

Unlawful Conversion of Rights into Privileges through Coercive Licensing and Vehicle Registration Schemes

Foundational Principle: Rights Cannot Be Converted Into Privileges

As affirmed in numerous high court rulings and legal maxims, including:

"The state cannot convert a secured liberty into a privilege, and then charge a fee for it."

— **Murdock v. Pennsylvania, 319 U.S. 105 (1943)**

"No State shall convert a liberty into a license, and charge a fee therefore."

— **Shuttlesworth v. City of Birmingham, 394 U.S. 147 (1969)**

When the State of South Dakota, or any other state, requires a driver's license (DL) under threat of penalty—such as fines, vehicle seizure, arrest, or imprisonment—it is unlawfully converting the unalienable right to travel into a taxable, revocable commercial privilege.

This is not only unconstitutional, but null and void ab initio under American Jurisprudence 2d §§ 256–260, as any act repugnant to the Constitution is void, regardless of how long it has been practiced.

Vehicle Registration = Undisclosed Conveyance of Title

When the people are forced to register their private automobiles with the state, they are:

Unwittingly transferring equitable interest or legal title to the state.

Becoming mere users or operators of the vehicle under commercial law.

Made subject to UCC-based enforcement and admiralty-style jurisdiction through presumed commercial use.

This is done without full disclosure, under threat of penalty, and under color of law—making it:

- Constructive fraud (fraud in equity),
- Material alteration of ownership status,
- And a breach of fiduciary duty by public servants who owe their allegiance to the Constitution and the people—not corporate state statutes enforced by coercion.

Coercion Nullifies Consent

The use of force, threat, duress, or compulsion to obtain a driver's license, Real ID signature, or vehicle registration:

- Negates consent under both UCC § 1-103 and contract law.
- Makes any resulting contract, privilege, or waiver of rights void, not voidable.
- Converts the transaction into a fraudulent conveyance under both state and federal law.

The People Retain Their Rights

"The assertion of a constitutional right cannot be converted into a crime."

— Miller v. U.S., 230 F.2d. 486, 489 (5th Cir. 1956)

Even when the people are coerced into accepting licenses or registrations, their inherent rights are not surrendered, waived, or extinguished. A right is not lost through compliance under duress. This is supported by:

- Title 5 U.S.C. § 706(2)(B): Courts must set aside agency action found to be contrary to constitutional right, power, privilege, or immunity.
- Rule 5.1 of the Federal Rules of Civil Procedure: Mandates notice and constitutional challenge to any statute in dispute.
- Federal Rule 11(b): Requires that any filings, charges, or enforcement actions be based on lawful purpose—not coercive or fraudulent pretenses.

A Colorable Commercial System Masquerading As Law

By requiring driver's licenses under duress, by coercing vehicle registration as a precondition for travel, and by using digital identifiers (such as DL numbers, Real ID facial scans, and DMV signatures) to place people into unconsented commercial jurisdiction, the state acts beyond its lawful authority.

These acts:

- Are null and void under the Constitution;
- Violate due process, equal protection, and property rights;
- And place every public servant or state actor involved in direct liability, both personally and commercially, under 5 U.S.C. § 706–708, the APA, and common law maxims of justice and equity.

Relevance of Merrion to Sovereignty and Jurisdiction

In *Merrion*, the Supreme Court upheld the inherent sovereignty of the Jicarilla Apache Tribe, ruling that the power to tax non-members doing business on tribal land exists inherently, not by federal grant.

Key takeaways:

- Sovereignty is retained unless expressly surrendered or stripped by Congress.
- Jurisdiction must be validly established, not assumed.
- Agreements entered into must be consensual, not coercive or imposed under duress.

These principles apply equally to the individual's sovereign capacity, especially under natural rights, common law, and constitutional protections.

People Retain Rights — Even When Using State Documents

A. Driver's Licenses, Vehicle Registrations, and Real ID Are Presumed Contracts

These documents are:

- Commercial instruments (licenses, registrations) issued by the state.
- Often imposed under threat or penalty (fines, arrest, denial of travel).
- Accompanied by false presumptions of voluntary submission to state jurisdiction in commerce.

However:

"No right is lost by its disuse, and no presumption of waiver can be indulged unless it is shown that there was a voluntary, knowing, and intentional relinquishment of such right."

— **Johnson v. Zerbst, 304 U.S. 458 (1938)**

If the people are coerced into obtaining a license or Real ID, the use of such documents does not constitute surrender of the underlying right to travel, right to contract, or right to property.

B. Retention of Rights Despite Registration

- UCC § 1-308: The Uniform Commercial Code preserves the ability to reserve rights when performing under duress.
- Signing for a license or ID under "Without Prejudice, UCC 1-308" or equivalent notice preserves your rights.
- Title 5 U.S.C. § 706(2)(B): Agency actions (e.g., DMV regulations, Real ID compliance) that violate constitutional rights are subject to vacatur—they are void.
- Title 18 U.S.C. § 241 & § 242: It is a federal crime for any official to deprive you of your rights under color of law, even if done through administrative or commercial means.
- The Right to Travel is a protected liberty interest. A driver's license does not extinguish this right—it merely creates a commercial overlay that can be challenged or rebutted.

Driver's License = State Commercial Tag — Not A Surrender Of Rights

The issuance of a driver's license:

- Grants permission only to operate a motor vehicle in commerce, under the definitions in state traffic code.
- Does not cancel your God-given right to travel freely in your private capacity using your private conveyance.
- The state cannot presume jurisdiction over you as a commercial operator simply because you hold or use a driver's license under threat of legal penalty.

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

— **Miranda v. Arizona, 384 U.S. 436 (1966)**

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The State Cannot Strip Your Rights with Commercial Paper

Like in Merrion, jurisdiction and authority must be lawfully derived, not assumed, and cannot be applied through coerced or fraudulent mechanisms. Whether through a tribal nation or a state agency, any attempt to impose jurisdiction without knowing, willing, voluntary consent is null and void.

So even if someone uses a DL or Real ID under threat, their rights remain intact, and any action by the state based on presumed surrender of those rights is unauthorized and ultra vires.