of which the public and individuals cannot rightfully be deprived ... [A]ll persons have an equal right to use them for purposes of travel by proper means, and with due regard for the corresponding rights of others. [Citations.]"* ' [Italics added, fns. omitted.]

I could go on ad infinitum, my friend, but I think you get the point.... it is not my personal opinion nor some wild anti-government theory but rather the clearly and consistently upheld LAW of the land.

"A state MAY NOT impose a charge for the enjoyment of a right granted (sic) by the Federal Constitution." **MURDOCK v PENNSYLVANIA**, 319 US 105.

Officer [redacted], I hope this information will better assist you in your service to the community. I am not attempting to "change the system" because the system is already established. Unfortunately there are many who have tried to change the system and done so successfully, causing the general population to be ignorant of the real law. Read carefully what the SCOTUS has opined about this:

"Because of what appears to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance." **US v Minker**, 350 US 179 at 187(1956)

SUMMARY

I understand that this information presents a conundrum for one such as you. Your paycheck, your security and your future depend on your job. You will not easily or likely be able to change the way things are done.

I am not asking you to do so. What I am asking is simple.

While the “many Citizens” may have willingly applied for and entangled themselves with obligations and contracts that they are not required to, I AM NOT ONE OF THEM.

Please advise your fellow officers to leave me alone when I am traveling peacefully along the roads through Manor. To use your own analogy provided to me at the roadside detention, the Transportation Code of Texas and the policies of the Manor PD regarding such are not “my daddy’s house.” The “many Citizens” referenced above are living in YOUR daddy’s house but MY FATHER is a different Father and His rules are the ones I obey, along with the Supreme LAW of this land that over-rides any “little laws” erroneously executed as a matter of policy or training and unchallenged by the ignorant masses.

I do not wish to be pushed to the point of having to file a Federal lawsuit against the City of Manor and the Manor PD in order to preserve and ensure my rights are protected by those tasked with doing so. Perhaps it is in all of our interest to understand the law properly and leave those (me) who are abiding by it alone as we go about our private affairs of life.

I drive a white Buick Century, you have my name and identification. If Manor PD stops me for typical “PC’s” as you described to me with no probable cause as defined by the 4th Amendment or any other “infraction” of the “transportation code” then they should immediately release me to go on my way upon identification. I am simply requesting that you and your fellow officers respect the oath you swore and protect my rights you are required to protect. Remember, I am not in the “other” category which represents 99% of those you collectively stop.

(Let me share it with you here: **Article IV** “*the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants [for these] shall issue [by any court for any road side seizure] but upon probable cause supported by oath or affirmation particularly describing the place to be searched and the persons or things to be seized*”

Sincerely and respectfully,

[redacted]