

## RIGHT TO TRAVEL

**Thompson v Smith**, *"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common right which he has under the right to life, liberty, and the pursuit of happiness."*<sup>1</sup>

**Schactman v Dulles**, *"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 14th Amendment and by other provisions of the Constitution"*<sup>2</sup>.

**State v. Johnson**, *"A citizen has the right to travel upon the public highways and to transport his property thereon"*<sup>3</sup>.

**Kent v. Dulles**, *"The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment"*<sup>4</sup>.

**Edwards v. California**, *"Where activities or enjoyment, natural and often necessary to the well being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them... to repeat, we deal here with a constitutional right of the citizen"*<sup>5</sup>

**Chicago Motor Coach v Chicago**, *"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest and convenience "Regulated" here means stop lights, signs, etc. NOT a privilege that requires permission or unconstitutional taxation; i.e. - licensing, mandatory insurance, vehicle registration, etc., requiring financial consideration, which are more illegal taxes"*<sup>6</sup>.

**Volunteer Medical Clinic, Inc. V. Operation Rescue**, *"Right to travel is constitutionally protected against private as well as public encroachment"*<sup>7</sup>.

**Blacks 2<sup>nd</sup>**, *"License: In the law of contracts, is a permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or tort."*

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<sup>1</sup> Thompson v Smith, 154 SE 579

<sup>2</sup> Schactman v Dulles, 96 App D.C. 287, 293

<sup>3</sup> State v. Johnson, 245 P 1073

<sup>4</sup> Kent v. Dulles 357 U.S. 116, 125. Reaffirmed in Zemel v. Rusk 33 US 1

<sup>5</sup> Edwards v. California 314 US 160 (1941)

<sup>6</sup> Chicago Motor Coach v Chicago, 169 NE 22

<sup>7</sup> Volunteer Medical Clinic, Inc. V. Operation Rescue, 948 F2d 218; International Org. Of Masters, Etc. V. Andrews, 831, F2d 843; Zobel v. Williams, 457 US 55, 102 Sct. 2309

**Trezevant v. City of Tampa**, *"Where an individual is detained, without a warrant and without having committed a crime (traffic infractions are not crimes), the detention is a false arrest and false imprisonment<sup>8</sup>."*

**Blacks 2<sup>nd</sup>**, "License: In the law of contracts, is a permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or tort."

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<sup>8</sup> Trezevant v. City of Tampa, 241 F2d. 336 (11th CIR 1984)