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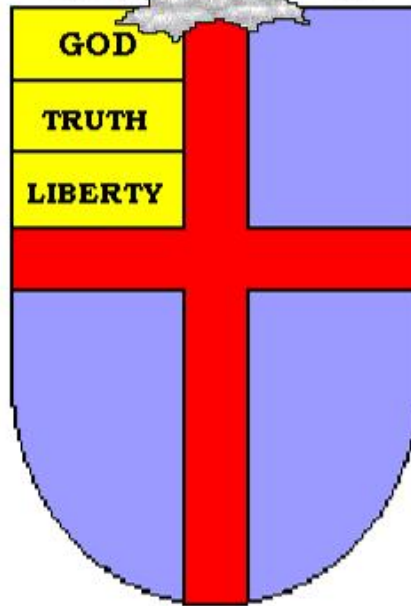
***Handling a
Police
Traffic Stop
Form #09.083***

by:
**Sovereignty Education and
Defense Ministry (SEDM)**

<http://sedm.org>

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S E D M



Course Materials

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- *SEDM Forms Page*, Form #09.083
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Reasonable Belief About Income Tax Liability, Form #05.007

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Dedication

COMMON
SENSE IS SO
RARE THESE
DAYS IT
SHOULD BE
CONSIDERED
A SUPER
POWER

Dedication

God's [Delegation of Authority Order, the Bible \(Form #13.007\)](#) says you CANNOT consent to give away or even CONTRACT away [ANY of the rights He gave you \(Form #10.002\)](#). All of the methods of loosing CONSTITUTIONAL or COMMON LAW protections require you to violate this commandment DIRECT from God:

*"I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and I said, 'I will never break My covenant with you. And **you shall make no covenant [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their [man/government worshipping socialist] altars.**' But you have not obeyed Me. Why have you done this?"*

*"Therefore I also said, '**I will not drive them out before you; but they will become as thorns [terrorists and persecutors] in your side and their gods will be a snare [slavery!] to you.**'"*

So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up their voices and wept.

[Judges 2:1-4, Bible, NKJV]

*"**You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a snare to you.**"*

[Exodus 23:32-33, Bible, NKJV]

For a dramatization of the above, see:

[Devil's Advocate: Lawyers, SEDM](#)

<https://sedm.org/what-we-are-up-against/>

Introduction

- **Police traffic stops are a very frequent occurrence to those in the freedom community.**
- **More than any other subject, how sovereignty advocates handle traffic stops is the greatest source of:**
 - Physical danger of sovereignty advocates.
 - Public ridicule of sovereignty advocates.
 - Police abuse and “selective enforcement” against sovereignty advocates.
 - Government violence against sovereignty advocates.
- **In order to preserve your freedom, your life, and your credibility and that of the freedom community generally, it is therefore VERY important to learn how to LAWFULLY, respectfully, nonviolently, and intelligently handle a police traffic stop.**
- **Traffic stops are a complex interplay between:**
 - Legal terminology.
 - Constitutional law.
 - CIVIL statutory law.
 - CRIMINAL statutory law.
 - FRANCHISE enforcement, often illegally.
 - Conflict of interest of police and judges.
- **Traffic stops therefore demand thorough understanding of law, calm demeanor, and doing your homework. They are perhaps the most complex application of freedom principles we know of.**

Introduction

- **The information we will present here will require repetition and periodic review so the principles sink in and become instinctual and intuitive for you. Please take the time in your busy schedule to learn these concepts. Doing so could literally SAVE YOUR LIFE.**
- **We have prepared the following handouts that go with this presentation which you should look at and become familiar with. You should print these forms out and put them in the vehicle BEFORE any confrontation with police. You will save yourself a lot of heartache and improve your safety in doing so.**
 - **Police/Terry Stop Handout, Form #09.078 –this form prevents most of the need to talk with the officer.**
<https://sedm.org/Forms/09-Procs/PoliceStopHandout.pdf>
 - **Power of Attorney: Private Conveyance, Form #06.030** (Member Subscriptions)-this form limits your delegated authority while using the vehicle so that it can't be towed or stolen by the police.**
<https://sedm.org/product/power-of-attorney-private-conveyance-form-06-030/>
- **This presentation is targeted to educate not only you as a freedom lover, but also legal neophytes who wear police uniforms, which quite surprisingly are very common as well.**

Introduction

- There is a lot of [ANTI “sovereign citizen” government propaganda](#) out there designed to VIOLENTLY RADICALIZE the police against the freedom community generally. If you as a police officer are reading this presentation, please take the time to look at the OTHER side of the story in the documents below. You are being SYSTEMATICALLY LIED TO about us and freedom generally to YOUR and OUR extreme detriment:
 - *Sovereignty for Police Officers*, Form #12.022
SLIDES: <https://sedm.org/LibertyU/SovereigntyForPolice.pdf>
VIDEO: <http://youtu.be/qFDWYLVWIE1I>
 - *Policy Document: Rebutted False Arguments About Sovereignty*, Form #08.018
<https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>
 - *Sovereignty and Freedom Topic*, Section 16: Propaganda Against Freedom Advocates, Family Guardian Fellowship
[https://famguardian.org/Subjects/Freedom/Freedom.htm#PROPAGANDA_AGAINST_FREEDOM_ADVOCATES:](https://famguardian.org/Subjects/Freedom/Freedom.htm#PROPAGANDA_AGAINST_FREEDOM_ADVOCATES)

False Freedom Advocate Arguments About Traffic Stops

- **False Arguments by Freedom Advocates:**
 - **FALSE STATEMENT:** Criminal law or criminal provisions of the vehicle code require consent.
TRUTH: They don't. Criminal law and common law apply whether you consent or not.
 - **FALSE STATEMENT:** Sovereignty stops criminal enforcement.
TRUTH: Nothing stops criminal enforcement if you committed a crime and they can prove it and prosecute it successfully.
 - **FALSE STATEMENT:** People who claim sovereignty are not accountable to ANY statutory law.
TRUTH: They are always accountable to the criminal law and the common law, whether they consent or not. The criminal law is statutory. This is anarchy and its wrong.
 - **FALSE STATEMENT:** Sovereignty allows you to be irresponsible for the damages you cause others in court.
TRUTH: Courts can hold you responsible for damages no matter what, even if it is only through the common law or the criminal law that don't require your consent.
 - **FALSE STATEMENTS:** Sovereignty allows you to cancel debts or invalidate contracts you signed.
TRUTH: Cancelling contracts or debts without the other party's consent is STEALING.
 - **FALSE STATEMENT:** The ALL CAPS NAME is a straw man governments use to control you.
TRUTH: The ALL CAPS NAME in connection with a franchise mark or privilege mark such as a Social Security Number establish civil jurisdiction to enforce the franchise or privilege terms. You are a public officer or agent under the franchise who is civilly supervised by the grantor. See:
Proof That There is a "Straw Man", Form #05.037
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>
- **It is an abuse and an unauthorized use of our materials or services to take any of the above positions. It violates our:**
 - **Member Agreement,** Form #01.001
<https://sedm.org/Membership/MemberAgreement.pdf>
 - **Terms of Use and Service,** Form #01.016
<https://sedm.org/Forms/01-General/TermsOfUseAndService.pdf>

False Government Arguments About Traffic Stops

- **False Arguments by Police and Courts:**

- **FALSE STATEMENT:** There is an actionable definition useful in court for what a “sovereign citizen” is.
TRUTH: There is NO SUCH THING.
- **FALSE STATEMENT:** SEDM advocates the “sovereign citizen” position.
TRUTH: We don’t. See [Form #08.018, Section 5.9](#).
- **FALSE STATEMENT:** SEDM advocates anarchism.
TRUTH: False. See:
Policy Document: Problems with Atheistic Anarchism, Form #08.020
SLIDES: <https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>
VIDEO: <http://youtu.be/n883Ce1IML0>
- **FALSE STATEMENT:** Anyone can lawfully be targeted for enforcing the CIVIL obligations of a civil statutory “driver” without applying for or voluntarily accepting a driver license.
TRUTH: That is slavery and criminal identity theft.
- **FALSE STATEMENT:** Anyone can be subject to the provisions of the CIVIL statutory law without their consent and without a voluntary domicile in all cases.
TRUTH: Domicile is a prerequisite to enforcing the civil statutory law. See [Form #05.002](#).
- **FALSE STATEMENT:** Governments can control or regulate or take private property without consent of the absolute owner.
TRUTH: The Fifth Amendment and state constitutions forbid takings without just compensation. It is a trespass to interfere with non-harmful uses of private property.
- **FALSE STATEMENT:** The obligations associated with a civil statutory citizen or resident are mandatory and cannot be avoided.
TRUTH: They are VOLUNTARY and avoidable by withdrawing domicile and consent. No one can prosecute you for refusing to vote, serve on jury duty, or file taxes as a “U.S. person” if you handle it properly and correct your status to that of a nonresident.

False Government Arguments About Traffic Stops

- **FALSE STATEMENT:** Nationality and domicile are both synonymous and together are called “citizenship”.
TRUTH: They are mutually exclusive but interact with each other. Nationality is involuntary usually. Domicile is voluntary. See:
Why You are a “national”, “state national”, and Constitutional But Not Statutory Citizen, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
- **FALSE STATEMENT:** Custom license plates that do not emulate official plates are FAKE and ILLEGAL.
TRUTH: There is nothing wrong with making your own license plate.
- **FALSE STATEMENT:** Custom driver licenses that do not emulate any existing government ID are FAKE and ILLEGAL.
TRUTH: There is nothing illegal about making your own ID.
- **FALSE STATEMENT:** Compelled domicile or residence or civil statutory obligations against of those who are nationals but not aliens is lawful.
TRUTH: It is slavery and human trafficking and theft. See [Form #05.002](#).
- **FALSE STATEMENT:** Social Security is lawful to offer and tax within the exclusive jurisdiction of a constitutional state among those who don’t consent.
TRUTH: It is NOT lawful. See:
Why You Aren’t Eligible for Social Security, Form #06.001
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
- **FALSE STATEMENT:** Private property cannot be used as a means to impose obligations on police or governments who use or benefit from it without the consent of the private, constitutionally protected owner and without compensation.
TRUTH: Government is a Buyer in the commercial marketplace. If the owner makes an offer and they accept the offer whether express or implied, they are obligated to obey the terms of the offer by the owner as Merchant. All that is required is an offer, notice of the offer, and conduct that signifies acceptance under the U.C.C.

False Government Arguments About Traffic Stops

- **FALSE STATEMENT:** Bundling CIVIL obligations not related to safe roads with the requirement to have a license does NOT violate the [Unconstitutional Conditions Doctrine](#), is NOT an unconscionable contract, and does not constitute slavery or theft or trespass against those who want to travel but don't want the bundled services. **TRUTH:** We call this WEAPONIZATION OF GOVERNMENT. It is a monopolistic practice, an adhesion contract, and a violation of the [Unconstitutional Conditions Doctrine of the U.S. Supreme Court](#). See:

SEDM Disclaimer, Section 4.30: Weaponization of Government

https://sedm.org/disclaimer.htm#4.30.Weaponization_of_government

- **More information on the above at:**

- *Rebutted False Arguments About Sovereignty*, Form #08.018
<https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>
- *Sovereignty for Police Officers*, Form #12.022
SLIDES: <https://sedm.org/LibertyU/SovereigntyForPolice.pdf>
VIDEO: <http://youtu.be/qFDWYlWiE1I>

Things We Are NOT Against

- **We begin this discussion by emphasizing that we are NOT against :**
 - **The lawfully exercised CRIMINAL police powers of the state ONLY.**
 - **CRIMINAL regulation of the roadways.**
 - **CRIMINAL enforcement of any kind.**
 - **CRIMINAL provisions relating to drunk driving.**
 - **Enforcing the criminal or even the common law WITHOUT consent. Police don't need your consent to enforce these things.**
 - **Police officers generally. They are just like us.**
 - **Living responsibly and paying for all the things that belong to others that you use.**
 - **Raising revenue to pay for the roads we all drive on and enjoy.**
 - **Gas taxes.**
 - **Equality of property rights between the government as owner of the roadways and operators as the ABSOLUTE and PRIVATE owner of their vehicles.**
 - **Vehicle registration, but ONLY if it doesn't become an excuse to sanction towing or impoundment of the vehicle for any purpose, and especially unlicensed driving.**

Things We ARE Against

- **We ARE, however, AGAINST:**

- Any form of inequality of treatment between the CIVILLY governed and the governors. An entire government of delegated powers can have no more authority than a SINGLE human being at least from a CIVIL perspective. See:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

- Enforcing any CIVIL privilege against those who are NOT “aliens” without the need satisfy the burden or proving CONSENT in some form.
- Compelled participation in any kind of CIVIL franchise, INCLUDING especially domicile. See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- All government franchises, which cause the government to make a profitable business using the CIVIL law out of alienating rights that are SUPPOSED to be UNALIENABLE. See:

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

- The entire existence of any franchise court in the Executive Branch, including Traffic Court, in which the Constitution and the Bill of Rights DO NOT APPLY and there are no jury trials.
- The abuse of CRIMINAL courts to enforce CIVIL infractions or to act in a FRANCHISE capacity devoid of CONSTITUTIONAL protections.
- CIVIL or INFRACTION enforcement without satisfying the burden of proving consent in some form.
- The abuse of the police powers of the state for CIVIL enforcement, including INFRACTION enforcement or revenue collection.

Things We ARE Against

- **Corruption within the police community because of ticket quotas or financial incentives to hand out tickets. This creates financial conflicts of interest.**
- **The need for LICENSES. Driver CERTIFICATIONS are sufficient.**
- **“Selective enforcement” by police officers against political dissidents. This violates the requirement for equality of treatment.**
- **Bundling and weaponization of government in connection with the LICENSING process. This leads to adhesion contracts and literal SLAVERY. The following things should NOT be bundled with the licensing process:**
 - » **Domicile (nationals) or residence (aliens).**
 - » **Social Security participation.**
 - » **Child Support Enforcement.**
 - » **Voter registration.**
 - » **Military draft registration.**
 - » **Jury duty.**

We call the above “weaponization of government”. See:

**[SEDM Disclaimer](https://sedm.org/disclaimer.htm#4.30), Section 4.30: Weaponization of government
<https://sedm.org/disclaimer.htm#4.30>. **Weaponization of government****

- **The use of anything BUT gas taxes or mileage taxes to pay for the roadways. For instance, paying for roadways with income tax revenues.**
- **Towing or impoundment vehicles of unlicensed drivers.**
- **Criminal prosecution of unlicensed drivers.**
- **Forcing the use of Social Security Numbers to get licenses.**

Summary of State Traffic Laws

- You can find a summary of state traffic laws at:
 - State Legal Resources, Family Guardian Fellowship
<https://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm>
 - *SEDM Jurisdictions Database*, Litigation Tool #09.003
<https://sedm.org/Litigation/09-Reference/SEDMJurisdictionsDatabase.pdf>
 - *SEDM Jurisdictions Database Online*, Litigation Tool #09.004
<https://sedm.org/litigation-main/sedm-jurisdiction-online/>
 - Findlaw: <https://www.findlaw.com/traffic/traffic-tickets/state-traffic-laws.html>
 - State Traffic and Speed Laws, MIT
<https://www.mit.edu/~jfc/laws.html>
 - Wikipedia: Traffic law in the United States
https://en.wikipedia.org/wiki/Traffic_law_in_the_United_States

Police Powers

- **Definition:**

Cornell Wex: Police Powers

https://www.law.cornell.edu/wex/police_powers

- **Police powers are the origin of CRIMINAL jurisdiction in protecting the populace.**
- **The POLICE are hired to IMPLEMENT the police powers.**
- **Police education programs are called CRIMINAL JUSTICE.**
- **Police powers include “[p]ublic safety, public health, morality, peace and quiet, law and order”.**
- **General police powers within a state are exercised ONLY by the state. There are no FEDERAL police powers within the exclusive jurisdiction of a Constitutional state.**
- **Police powers do NOT include CIVIL enforcement authority of any kind. See [Code of Virginia, §15.2-1704](#).**
- **Any attempt to use the police for CIVIL enforcement or REVENUE collection is a violation of the police powers.**

Vehicle Code: Civil or Criminal?

- The Vehicle Code is a hodgepodge MIXTURE of CIVIL and CRIMINAL provisions.
 - CRIMINAL provisions can involve jail time and a jury trial in a CRIMINAL court.
 - CIVIL infractions involve penalties and fines in traffic court but no jury trial in a TRAFFIC court. They have voluntary domicile as a prerequisite.
- Police may only enforce the CRIMINAL provisions:
 - CRIMINAL provisions do NOT require your CONSENT!
 - **You should NOT be beating your chest in front of the police for a violation of the requirement for CONSENT in a CRIMINAL violation! That would be resisting arrest and obstruction of justice.**
 - Police can't lawfully act as CIVIL revenue collectors.
 - Police can't lawfully get involved in civil contracts or franchises or contract disputes.
 - It is a criminal violation for police to in essence STICK YOU UP at the point of a gun for a CIVIL violation, such as not having a license or registration. Highway robbery comes to mind.
 - To the extent that police do any of the above, they are exceeding their delegated authority and also have a conflict of financial interest in which revenue can become more important than criminal enforcement.
 - Allowing the police to take custody in CIVIL asset forfeiture also transforms them into a mafia extortion ring and further promotes conflict of interest.

Vehicle Code: Civil or Criminal?

- **How does one identify a particular vehicle code provision as CIVIL or CRIMINAL in nature?**
 - **CRIMINAL** violations are expressly identified as a misdemeanor or a felony and usually have an injured party. Example: Vehicular Homicide.
 - **CIVIL** provisions are **NOT** identified as a misdemeanor or felony and usually involve a fine or penalty of some kind and usually don't have an injured party. Example: Driving without a license or seat belt.

Injured party and standing

- **Every enforcement activity requires an injury. The injury, in fact, is what produces **STANDING** to invoke the jurisdiction of any court.**
- **Authorities for the requirement of **STANDING** vary by jurisdiction and state. You will need to locate these yourself in caselaw databases and statutes.**
- **Where there is no injured party:**
 - **There is not standing to sue in court, whether **CRIMINAL** or **CIVIL** or **TRAFFIC** court. **AND****
 - **The case must be **DISMISSED**.**
- **The vehicle code determines the **CRIMINAL** punishment and **CIVIL** fines **AFTER** the injured party is identified and the injury is successfully prosecuted.**
- **When a police officer stops you, they must:**
 - **Establish probable cause for the stop.**
 - **Identify an injured party.**
- **You should always ask the officer for the evidence in support of both when you are stopped. Seldom are **BOTH** of the above two requirements satisfied, in which case it was an invalid stop.**

Citations: CIVIL Infraction or CRIMINAL violation?

- **Civil infraction examples:**
 - Fixit tickets like taillights or damage to the vehicle.
 - Driving without a license.
 - Driving without a seat belt.
 - Parking violations.
 - Speeding tickets.
 - Illegal turn tickets.
 - Running a red light tickets.
- **CRIMINAL violation examples:**
 - Vehicular homicide.
 - Driving While Intoxicated (DWI).

TRAFFIC Court v. CRIMINAL court

- **TRAFFIC court:**
 - Is an administrative franchise court in the EXECUTIVE Branch.
 - May only preside by CONSENT of the Defendant for CIVIL infractions.
 - Usually has no “court rules”, and thus is NOT a real court.
- **CRIMINAL court:**
 - Is a Constitutional court in the JUDICIAL Branch
 - Operates in TWO capacities depending on the violation involved:
 - » CIVIL franchise capacity for infractions.
 - » CRIMINAL capacity for CRIMINAL violations.
- **For matters not involving CIVIL franchise infractions but involving CRIMINAL violations, CRIMINAL court most often hears the matter, especially if constitutional issues might be involved.**
- **TRAFFIC court can by its own discretion refer a matter before it to a CRIMINAL court.**
 - This is most often done for cases in which CIVIL franchise infraction enforcement jurisdiction is challenge by the defendant.
 - This adds considerably to the government’s cost to administer the matter, because the District Attorney then has to appear in person before the CRIMINAL court.
 - For CIVIL infractions, governments avoid prolonged litigation because it actually causes them to LOSE money for the offense. The cost of involving the District Attorney often exceeds the revenue collected from the ticket.
 - When your case reconvenes in the CRIMINAL court after removal from TRAFFIC court, judges are often belligerent against Defendants for making needless extra work and increase government expenses over minor civil infraction issues.

12. THE PROBLEMS: **CIVIL/Franchise** **regulation of** **roadways**

12.1. Civil infractions require consent, CRIMINAL violations do NOT

- Because the vehicle code is a hodgepodge mixture of CIVIL and CRIMINAL law, not EVERYTHING requires [consent \(Form #05.003\)](#).
- CRIMINAL violations do not require [consent \(Form #05.003\)](#). Mere commission of a criminal act constitutes constructive consent to the punishment.
- CIVIL violations, on the other hand, require [domicile \(Form #05.002\)](#) to enforce.
- Domicile is voluntary, so the CIVIL provisions of the vehicle code are voluntary.
- The vehicle code usually has provisions for establishing [domicile \(Form #05.002\)](#) or at least [residence](#) by virtue of applying for a [license](#). For those that don't want EITHER a domicile or a residence and who state so on the [license](#) application, only the criminal provisions of the vehicle code then apply.

12.2 No injured party at a CIVIL traffic stop

- **Traffic stops involving CIVIL infractions are what most District Attorneys will call “quasi-criminal”, meaning that they:**
 - Are not criminal but are heard in a criminal court.
 - Involve CIVIL violations that trigger on consent through voluntary application for a driver license AND domicile.
- **When you are stopped for a CIVIL infraction:**
 - There is usually no injured party.
 - There are no damages to anyone.
- **Under principles of common law, there must be an injured party and damages to have “standing” to sue.**
- **If you get a license, you are consenting (Form #05.003) to WAIVE common law and some constitutional protections and obey the CIVIL provisions and civil obligations within the vehicle code. BAD IDEA.**

12.3 *Infractions used to CIVILLY raise revenue (taxation)*

- For traffic stops involving CIVIL infractions:
 - The stop involves a violation of public policy. This is called “[malum prohibitum](#)”.
 - The beneficiary of the stop is therefore ONLY the state and not you, because they receive the [BENEFIT](#) of revenue and compliance with CIVIL obligations on your part for the violation.
- The fact that you do not have a license deprives them of the benefit of charging you with civil infractions or collecting revenue from them.
- It is NEVER to YOUR [benefit](#) to claim the protection of the CIVIL provisions of the vehicle code or apply for a [RESIDENT \(ALIEN\)](#) license. It:
 - Circumvents the requirement for consent that normally govern private civil relationships and thus invites usurpation and abuse.
 - Needlessly costs you money.
 - Can connect you to a [civil domicile \(Form #05.002\)](#) and thus to many other obligations of the civil statutory law within that jurisdiction or venue.
- In addition, police also become CIVIL revenue collectors rather than mere criminal enforcers. This:
 - Is a violation of the limitations upon the police powers of the state.
 - Detracts from their main job of CRIMINAL enforcement.
 - Creates a criminal financial conflict of interest to place revenue above criminal enforcement.
 - Makes police stops into STICKUPS at the point of a gun to pay CIVIL fines. This is a criminal assault by the police officer.
- More on “civil obligations” at:
[Lawfully Avoiding Government Obligations, Form #12.040](#)
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>

12.4 TRAFFIC Court is a FRANCHISE court where constitution doesn't apply

- Traffic court is a [franchise](#) court.
- A franchise court is in the EXECUTIVE rather than JUDICIAL branch.
- Licensed DRIVERS are officers or agents of the government granting the license subject to the administrative supervision of the EXECUTIVE branch traffic court.
- Registered vehicles are formerly PRIVATE vehicles in which a portion of the ownership or control of the vehicle is donated to the PUBLIC or STATE by:
 - Charging transfer fees to transfer title.
 - Permitting the vehicle to be towed if the operator is unlicensed or a drunk driver in most jurisdictions.
- The Executive Branch ordinarily is required to LEAVE private property and private rights ALONE because [“justice” is legally defined](#) as the right to be left alone. See:
 - What is “Justice”?*, Form #05.050
<https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>
- By applying for a license or registration, you surrender [PRIVATE property rights \(Form #12.022\)](#) and [CONSTITUTIONAL protections for private property \(Form #10.002\)](#) and replace them with [PUBLIC PRIVILEGES \(Form #05.030\)](#) the state can take away, tax, and regulate. THIS is how you become a LITERAL SLAVE of the state. Below is our definition of such a “slave”:
 - What is a Slave?*, SEDM
<https://sedm.org/what-is-a-slave/>

12.5. CRIMINAL court acting as a CIVIL FRANCHISE court where constitution doesn't apply for infractions

- Similarly, when a traffic case is transferred from TRAFFIC court to CRIMINAL court, constitutional protections don't apply for CIVIL infractions there either. This is because under the common law, whatever you **CONSENT to (Form #05.003)** cannot form the basis for an injury in court.
- A CRIMINAL court usually acts in a CONSTITUTIONAL capacity adjudicating matters involving only PRIVATE property and PRIVATE rights. HOWEVER, if a CRIMINAL court hears a case involving a CIVIL traffic infraction:
 - They must put on their FRANCHISE hat and act as an EXECUTIVE branch officer.
 - They then acquire a financial conflict of interest, because the CIVIL provisions have revenue as their main goal.
- Although CIVIL franchise provisions don't apply to unlicensed drivers, CRIMINAL courts will sometimes PRETEND like they do for the love of money and power. Don't let them do it! There is one exception: If the vehicle is registered but the driver is unlicensed, the vehicle can be towed in fulfillment of the CIVIL provisions of the vehicle code.

12.6 Licensing instead of Certification

- Licensing isn't the ONLY way to maintain safe roads.
- Remember that a [license](#) is legally defined as permission from the state to do that which is otherwise illegal.
- It is not ILLEGAL to travel. That is a PRIVATE RIGHT not a PUBLIC PRIVILEGE they can take away, tax, or regulate. See:
Enumeration of Inalienable Rights, Form #10.002
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- So what EXACTLY is the DMV “[licensing](#)” then?
 - It is illegal to act as an officer or agent of the state who can be targeted with civil statutory enforcement without a recognized appointment.
 - Applying for and receiving a driver license constitutes your appointment as a CONSENTING agent or officer of the state subject to CIVIL legislative supervision and [obligations](#).
- There is another way, which is: Certification.
 - The licensing process includes a driving test and an exam.
 - Theoretically at least, they could allow people to take the same driving test and exam but get CERTIFIED to drive instead of LICENSED.
 - They could then issue a Driver Certification card just like a Driver License, and it could still be revocable if your driving became unsafe.
 - The main difference is that you would no longer be an agent or officer of the state under a [FRANCHISE](#) subject to CIVIL statutory supervision and [obligations](#). Only the CRIMINAL provisions of the vehicle would be enforceable beyond that point.

12.6 Licensing instead of Certification (cont.)

- **We don't know of any states that implement Driver Certification instead of Driver Licensing. The reasons should be obvious:**
 - They raise **LESS** revenue from the vehicle code because they can no longer institute financial penalties.
 - They have no **CIVIL** control over the drivers, because driver licensing is the main method of connecting **CIVIL DOMICILE** to **MOST PEOPLE**.
 - They don't acquire any new **PRIVILEGED** public officer volunteers or people with a domicile that could be used for **CIVIL STATUTORY** enforcement of other **CIVIL** codes, including income tax. In other words, they lose **MOST** of their power and control over the populace.

12.7 Bundling licensing with unrelated civil franchises

- **As we said at the beginning of this presentation, we don't object to driver licensing PROVIDED the process does not have other things bundled to it unrelated to SAFE roads.**
- **What kind of things might be bundled in the licensing process?**
 - Requirement to furnish a [Social Security Number \(Form #05.012\)](#). Social Security is a franchise.
 - Requirement to pay all overdue child support before the license is issued..
 - Requirement to pay all parking tickets before the license is issued.
 - Requirement to select and verify [domicile](#) or [residence](#) in compliance with the VOLUNTARY "Real ID Act".
 - Requirement to furnish biometric data such as a fingerprint that goes into national crime databases and is used to INCRIMINATE you IN ADVANCE of any crime in violation of the Fifth Amendment.
 - Registration for the military draft. Some states do it this way.
 - Registration for jury duty.
 - Sharing of your personal information with other governments or agencies within the same government, in TOTAL violation of your privacy.
- **Using a Social Security Number is in connection with all the above and must be avoided.**

12.7 Bundling licensing with unrelated civil franchises

- **Most states inextricably bundle almost all the above things during the licensing process. Thus, the licensing process becomes what is called:**
 - An adhesion contract.
 - An unconscionable contract.
 - A violation of the Unconstitutional Conditions Doctrine of the U.S. Supreme Court. This doctrine states that the state cannot use its monopolistic power to manipulate any constitutional right out of existence by, for instance, instituting “bundling” of the kind just described.
- **The same bundling happens with state RESIDENT (ALIEN!) ID, by the way.**
- **Because of the bundling, we can’t endorse having a driver license or state RESIDENT (ALIEN!) ID. When or if they remove all the bundling and begin issuing CERTIFICATIONS instead of LICENSING that focus ONLY on safe roadways, we will gladly go in and apply for a CERTIFICATION instead of a LICENSE.**

12.8 Penalties for Driving without a license

- Driving without a license is an offense in many states.
- Unlicensed driving (not involving a suspension or revocation) typically carries only a fine.
- Driving with a suspended or revoked license is usually a serious criminal offense.
 - This is because the offense which gave rise to the suspension or revocation is usually very serious.
 - Some states also impose an additional driver's license suspension, vehicle impoundment, vehicle forfeiture, and/or community service for driving on a suspended or revoked license.
 - In many states, subsequent convictions will result in increased or additional penalties. For example, in some states, a third conviction for driving while suspended or revoked is a felony offense. Other states increase the fine amount, driver's license suspension time, jail time, and/or vehicle impoundment time upon subsequent convictions. For increased penalties to apply, the subsequent conviction generally must be within a certain period time (five years, for instance) of the prior convictions.
- For a summary of laws in each state, see:
 - *State Penalties for Driving Without a License*, NCSL
<https://www.ncsl.org/transportation/driving-while-revoked-suspended-or-otherwise-unlicensed-penalties-by-state>
 - *Penalties for Driving Without a License*, Nolo
<https://www.drivinglaws.org/resources/penalties-for-driving-without-a-license.html>
 - *Driving without a License: Penalties by State & Why to avoid*, RateForce
<https://www.rateforce.com/blog/auto-insurance/driving-without-a-license-penalties/>

13. REMEDIES OVERVIEW

13.1 Right to avoid a CIVIL privilege or benefit

- It is a maxim of law that you cannot be compelled to accept a “**benefit**” and, by implication, the **CIVIL obligation (Form #12.040)** to PAY for it.
 - "Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the disadvantage."
 - Hominum caus jus constitutum est. Law is established for the benefit of man.
 - Injuria propria non cadet in beneficium facientis. One's own wrong shall not benefit the person doing it.
 - Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.
 - Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.
 - Privilegium est beneficium personale et extinguitur cum person. A privilege is a personal benefit and dies with the person. 3 Buls. 8.
 - Que sentit commodum, sentire debet et onus. He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.
 - Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.
 - [Bouvier's Maxims of Law, 1856;
<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

13.2 Probable Cause

- A police stop is called a Terry Stop by the U.S. Supreme Court.
- Before a police officer can stop you, he must have “probable cause”.

probable cause. (16c) 1. Criminal law. A reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime. • Under the Fourth Amendment, probable cause - which amounts to more than a bare suspicion but less than evidence that would justify a conviction - must be shown before an arrest warrant or search warrant may be issued. - Also termed reasonable cause; sufficient cause; reasonable grounds; reasonable excuse. See DUNAWAY HEARING. Cf. reasonable suspicion under SUSPICION.

"Probable cause may not be established simply by showing that the officer who made the challenged arrest or search subjectively believed he had grounds for his action. As emphasized in Beck v. Ohio [379 U.S. 89, 85 S.Ct. 223 (1964)]: 'If subjective good faith alone were the test, the protection of the Fourth Amendment would evaporate, and the people would be "secure in their persons, houses, papers, and effects" only in the discretion of the police.'

The probable cause test, then, is an objective one; for there to be probable cause, the facts must be such as would warrant a belief by a reasonable man." Wayne R. LaFave & Jerold H. Israel, Criminal Procedure § 3.3, at 140 (2d ed. 1992).

2. Torts. A reasonable belief in the existence of facts on which a claim is based and in the legal validity of the claim itself. • In this sense, probable cause is usu. Assessed as of the time when the claimant brings the claim (as by filing suit). 3. A reasonable basis to support issuance of an administrative warrant based on either (1) specific evidence of an existing violation of administrative rules, or (2) evidence showing that a particular business meets the legislative or administrative standards permitting an inspection of the business premises.

[Black's Law Dictionary, 11th Edition, p. 1454]

- Notice that **CIVIL law** is NOWHERE mentioned in the above. A CIVIL infraction cannot form the basis for a Terry Stop, UNLESS you applied for a license and consented to such enforcement! See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037

<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

13.3 Vehicles and drivers as PRIVATE property

- You own yourself as PRIVATE property. That is the implication of the Thirteenth Amendment.
- Your property is PRIVATE property if it is protected by the constitution.
 - It cannot be taken without [consent \(Form #05.003\)](#) or at least compensation in a form that YOU and not THE GOVERNMENT prescribe.
 - The government can't just in the case of CIVIL infractions that because you did something, your consent was IMPLIED and need not be EXPLICIT.
- Only by DONATING your property to a public use, a public purpose, or a public office can it lawfully be taxed or regulated.

"Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations:

[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];

[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and

[3] third, that whenever the public needs require, the public may take it upon payment of due compensation."

[Budd v. People of State of New York, 143 U.S. 517 (1892);

https://scholar.google.com/scholar_case?case=17245612752943291505]

- Note that "[ownership](#)" and "control" in the context are largely synonymous.
- More on "[ownership](#)" at:
Laws of Property, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

13.4 Even a licensed driver can be OFF DUTY and Private

- Driver licenses are state/PUBLIC property and their use is a privilege.
- Privileges are government/PUBLIC property granted to the OTHERWISE PRIVATE recipient which can be taken back at the discretion of the grantor.
- Voluntary use of the license in connection with a regulated activity constitutes consent (Form #05.003) to the CIVIL statutory OBLIGATIONS (Form #12.040), regulation, and taxation.
- Anything you consent to cannot form the basis for an injury in ANY court. You LOSE your “standing” to sue by CONSENTING.
- While you are USING the license in connection with the regulated activity, you are an agent of the state subject to state supervision. Your consideration for acting in such a capacity is the beneficial use of the license as property.
- The fact that you HAVE a license doesn't AUTOMATICALLY mean you have to USE it in connection with the regulated activity.
 - Like any job, you can be OFF duty and operate in a PRIVATE, constitutionally protected capacity that is CIVILLY unregulated.
 - The reason for this is the definition of “franchise”, which is legally defined as “a privilege [PUBLIC PROPERTY] in the HANDS of a subject”. If the license as PUBLIC property is NOT in your HANDS, then you are effectively OFF DUTY.
 - To argue against this principle is to argue that the government can FORCE you to be ON DUTY 24 hours a day, 7 days a week without pay! What private company can do that?

13.5 How were your PRIVATE labor and PRIVATE property converted?

- As we showed earlier in the Budd case, control of the use of your otherwise private property is acquired by:
 - Injuring others with it.
 - Donating it to a public use and thereby giving the public the right to control that use. See [Budd v. People of State of New York, 143 U.S. 517 \(1892\)](#).
- If you didn't do either of the above, the property remains PRIVATE, absolutely owned, and protected by the Constitution RATHER than the [civil statutory law \(Form #05.037\)](#).
- Voluntarily electing (consenting to) a [civil domicile](#) is one method of donating YOURSELF to a PUBLIC use through your [CIVIL STATUS \(Form #13.008\)](#). Whatever you connect to that [CIVIL STATUS](#) in turn also becomes PRIVATE property donated to a PUBLIC use to procure the “[benefits](#)” of a [CIVIL franchise](#).
- More on the above at:
 - [Separation Between Public and Private Course, Form #12.021](#)
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
 - [Laws of Property, Form #14.018](#)
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

13.6 Always be the Merchant and never the Buyer of government CIVIL privileges

- The government power to CIVILLY regulate and tax originates in the OWNERSHIP of private property. See, for instance [Article 4, Section 3, Clause 2 of the U.S. Constitution](#). In commercial terms, this is called being a “Merchant”.
- Like governments, YOU TOO can be a Merchant and regulate and tax anyone who uses YOUR absolutely owned PRIVATE property. All powers of government are delegated from the people to the government so whatever they can do, you can also if all of us are, in fact EQUAL and must be treated equally. See:
Requirement for Equal Protection and Equal Treatment, Form #05.033
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
- Examples of PUBLIC/GOVERNMENT property that CREATES or ESTABLISHES a Merchant status on behalf of the government:
 - Driver licenses.
 - Vehicle registration that protects the vehicle.
 - Ownership of the public roadways.
 - Offering protection services through the police force.
 - Government “benefits”. See:
Government “Benefits” Scam, Form #05.040** (Member Subscriptions)
<https://sedm.org/product/the-government-benefits-scam-form-05-040/>
- If you apply for or ask for any of the above, you become a Buyer of government property and services who:
 - Implicitly consents to pay for those services and
 - Renders the cooperation needed to deliver them.That means effectively CONSENTING to obey the CIVIL provisions of the vehicle code!
- Anyone can be a Merchant or a Buyer from a CIVIL perspective. If you are tired of being bossed around, regulated, and taxed by a covetous corrupt government, then FLIP the relationship and become a Merchant offering PRIVATE property with CIVIL legal strings attached to a government Buyer!

13.6 Always be the Merchant and never the Buyer of government CIVIL privileges

- For more on the subject of how to ALWAYS be a “Merchant” and NEVER “Buyer” in relation to any and every government, see:

Path to Freedom, Form #09.015, Sections 5.5-5.7

<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

- **WARNING: DO NOT EVER use bogus UCC terminology to make yourself into a “Merchant” that is NOT understood and will make you look like an IDIOT in front of a judge or jury, such as:**
 - Accepted for Value.
 - Conditional Acceptance For Value (CAFV).
 - Chargeback.
 - Setoff.
 - Secured Party Creditor.
- For the reasons NOT to use UCC Redemption terminology, see:

Policy Document: U.C.C. Redemption, Form #08.002

<https://sedm.org/Forms/08-PolicyDocs/UCC.pdf>

13.7 Unconstitutional Conditions Doctrine

- The [Unconstitutional Conditions Doctrine](#) is a principle of constitutional law that prohibits the government from conditioning receipt of a [benefit](#) or [privilege](#) on the waiver of a constitutional right.
- Driver [licenses](#) are an example of such a [privilege](#) that might be used to compel a waiver of a PRIVATE constitutional right.
- For most Americans who don't know their PRIVATE constitutional rights, this waiver is often INVISIBLE. For freedom lovers like us, it is NOT. See:

*Invisible Consent**, SEDM

<https://sedm.org/invisible-consent/>

- An example of such a compelled waiver of constitutional rights might include conditioning the requirement for participating in Social Security, paying child support, paying parking tickets and fines, and paying income taxes as a prerequisite to receiving a license. We call this “weaponization of government” in:

SEDM Disclaimer, Section 4.30: Weaponization of Government

https://sedm.org/disclaimer.htm#4.30.Weaponization_of_government

- More on the [Unconstitutional Conditions Doctrine](#):

Catalog of U.S. Supreme Court Doctrines, Litigation Tool #10.020, Section 5.2

<https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf>

14. HANDLING THE TRAFFIC STOP

14.1 Recording the Stop

- **It's always best to record the police stop.**
- **We recommend running a dashcam continuously that has both internal and external recording. They are inexpensive.**
- **It is even more important to have the dashcam running if you are separated from the vehicle during a search. This will allow you to see whether they maliciously planted evidence in the vehicle during the search.**
- **Some states permit filming traffic stops. Others don't. Check the laws in your state. In most states it's perfection legal.**
- **During the recording, you must NOT interfere with the police.**

14.1 Recording the Stop

Filming the Police: 101
The Basics

In the 38 "one-party" states (yellow), the consent of one of the parties (so you) is required to record conversations, including with police. As long as you record openly and don't interfere, you can't be arrested for filming cops in these states.

In the 10 "all-party" states (gray), the consent of all parties is required. Exception: if you get the consent of all parties the one involved is considered "recording" in these states.

However, in ten of the "all-party" states (all but **Massachusetts** and **Illinois**), on-duty police officers have no legal expectation of privacy. Cops don't have to consent for open, public recording in these states.

Laws in **Massachusetts** and **Illinois** criminalize recording police **BUT** courts have struck down both laws.

IL - May 2012, the Seventh Circuit Court ruled that the Illinois law violates the First Amendment. The ruling invalidated criminal charges for openly recording cops.

MA - April 2012, the First Circuit Court ruled that Boston cops violated Simon Glik's rights by arresting him for publicly taping police. The City of Boston paid Glik \$170,000 in damages.

BOTTOM LINE:
Openly recording cops in public and on-duty is completely legal and constitutionally protected.

Have you been arrested or intimidated for recording police?
Has your camera or phone been taken, or your recordings deleted by cops?

REPORT IT!

COP BLOCK.org

experiencedcriminallawyers.com

14.2 Introduction to the officer

- Here is a good script:
 - Hello, and thank you for risking your life and your health to do the dangerous job of protecting us all, Officer.
 - I'm not here to argue with you today, but to be legally educated and to help you do your job better and more efficiently.
 - I'm in no rush and you can take all the time you need to do what you must do. I won't drive away to evade you at any time.
 - **QUESTION:** I'll be recording this interchange in case it ends up in front of a jury. You got a problem with that?
 - » **YES:** "I can't speak or cooperate further until you complete this form and I don't consent to search."
Then hand him:
Police/Terry Stop Handout, Form #09.078
<https://sedm.org/Forms/09-Procs/PoliceStopHandout.pdf>
 - » **NO:** "Excellent".
 - **QUESTION:** I'm not on drugs or alcohol, so I'm a safe driver at this point. I'm even willing to exit the vehicle, lock it, and talk outside the LOCKED vehicle unarmed if you'd like so you can see I have motor skills and to keep you and I safe from being hit by traffic, provided you agree to step at least 12 feet away while I do so and not interfere with doing so or with locking the vehicle. Do you want me to do that and do you agree to cooperate with me in doing it? Or do you just want me to stay in the car?

14.2 Introduction to the officer

- **QUESTION:** What kind of property are you here to protect right now?: Public or Private, Officer? (See [Separation Between Public and Private, Form #12.025](#))
 - » **RESPONSE:** What do you mean?
 - » **ANSWER:** Government/public property or agents protected by statutes or my private property protected by the constitution.
 - » **THEIR ANSWER:** _____
- **QUESTION:** I'm not aware of any crime that's been committed on my part or anyone else in this vehicle, so could you please enlighten me about what you think that is? In other words, what is your factual explanation of "probable cause" and "reasonable suspicion" before we proceed further? The reasons why this is important is to establish whether this is a CIVIL matter or a CRIMINAL matter.
 - » **ANSWER:** I don't have to explain that to you.
 - » **YOUR RESPONSE:** Well then I'll just follow your example and not answer any of your questions either beyond this point.
- **QUESTION:** I'm not aware of any actions on my part that might have given rise to an injury or injured party on this occasion, officer. Exactly who do you think that might be in this case, if any, Officer?
 - » **THEIR ANSWER:** I don't have to explain that to you.
 - » **YOUR RESPONSE:** Well then I'll just follow your example and not answer any of your questions either beyond this point, because we are both equal on this occasion and I'm not your slave.

14.2 Introduction to the officer

- I've prepared a handout to so I can be sure to address your concerns. Here it is, and it should answer any questions you have beyond this point. Hand him:
 - » *Police/Terry Stop Handout*, Form #09.078
<https://sedm.org/Forms/09-Procs/PoliceStopHandout.pdf>
- **AFTER** you answer the questions on the form and hand it back to me, I'll be happy to entertain your requests for information or evidence but not before. I'm just making sure this traffic stop is being handled in strict accordance with the law. Like you, I too want to see the law followed.

14.3 Private ID

- The U.S. Supreme Court has held that when police conducting a stop have a “reasonable suspicion” of criminal activity, they have the lawful authority to enforce the requirement that the suspect identify themselves. Hiibel v. Sixth Judicial District of Nevada, 542 U.S. 177 (2004).
- You aren’t REQUIRED to have government ID. See: Identification and Identity Theft*, SEDM <https://sedm.org/identification/>
- The Hiibel case above does not describe what form evidence of identity must take. It’s theoretically possible to provide them with ID in printed form of your own making.
- Presenting your own CUSTOM ID is not prohibited, and is NOT “fake id” if it does not look like an ID from a REAL government. See: United States v. Fox, 766 F. Supp. 569 (N.D. Tex. 1991)
- It is a FELONY to present FAKE ID, meaning ID that is a counterfeit ID that emulates ID issued by a lawful existing government. Watch out!

14.3 Private ID

- Identifying your name to the officer can come with risks. The biggest risk is that they will use it for commercial purposes to extract CIVIL infraction revenue from you without your consent.
- To prevent the commercial abuse of your name through [government identity theft \(Form #05.046\)](#), we provide the following form you can present to the police to identify yourself without surrendering any rights:

Private Identification Card, Form #06.034

<https://sedm.org/product/private-identification-card-form-06-034/>

14.4 License, Registration, and Insurance Please

- **The first thing that police will usually say when they stop you and approach the card is:**
 - “License, registration, and insurance, please.”
- **The license connects the OPERATOR to the vehicle code. We covered the LICENSE requirement in the previous page with a Private Identification Card.**
- **A vehicle registration connects the VEHICLE to the vehicle code.**
- **Proof of insurance establishes that the operator and the vehicle are in compliance with the CIVIL provisions of the vehicle code requiring insurance.**
- **Anything NOT connected to the vehicle code is, by definition PRIVATE and constitutionally protected.**
 - **A PRIVATE OPERATOR is subject only to the CRIMINAL provisions of the vehicle code and the common law and constitution of the state.**
 - **A PRIVATE VEHICLE is protected by the Constitution and the common law and not taxed or regulated in any way by the CIVIL STATUTORY codes.**

14.5 Probable Cause

- In general, traffic violations can be classified as infractions, misdemeanors, and felonies¹.
 - Infractions are the least serious type of traffic violation and are typically punishable by a fine and demerit points on the driver's record. Examples of infractions include speeding, failure to yield, failure to use turn signals, operating a vehicle without proper lighting, and running a stop sign or red light¹.
 - Misdemeanor traffic offenses are more serious than infractions and can result in imprisonment, fines, and/or probation. Common misdemeanor traffic offenses include driving under the influence of alcohol or drugs (DUI), driving while suspended or revoked, reckless driving, hit-and-run, and vehicular homicide¹.
 - Felonies are the most serious type of traffic violation and can result in lengthy prison sentences, large fines, and/or probation. Examples of felony traffic offenses include vehicular manslaughter, aggravated DUI, and fleeing the scene of an accident¹.
- **Most traffic violations are NOT CRIMES, meaning misdemeanors or felonies. They instead are CIVIL infractions that acquire the “force of law” through your consent (Form #05.003) in some form, whether IMPLIED or EXPLICIT.**
- **You should AT ALL TIMES:**
 - Communicate the requirement that consent must be IN WRITING and NEVER IMPLIED through your conduct. YOU as the OWNER of yourself are the ONLY one who can prescribe WHAT FORM your consent must take. If this ISN'T the case, then YOU ARE A SLAVE!
 - Place the burden of proof upon the officer to demonstrate CONSENT in writing to any CIVIL obligation he may be attempting to enforce at the traffic stop.

14.6 Probable Cause

- A CIVIL infraction observed from afar by a Police Officer does NOT give rise to a belief in the commission of a CRIME that might be a basis for actual probable cause.
- There are VERY few things you can do that MIGHT give rise to probable cause, because all such things are always criminal in nature.
- In the ABSENCE of probable cause, the traffic stop devolves into a CIVIL enforcement proceeding. As such:
 - There is NO basis for the officer to need or have a gun since no crime is involved.
 - The officer becomes a mere REVENUE COLLECTOR abusing the police powers of the state to SOLICIT revenue.
 - If he uses a gun to COLLECT the revenue, he is engaging in an ARMED ASSAULT!
- It is not uncommon for courts to dismiss citations because of a failure to establish CRIMINAL probable cause:

*“The Court has recognized similar constitutional limitations on the scope and operation of stop and identify statutes. In [Brown v. Texas, 443 U. S. 47, 52 \(1979\)](#), the Court invalidated a conviction for violating a Texas stop and identify statute on Fourth Amendment grounds. The Court ruled that the initial stop was not based on specific, objective facts establishing reasonable suspicion to believe the suspect was involved in criminal activity. See *id.*, at 51-52. Absent that factual basis for detaining the defendant, the Court held, the risk of “arbitrary and abusive police practices” was too great and the stop was impermissible. *Id.*, at 52. ”*

[\[Hiibel v. Sixth Judicial District Court of Nev., 542 U.S. 177 \(2004\)\]](#)

14.7 Answering Police Questions

- In general, it is a VERY bad idea to answer any questions the police ask.
 - You might end up pleading guilty to something you did wrong.
 - Anything you say can and will be used against you. See:
Miranda v. Arizona, 384 U.S. 436 (1966)
https://scholar.google.com/scholar_case?case=6386252699535531764
 - You may be nervous or agitated in your answer which puts police on guard.
- If you are agitated, it is important to EXPLAIN to the police WHY as follows:

“Officer, I don’t like this stop because you disturbed my right to be left alone as justice requires, you haven’t demonstrated probable cause, and thus this stop involves an abuse of the police powers to collect revenue in connection with a CIVIL infraction that doesn’t apply to a nonconsenting party such as me. Now you are brandishing a gun as a revenue collector akin to an armed assault. Would you at least put that gun away? There is no crime here by your OWN admission!”
- It’s better to just hand them the following and wait until they fill it out and give it back to you:

Police/Terry Stop Handout, Form #09.078
<https://sedm.org/Forms/09-Procs/PoliceStopHandout.pdf>

14.8 Search and seizure

- **Items in the car are not always in your “possession”.**
 - Some things might have been placed there by another passenger or previous operator.
 - Its in your possession if you grab it or have it on you.
 - If its not in your possession, you may not be charged for it if its illegal.
- **It’s dangerous to allow officers to search a vehicle if:**
 - You are not allowed to watch them doing it. They may plant something incriminating in the vehicle to get you in trouble and falsely say it was yours.
 - You have illegal contraband in the vehicle, even if the purpose of the search had nothing to do with the probable cause for stopping you. They can prosecute you for whatever they find.
 - You have a violent pet in the vehicle who would bite them.
- **If you are politely asked by the officer if they can search the vehicle, its always best to say:**
 - “How is the probable cause for stopping me related to your need to search?”
 - After they answer, say “I don’t consent”.

14.8 *Getting out of the vehicle*

- **The officer either politely ask or ORDER you to exit the vehicle.**
 - Refuse the request if they ask.
 - Don't disobey an ORDER, because you may be charged with obstruction of justice. But make sure you lock the vehicle as you exit so they can't search it.
- **The purpose of asking you to get out of the vehicle is usually to:**
 - Protect your safety, because if the officer sees a gun in the car or what he thinks is a gun and your hands go near it, he may try to shoot you in self-defense.
 - Provide additional safety to the officer, because if the vehicle has a gun in it, you will be either separated from the gun or expose the gun while getting out of the vehicle.
 - To make the vehicle easier to search if you leave it unlocked. LOCK IT to make sure this doesn't happen.
 - Do a simplified sobriety test. If you walk without stumbling then you are probably not intoxicated and thus, a more comprehensive blood alcohol test may not be needed.
 - To separate you from other passengers in the car so that they can be questioned separately so the stories can be compared to determine if anyone in the vehicle is lying.

14.9 Sobriety tests

- **They may ask you out of the vehicle to do a sobriety test like walk a line, touch your nose, or take a breathalyzer test.**
- **We see no reason to resist this if you don't drink or take drugs.**

14.10 *Signing the ticket*

- When presented with a traffic ticket, the officer will inevitably ask you to sign it.
- The officer will also often tell you that if you don't sign it, you will be arrested, jailed, and your car will be towed. He will do this while carrying a gun, and thus, he is committing armed assault in the process.
- The statement on the ticket says that by signing it, you promise to appear in traffic court. If you don't, a bench warrant will be issued for your arrest and you will become a fugitive.
- To prevent the illegal duress of being arrested, its best to sign the ticket under Threat, Duress, and Coercion (TDC) by one of the following means:
 - Signing the ticket not with your legal birthname, but in cursive with the Latin phrase: “Non Assumpsit” (I don't consent).
 - Signing your name and writing near it: “Threat, duress, and coercion. No consent”.

14.11 Arrests

- **If they arrest you, they will have to tow and impound your vehicle.**
- **Towing and impounding is VERY expensive.**
- **The towing and impound fees will need to be paid before they will release the vehicle from impound.**

14.12 Towing the Vehicle

- There are several reasons the police might want to tow your vehicle:
 1. You are arrested so you can't drive away in the vehicle.
 2. You refuse to sign the ticket. They will threaten to arrest you and tow and impound the vehicle.
 3. You are driving intoxicated or under the influence of drugs. You are impaired so you can't drive the vehicle from the scene.
 4. You are driving without a license. In some states like California, this is cause for towing the vehicle.
- In every one of the above cases, keep in mind that:
 - You should AVOID allowing them to tow and impound the vehicle because they will force you to pay the towing and impound fees, which are CONSIDERABLE and almost highway robbery. This can be done by telling them that you will call a relative or friend and have them come and pick up the vehicle instead.
 - For INFRACTION offenses, the vehicle MUST be registered and the license plate must be displayed to lawfully tow the vehicle. Otherwise, they would be STEALING the property. Registration constitutes consent for them to tow the vehicle for cases where the vehicle code expressly authorizes it.

Summary and Conclusions

- **Traffic stops and travel and the most frequent type of confrontation a freedom advocate is likely to have.**
- **A broad base of legal knowledge is to keep the interaction peaceful, cooperative, and yet at the same time protecting your private property and private rights.**
- **Traffic stops are the area of law that freedom advocates are most likely to be publicly exposed, embarrassed, shamed, or cancelled in the context of government interactions by:**
 - **The local news media, who often report on the outcome.**
 - **Juries of the case ends up before a criminal court.**
 - **Friends, relatives, and witnesses.**
- **It is VERY important to learn how to lawfully interact at a traffic stop. This is because traffic stops along with commerce are the two areas most likely to rope you into a voluntary CIVIL domicile and:**
 - **A corresponding obligation to both obey the CIVIL statutory law and**
 - **Constitutional and natural rights.**

Further reading and research

- **Hot Issues: Right to Travel/Dealing with the Police, SEDM**
<https://sedm.org/right-to-travel/>
- **Hot Issues: Identification and Identity Theft*, SEDM**
<https://sedm.org/identification/>
- **Defending Your Right to Travel, Form #06.010**
<https://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel/DefYourRightToTravel.htm>
- **Sovereignty for Police Officers Course, Form #12.022**
 - SLIDES: <https://sedm.org/LibertyU/SovereigntyForPolice.pdf>
 - VIDEO: <http://youtu.be/qFDWYlWiE1I>
- **Police/Terry Stop Handout, Form #09.078**
<https://sedm.org/Forms/09-Procs/PoliceStopHandout.pdf>
- **How NOT to Handle a Traffic Stop According to a Government PSYCHOPATH, SEDM**
<https://sedm.org/how-not-to-handle-a-traffic-stop-according-to-a-government-psychopath/>
- **Free Legal Treatises***, Section 20: Travel, SEDM
<https://sedm.org/litigation-main/free-legal-treatises/#Travel>
- **Enumeration of Inalienable Rights, Form #10.002**
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

Further reading and research

- **SEDM Right to Travel Authorities**, Litigation Tool #09.005** (Member Subscriptions)
<https://sedm.org/product/sedm-right-to-travel-authorities-litigation-tool-09-005/>
- **Subject Index**, Section 84: Travel, Right To, SEDM
<https://sedm.org/Search/SubjectIndex.htm#Travel, Right to>
- **Dealing with the Police/Right to Travel Playlist, SEDM**
<https://sedm.org/dealing-with-the-policeright-to-travel/>
- **Criminal Justice and Terrorism**, Family Guardian Fellowship
<https://famguardian.org/Subjects/Crime/Crime.htm>
- **Sovereignty and Freedom Topic**, Section 6.12: Right to Travel, Family Guardian Fellowship
<https://famguardian.org/Subjects/Freedom/Freedom.htm#Right to Travel:>
- **Power of Attorney: Private Conveyance**, Form #06.030** (Member Subscriptions)-this form limits your delegated authority while using the vehicle so that it can't be towed or stolen by the police.
<https://sedm.org/product/power-of-attorney-private-conveyance-form-06-030/>