

Plaintiff _____

Case NO. _____



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Attaché to dismissal and grounds.

RIGHT TO TRAVEL

Dwane Kirkland Discovery/
credited to carl miller/
and to our God/

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1/ Right To Travel One of the first cases we are going to bring is basically the "right to travel". There"s a lot of people interested in this particular issue, and license plates and driver"s licenses, and all this, and you have a lot of programming that"s problematic from this, and you have a lot of people that are looking to argue, so we want to share some basic arguments with you.

2/ We"re going to claim a first amendment right to travel, and we"re going to claim also a fifth amendment under due process and equal protection under the law.

3/ We find in the Michigan Constitution the protected right to travel. "The freedom to travel is a fundamental right that should be unlimited by statutes, rules, or regulations which unreasonably burden or restrict movement. A law which substantially affects or penalizes the exercise of the right to travel may be justified only by a compelling state interest, and must be tailored carefully to avoid unnecessary infringement of the right.

4/ Freedom to travel throughout the United States has long been recognized as a basic right under the federal constitution (see note 54). Shapiro v Thompson 394 U.S. P 618 In the beginning of the case they"re talking about inhibiting migration by needy persons into a state in constitutionally impermissible. "All citizens must be free to travel throughout the United States uninhibited by statues, rules, or regulations which unreasonably burden or restrict this movement.

5/ If a law has no other purpose than to chill assertions of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional.

6/" "The equal protection clause prohibits apportionment of state services according to par tax contributions of its citizens. Any classification which serves to penalize the exercise of the right of interstate travel, unless shown to be necessary to promote a compelling government interest, is unconstitutional.

7/" When we go into the case we find out that it says "The right finds no explicit mention in the constitution. That a right so elementary was conceived from the beginning to be necessary concomitant to the stronger union the constitution created. In any event freedom to travel throughout the Unites States has long been recognized as a basic right under the constitution.

8/" We have established that the right is clearly there. For more arguments on that you can go to the law library and find the Federal Digest, and look up the book "Words and Phrases". In this book look up the words "Right to travel" and you will get every Supreme Court Case that has anything to do with the right to travel.

9/ One of the leading cases in this one, Shapiro v Thompson, that it"s such a basic right it doesn"t need to be mentioned. It is important that you be able to back your arguments up.. In moving from jurisdiction to jurisdiction they were exercising their constitutional right, and any classification which penalizes the right, unless shown to be necessary to promote a compelling government interest, is unconstitutional.

10/ The reality was that they exercised their right to timely travel. And the state didn"t want to allow that. Now let"s flip back here. I"m going to ask you a series of questions. First of all, the constitution is the supreme law of the land..Marbury v Madison. Can a state arbitrarily and erroneously convert a secured liberty...In this case the right to travel freely and unencumbered, into a privilege, and issue a license and a fee for it?

11/Obviously we decided in Murdock v Pennsylvania clearly "No state may convert a secured liberty into a privilege". Now does everybody see how we plugged that in? Just like on your computer, you fill in the blanks. You have the court case; it says "no state can convert the liberty into a privilege and issue a license and fee for it".

12/ What right are we talking about?

13/ The right to travel freely and encumbered. So you plug that in. So, does the state have the right to require you to have a license for the exercise of that right?

14/No. Now, what happens if the state requires you to have a license?

15/ Shuttlesworth v. City of Birmingham, You can ignore the license and engage in the right with impunity. That means they can't punish you. Now, what happens if they pull you over and give you a ticket?

16/ Well, you're going to go to court and fight it. You're going to file a brief and we're going to show you how to do that at a later time.

17/ We will show you exactly what to put down there, but these are the cases you're going to be putting down on your memorandum of laws as why you have a reason to feel that you're right. First, that your constitutional right is superior to any law that they would put down.

18/ You have that right and they can't pass a law that takes away that right.

19/ Secondly, if they do, it's unconstitutional, thirdly no state may convert a secured liberty into a privilege and issue a license and fee for it, and if they do you can ignore the license and the fee and engage in the right with impunity... Shuttlesworth v. City of Birmingham. And since you have not done anything evil, and you have relied on your constitution and on Supreme Court decisions, you have a perfect defense for the charge of willfulness, so you could not have been charged with willfully not going and getting a license.

20/You have the perfect defense. United States v Bishop defines willfulness as an evil motive or intent to avoid a known duty or task under the law with immoral certainty. Obviously you didn't do that, did you?

21/Because you have a perfect defense; you relied on previous decisions of the Supreme Court...Shuttlesworth, Murdock, Marbury...You relied on your constitutional right to travel freely and unencumbered pursuant to Shapiro v Thompson, So you have a perfect defense. So now where are we at?

22/ "Your honor, may it please the court, I motion for dismissal with prejudice for failure to state a cause of action for which relief may be granted, and I would like my costs and fees for having to defend this frivolous case.

23/ You have the right to collect for your time to go to court. You submit your bill, you submit your proposed order, you fill out your own proposed order, that makes the case go faster and the judges like that. It intimidates the Hell out of the prosecutor when you do your own order. Now, if they say "Well, that's how you interpret that, sir"... "That's right, sir, that is how I interpret it"

24/. "And 16th Am Juris 2nd, section 97 says that it shall be interpreted in my favor, because I am the clearly intended and expressly designated beneficiary, the citizen, for the protection of your rights and property see Byars v. United States, 273 U.S. 28. That deals with unlawful search and seizure, but it also says it"s supposed to be decided in favor of you, the clearly intended and expressly designated beneficiary for the protection of your rights & property, so they have to enforce it in favor of you, right?

25/Boyd v United States is next: The court is to protect against any encroachment of constitutionally secured liberties. It"s their duty, they have no choice...They have to do it. In Norton v Shelby County An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, it creates no office, it is in legal contemplation as inoperative as though it had never been passed.

26/ Now, after you write all of this down you casually say "Wherefore your honor, I pray before this honorable court for your just and lawful relief. I ask that you dismiss this case with prejudice for failure to state a cause of action for which relief can be granted, and I pray the court for my just relief for having to defend this patently frivolous and spurious case, and my costs are (whatever they are)" You submit that on your order.

27/"I have a proposed order, your honor, it"s in my brief." At that point they will turn to the prosecutor and ask what he is going to do, and at this point he will usually agree to dismiss.

28/ They don"t like going up against you, and they can easily be intimidated. I remember this one gentleman who didn"t have any plates on his car and the called him into court. He was standing in the hallway and the prosecution said „Will you come over here, sir, I"d like to talk to you." So he went in and sat down and said to the prosecutor "What can I do for you?"

29/" The prosecutor said "Sir, what can I do for you...It"s not what you can do for me...I"m the prosecutor. What do you want to do on this case?" "Well, I assumed there was something I could do for you. You called me in here." "Well, what do you want to do?"

30/How do you want to plead on your case"? "Well I don"t intend to plead, sir, I intend to answer in the form of a demur, such that I do not acquiesce to quasi jurisdiction, cause that"s an issue to be brought up in my pleadings and briefs to be filed with the court.

31/" „Are you an attorney, sir?" he asked "No I"m a truck driver." The prosecutor was absolutely in a panic. They don"t anticipate that people that are in other jobs other than theirs have any brains. It blows their doors off when all of a sudden this truck driver can come in and argue law, and all of a sudden it"s like „Shoot...This guy is good...I have to treat him like an attorney." So what does this guy do?

32/The first thing he does right out of the chute he walks up to the judge and tells him "Judge, I'm going to dismiss this case." He realized he was going to get hammered. The my guy says "He can't do that, I took the day off to come over here and battle". I told him...I said "Shut up. Sit down and relax...You won

33/. Now just submit your bill." So the bottom line is this: When you file your papers, and they turn around and you have a win, make sure you have you little bill in there for lost time from work, copies of any copies, filing fees, etc. you had to pay.

34/They have to reimburse you if you win. When you win they will put a code on your license, and whenever you get pulled over the will just hand your license back and tell you to have a nice day. They don't like people like you...Because you're an American, and Americans don't give up.

35/They never surrender and they fight. One judge told me one time "Have you any idea how much money you've cost this court today?"

36/" "I hope it was a bunch, your honor, and I hope you have to go write a whole bunch more tickets to break even. The way I figure the more tickets you have to write the sooner the public is going to wake up to this theft, and maybe they'll start doing something positive to stop this kind of stuff, cause it's my belief is that they should be wearing masks out there when they are robbing the people.

37" When they learn that you are eager to face them in court and fight with them...Now the system is not profitable. So they back off...They put a code on your license and won't bother you anymore.

Signature of claimed beneficiary, _____

Witness self-Claimed Constitutional officer, _____

Check Box if refused paperwork, *** { }**

who did refuse paperwork submitted? _____

