

DSS

Serving Children and Families

V. SUSAN ALFORD
STATE DIRECTOR

NIKKI R. HALEY
GOVERNOR

January 21, 2016

SC Department of Motor Vehicles
ATTN: Driver's Records Office
P.O. Box 1498
Blythewood, SC 29016

RE: **REQUEST FOR REVOCATION**
CSSD Case No. 0913111
License Number / Type: 0103946166 / Driver's License (DL)

To Whom It May Concern:

The South Carolina Department of Social Services, Child Support Services Division (CSSD), has determined that the following licensee is out of compliance with an order for child support:

Temple Annnaki M. Sholom El
SSN: XXX-XX-0193

temple

commercial Terrorism

Pursuant to S.C. Code Ann. Section 63-17-1010 et seq., please revoke the licensee's license and do not reinstate or reissue the license unless and until such time as you receive further notice from the Child Support Services.

Once revocation has been affected under your internal procedures, please send written confirmation of the revocation to my attention at the address above.

If you have any questions, you may call me at the number below.

Thank you in advance for your assistance.

Sincerely,

LICENSE REVOCATION UNIT
Child Support Services Division
Office of Child Support Compliance

cc: Annnaki M. Sholom El
Enclosure

cc: United Nations

David Mark Blakeney
UCC 1-308

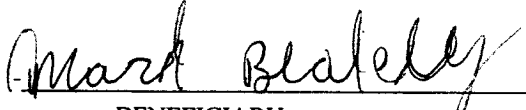
SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
CHILD SUPPORT SERVICES DIVISION, LICENSE REVOCATION UNIT
P.O. BOX 1469, COLUMBIA, S.C. 29202-1469
TELEPHONE: (803) 898-9314, FAX: (803) 898-9359
WEBSITE: www.state.sc.us/dss/csed/

Blakeney
ES446

CESTUI QUE VIE TRUS

I am making a special limited appearance on behalf of the defendant who is the birth certificate .
i.e.driver license, ssa card., As I overstand this process SOUTH CAROLINA DEPARTMENT OF
SOCIAL SERVICES CHILD SUPPORT SERVICE DIVISION LICENSE REVOCATION UNIT. has
leveled a criminal charge with the clerk and against the trust. Using the ALL CAPS NAME that appears on
the BIRTH CERTIFICATE! The use of capital letters is dictated by the US printing style Manuel, which
explains how to identify a corporation.

The clerk, who is ADMINISTRATOR of the CESTA QUE TRUST ,or SCDSS has appointed both
V . SUSAN ALFORD(STATE DIRECTOR) and NIKKI R.HALEY as TRUSTEE (by forfeit of
Authorized Representative) for the Trust and since neither of you can be the BENEFICIARY, that
leaves me and therefore you are MY TRUSTEE!
So as MY TRUSTEE, I instruct you to discharge this entire matter, with prejudice . please provide 1040
for the case. You have 30 (thirty)days from receiving this to respond back. No response means agreement.


BENEFICIARY

DSS

Serving Children and Families

V. SUSAN ALFORD
STATE DIRECTOR

NIKKI R. HALEY
GOVERNOR

I do not Accept this offer to contract
and
I do not consent to these proceedings

January 21, 2016

Anunnaki M. Sholom El
281 Pinecroft dr.
Apt 90
GREENVILLE, SC 29687

This is a theology temple (not a person)
(or corporation)

RE: SCDSS -vs- Anunnaki M. Sholom El
File No. 0913111

Dear Anunnaki M. Sholom El:

Enclosed please find a copy of the recent request to revoke license(s) in the
above-entitled case.

Sincerely,

LICENSE REVOCATION UNIT
Child Support Services Division
Office of Child Support Compliance

Commerical Ternoism

cc. United Nations

David Mark Blakeney
UCC 1-308

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Blakeney Estate

The Universal Declaration of Human Rights

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

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Article 1.

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

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Article 2.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

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Article 3.

- Everyone has the right to life, liberty and security of person.

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Article 4.

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

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Article 5.

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

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Article 6.

- Everyone has the right to recognition everywhere as a person before the law.

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Article 7.

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

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Article 8.

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

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Article 9.

- No one shall be subjected to arbitrary arrest, detention or exile.

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Article 10.

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

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Article 11.

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

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Article 12.

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

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Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

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Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from

persecution.

- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

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Article 15.

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

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Article 16.

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

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Article 17.

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property. ✱

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Article 18.

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in

community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

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Article 19.

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

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Article 20.

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

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Article 21.

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

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Article 22.

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

[^ Top](#)

Article 27.

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

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Article 28.

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

[^ Top](#)

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

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Article 30.

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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 horse-drawn 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. 3d 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.

"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. 453, 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. 1982; *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 AmJur. (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

"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 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, Shapiro 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, Hibel

"Automobiles have the right to use the highways of the State on an equal footing with other vehicles." **Cumberland Telephone & Telegraph Co. v Yelzer** 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

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.

South Carolina Legislature

South Carolina Constitution > Article I

South Carolina Constitution Unannotated

DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Constitution on the Internet as a service to the public. The unannotated South Carolina Constitution on the General Assembly's website is now updated through Acts 1 and 3 of the 2015 session. The unannotated South Carolina Constitution, consisting only of Constitution text, numbering, and history, may be copied from this website at the reader's expense and effort without need for permission.

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Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify the Legislative Services Agency at LSA@scstatehouse.gov regarding any apparent errors or omissions in content of Constitution sections on this website, in which case LSA will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

ARTICLE I

DECLARATION OF RIGHTS

SECTION 1. Political power in people.

All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government. (1970 (56) 2684; 1971 (57) 315.)

SECTION 2. Religious freedom; freedom of speech; right of assembly and petition.

The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances. (1970 (56) 2684; 1971 (57) 315.)

SECTION 3. Privileges and immunities; due process; equal protection of laws.

The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)

SECTION 4. Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction.

No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. (1970 (56) 2684; 1971 (57) 315.)

SECTION 5. Elections, free and open.

All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office. (1970 (56) 2684; 1971 (57) 315.)

SECTION 6. Residence.

Temporary absence from the State shall not forfeit a residence once obtained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 7. Suspension of laws.

The power to suspend the laws shall be exercised only by the General Assembly or by its authority in particular cases expressly provided for by it. (1970 (56) 2684; 1971 (57) 315.)

SECTION 8. Separation of powers.

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other. (1970 (56) 2684; 1971 (57) 315.)

SECTION 9. Courts; speedy remedy.

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 10. Searches and seizures; invasions of privacy.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 11. Presentment or indictment.

No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The General Assembly may provide for the waiver of an indictment by the accused. Nothing contained in this Constitution is deemed to limit or prohibit the establishment

by the General Assembly of a state grand jury with the authority to return indictments irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide. (1970 (56) 2684; 1971 (57) 315; 1989 Act No. 5; 1989 Act No. 8.)

SECTION 12. Double jeopardy; self-incrimination.

No person shall be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall any person be compelled in any criminal case to be a witness against himself. (1970 (56) 2684; 1971 (57) 315.)

SECTION 13. Taking private property; economic development; remedy of blight.

(A) Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property. Private property must not be condemned by eminent domain for any purpose or benefit including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.

(B) For the limited purpose of the remedy of blight, the General Assembly may provide by law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property. (1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

SECTION 14. Trial by jury; witnesses; defense.

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. (1970 (56) 2684; 1971 (57) 315.)

SECTION 15. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses.

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained. (1970 (56) 2684; 1971 (57) 315; 1998 Act No. 259.)

SECTION 16. Libel.

In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and facts. (1970 (56) 2684; 1971 (57) 315.)

SECTION 17. Treason.

Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except upon testimony of at least two witnesses to the same overt act, or upon confession in open court. (1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

SECTION 18. Suspension of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless when, in case of insurrection, rebellion or invasion, the public safety may require it. (1970 (56) 2684; 1971 (57) 315.)

SECTION 19. Imprisonment for debt.

No person shall be imprisoned for debt except in cases of fraud. (1970 (56) 2684; 1971 (57) 315.)

SECTION 20. Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law. (1970 (56) 2684; 1971 (57) 315.)

SECTION 21. Martial law.

No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly. (1970 (56) 2684; 1971 (57) 315.)

SECTION 22. Procedure before administrative agencies; judicial review.

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review. (1970 (56) 2684; 1971 (57) 315.)

SECTION 23. Provisions of Constitution mandatory.

The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.)

SECTION 24. Victims' Bill of Rights.

(A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- (2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
- (3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- (4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- (5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- (7) confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;

(8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;

(9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;

(10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;

(11) a reasonable disposition and prompt and final conclusion of the case;

(12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a wilful failure to comply with a writ of mandamus is punishable as contempt.

(C) For purposes of this section:

(1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated.

(3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims. (1998 Act No. 259.)

SECTION 25. Hunting and fishing.

The traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources.

HISTORY: 2011 Act No. 20, Section 1, eff May 5, 2011.

No person is eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, members of lawfully and regularly organized fire departments, constables, and notaries public. If any member accepts or exercises any of the disqualifying offices or positions he shall vacate his seat. (1989 Act No. 9.)

SECTION 25. Vacancies.

If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office or position, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 26. Oath of office.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God." (1954 (48) 1852; 1955 (49) 23.)

SECTION 27. Removal of officer.

Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this Constitution.

SECTION 28. Debtor's exemption from attachment, levy, and sale.

The General Assembly shall enact such laws as will exempt real and personal property of a debtor from attachment, levy and sale under any mesne or final process issued by any court or bankruptcy proceeding. (1981 Act No. 2.)

SECTION 29. Determining personal and real property taxes.

Taxes on personal property must be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax. Taxes on real property must be ascertained by the methods provided by the General Assembly by general law as prescribed in Article X of this Constitution. (2007 Act No. 12.)

SECTION 30. Extra compensation not permitted; appropriations for repelling invasion.

The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service rendered, or contract made, nor authorize payment or part payment of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrection.

SECTION 31. Public lands.

Lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations, or associations, for a less price than that for which it can be sold to individuals. This, however, shall not prevent the General Assembly from granting a right of way, not exceeding one hundred and fifty feet in width, as a mere easement to railroads across State land, nor to interfere with the discretion of the General Assembly in confirming the title to lands claimed to belong to the State, but used or possessed by other parties under an adverse claim.

SECTION 32. Deleted.

SECTION 33. Reserved by 2010 Act No. 208, Section 1, eff June 2, 2010.

SECTION 34. Special laws prohibited.

The General Assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to wit:

- I. To change the names of persons or places.
- II. To incorporate cities, towns or villages, or change, amend or extend charter thereof.
- III. To incorporate educational, religious, charitable, social, manufacturing or banking institutions not under the control of the State, or amend or extend the charters thereof.
- IV. To incorporate school districts.
- V. To authorize the adoption or legitimation of children.
- VI. To provide for the protection of game.
- VII. To summon and empanel grand or petit jurors; provided, that tales boxes may be eliminated by special act in York County.
- VIII. Eliminated. (1920 (31) 1700; 1921 (32) 191; 1934 (38) 1623; 1935 (39) 27.)
- IX. In all other cases, where a general law can be made applicable, no special law shall be enacted: Provided, That the General Assembly may enact local or special laws fixing the amount and manner of compensation to be paid to the County Officers of the several counties of the State, and may provide that the fees collected by any such officer, or officers, shall be paid into the treasury of the respective counties.
- X. The General Assembly shall forthwith enact general laws concerning said subjects for said purposes, which shall be uniform in their operations: Provided, That nothing contained in this section shall prohibit the General Assembly from enacting special provisions in general laws.
- XI. The provisions of this Section shall not apply to charitable and educational corporations where, under the terms of a gift, devise or will, special incorporation may be required.

Provided, That the General Assembly is empowered to divide the State into as many zones as may appear practicable, and to enact legislation as may appear proper for the protection of game in the several zones.

Provided, further, that the General Assembly is empowered to divide the State into as many districts as may appear practicable, and to enact legislation as may appear proper for the protection of forestry in the several districts.

Provided, there is hereby created a civil service commission in the City of Spartanburg for the benefit of the police department, including its chief, and fire department, including its chief, under such terms and conditions as prescribed by the General Assembly.