



UNITED STATES OF AMERICA
DEPARTMENT OF TRAVEL
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GOVERNOR NIKKI R. HALEY
1205 Pendleton Street
Columbia, SC 29201
(803) 734-2100

November 23, 2015

RE: VIOLATION OF U.S. SUPREME COURT RULINGS REGARDING THE RIGHT TO TRAVEL

SUBJECT: EDUCATION OF LAW ENFORCEMENTS AND SOUTH CAROLINA JUDICIARY

Dear Governor Haley,

We are sending this correspondence to make you aware of the unconstitutional acts committed by your law enforcement agencies and state courts against the people of South Carolina. These acts may or may not have been committed knowingly or unintentionally but we are writing to your office to ensure that these violations are brought to your attention so that they can be addressed and corrected.

As you may or may not know, there are people in your state whose status is ostensibly different than the average US Citizen and are considered Foreign Nationals or American Nationals with certain safeguards and protection under the law. Our primary concern is that their travel rights in your state are not infringed.

In order to educate your law enforcement regarding Foreign Nationals or American Nationals in your state, you can call the Department of State here in Washington, D.C. to get clarity or you can go to the Department of State's website at http://travel.state.gov/content/dam/travel/CNAtrainingresources/CNAManual_Feb2014.pdf for our website at https://www.usadot.gov.org/CNAManual_Feb2014.pdf and download the manual. The Department of State also offers training for your law enforcement officers free of charge to raise awareness and compliance. Log on to: <http://travel.state.gov/content/travel/en/consularnotification/training-outreach.html>.

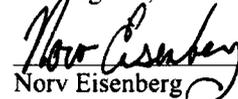
We have enclosed one of our affidavit forms for the exemption of registration and licensing for Foreign Nationals that Foreign Nationals have to file in your state to lawfully claim the exemption. This affidavit also can be used by U.S. Citizens who are not driving or operating a motor vehicle for profit or for hire.

Please forward this information to all of your law enforcement agencies in your state to prevent any unnecessary lawsuits from being filed against these agencies for not following the law and violating the rights of the people to freely travel without interference unless they are a threat to the public safety.

If you have any questions regarding this matter please feel free to respond in writing by mail or fax any questions or concerns you may have and we will be happy to answer and address them.

Thank you in advance for your cooperation and consideration in this matter.

Best regards,


Norv Eisenberg
Foreign National Division

Cc: Dept. of Justice Attorney General Loretta Lynch
Dept. of State Secretary John Kerry



AFFIDAVIT

“Indeed, no more than (affidavits) is necessary to make the prima facie case.” United States v. Kis, 658 F.2nd, 526, 536 (7th Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982

CERTIFICATE OF EXEMPTION FROM REGISTRATION AND LICENSING

COMES NOW John Henry Doe©, and after being duly sworn, testifies as follows:

1. Affiant is John Henry Doe, not to be confused with the legal person/fiction JOHN H. DOE, JOHN HENRY DOE, J. H. DOE, JOHN DOE or any other derivation or variation of the all caps corporate fiction name/entity.
2. THAT, the Affiant’s rights “...existed by the law of the land long antecedent to the organization of the State.” (Hale v. Henkel, 201 U.S. 43)
3. Affiant does not maintain a legal domicile within the exclusive legislative or “general” jurisdiction of the political body and is treated as a "nonresident alien" within federal law pursuant to 26 U.S.C. §7701(b)(1)(B).
4. Affiant is a non-resident alien per 26 U.S.C. §7701(b)(1)(B) and not a citizen nor resident of the United States thereof. Affiant is a "nonresident" because affiant is not a "resident" within the territorial limits. He is an alien, because he is "alien" to that jurisdiction and not subject to its legislative jurisdiction.
5. Affiant is a natural born American National of the de jure United States of America and not a U.S. citizen. A National per 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22) and non-citizen national” per 8 U.S.C. §1452) not subject to the exclusive *legislative civil jurisdiction* and general sovereignty of the political body, but indirectly is protected by it and may claim its protection when abroad.
6. Pursuant to the U.S. Department of State regulation Affiant is a Foreign National not subject to the registration and licensing statutes of this state regarding Affiant’s private property.

“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, 337 111. 200, 169 N.E. 22.
7. Pursuant to UCC 3-114 this typed form takes precedence over any pre-printed form issued by the Department of Motor Vehicles and as an operation of law my automobile is considered a household effect and consumer good according to UCC 9-109 not subject to licensing, registration or taxes.

"Automobile purchased for the purpose of transporting buyer to and from his place of employment was consumer goods" as defined in UCC 9-109." *Mallicoat v. Volunteer Finance & Loan Corp.* , 3 UCC Rep Serv 1035; 415 S.W.2d 347 (Tenn.App. , 1966).

"The definition of goods '' includes an automobile." *Henson v Government Employees Finance & Industrial Loan Corp.* , 15 UCC Rep Serv 1137; 257 Ark 273,516 S . W. 2d 1 (1974) .

"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.

8. Affiant's automobile is NOT an automobile for hire or a motor vehicle that requires licensing and registration.

A citizen must be free to travel throughout the United States uninhibited by statutes, rules or regulation. *Shapiro v. Thompson*, 398 US 618, 89 S. Ct. 1322

"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

9. Affiant is not an operator or driver which indicates commercial activity which requires a license.

Licenses are for the conduct of a business, profession, occupation, the exercise of such when they are a privilege. licensing is in the nature of a SPECIAL PRIVILEGE entitling licensee to do some thing that he would not be entitled to do without a license. *San Fransisco v Liverpool*, 74 Cal 113

"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)

"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*

10. Affiant does not use Affiant's` automobile for hire or commercial purposes or activity and therefore Affiant is exempt from registration and licensing.

"It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although it does not apply to private vehicles, or those used by the owner in his own business, and not for hire." *Desser v. Wichita* , (1915)96 Kan. 820; *Iowa Motor Vehicle Asso. v. Railroad Comrs.*, 75 A.L.R. 22.

"a vanpool vehicle [automobile] is not a commercial vehicle" and "a vehicle not used for commercial activity is a "consumer goods", ...it is NOT a type of vehicle required to be registered and "use tax" paid of which the tab is evidence of receipt of the tax." *Bank of Boston vs. Jones*, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14. And;

"In view of this rule a statutory provision that the supervising officials "may" exempt such persons when the transportation is not on a commercial basis means that they "must" exempt them." *State v. Johnson*, 243 P. 1073; 60 C.J.S. section 94 page 581.

11. Affiant is a traveler which is a contradistinction to driver or operator which requires a license.

"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).

"It will be observed from the language of the ordinance that a distinction is to be drawn between the terms 'operator' and 'driver'; the 'operator' of the service car being the person who is licensed to have the car on the

streets in the business of carrying passengers for hire; while the 'driver' is the one who actually drives the car. However, in the actual prosecution of business, it was possible for the same person to be both "operator" and "driver." Newbill vs. Union Indemnity Co., 60 SE.2d 658

12. It is now apparent according to law that the use the road as a place of business is a privilege. The distinction must be drawn between:
- a. Travelling upon and transporting one's property upon the public roads, which is one's Right; and (which is not subject to licensing or registration).
 - b. Using the public roads as a place of business or a main instrumentality of business, which is a privilege (requiring licensing and registration).

"First, it is well established law that the highways of the state are public property, and their primary and preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary which, generally at least, the legislature may prohibit or condition as it sees fit." Stephenson vs. Rinford, 287 US 251; Pachard vs Banton, 264 US 140, and cases cited; Frost and F. Trucking Co. vs. Railroad Commission, 271 US 592; Railroad commission vs. Inter-City Forwarding Co., 57 SW.2d 290; Parlett Cooperative vs. Tidewater Lines, 164 A. 313

"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, either in whole or in part, as a place for private gain. For the latter purpose, no person has a vested right to use the highways of the state, but is a privilege or a license which the legislature may grant or withhold at its discretion." 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

13. Affiant renounces any previous information submitted to the Department of Motor Vehicles which has any identifying Social Security Number, license plate number or any information attaching me or my private property under the jurisdiction of the State of Florida and does not allow such numbers to be used as any means of identification in any associated records.

FURTHER AFFIANT SAYETH NOT

John Henry Doe, American (Foreign) National

ACKNOWLEDGEMENT

SUBSCRIBED TO AND SWORN before me this _____ day of _____, A.D. 2015, a Notary, that John Henry Doe, personally appeared and known to me to be the man whose name subscribed to the within instrument and acknowledged to be the same.

Notary Public