

The Bosque Farms, NM Speed Trap: Some Basic Legal Aspects

SUPPLEMENT TO:

Is Bosque Farms, NM a “Speed Trap?”
A Spot Speed Study Report
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This paper has been written as a public service to those
who drive in Valencia County, New Mexico,
AND the United States of America,
and is dedicated to Speed Trap victims everywhere.

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ABSTRACT

This article applies to all speed traps that meet the definition, and is a “basic legal aspects” Supplement to the technical Report, *“Is Bosque Farms, NM a “Speed Trap?”: A Spot Speed Study Report”* (“SSS Report”), which focused on traffic safety only, and concluded that the posted speed limit is not based on safety, and INCREASES the accident rate and the resulting injuries and deaths.

Where the SSS Report was founded on basic data and the Scientific Method, and because the Author is not a lawyer, this Supplement is based on the founding documents of the USA: the Declaration of Independence of 1776, the Constitution of the United States, ratified in 1788, and the Bill of Rights, ratified in 1791, combined with definitions from Black’s Law Dictionary, Seventh Edition (“Black’s”).

Probably the most difficult hurdle to surmount is the presumption that arbitrary speed limits are “laws”. They are NOT, because they have no factual safety basis and therefore violate the Due Process requirements of both the US and state constitutions. This "hurdle" is the crux of the matter - as long as drivers are conned into believing that these arbitrary non-laws are laws, the corruption and theft described in this paper will continue.

The “flow of logic” can be seen in the Table of Contents, each showing that:

1. Because the speed limit is not based on safety, it is “arbitrary”, thus unconstitutional and no law at all;
2. The real purpose of speed traps is unlawful revenue, as is long, well and correctly known;
3. It presents a list of the Inalienable and Fundamental Rights, plus federal laws violated by speed trap participants, and in turn shows these participants to be criminals;
4. In order for speed traps to be successful these participants must exist in ALL THREE branches of government, and that ALL THREE share in the “booty” (conflict of interest);
5. Speed traps have existed for more than a CENTURY and the corruption was known a hundred years ago and through to today;
6. A speed trap victim has no practical redress in a speed trap’s arbitrary court, i.e., that there is no redress when the law is the criminal and the criminal is the law;
7. It discusses possible solutions to the problem, and that speed traps are a small part of a much larger problem.

The major conclusion of the legal aspects of this and all other speed traps is that they are so unlawful that ALL THREE of our Inalienable Rights are violated by criminal public officials in ALL THREE branches of government. It shows that such participation by all three branches satisfies Black’s definition of the word, “tyranny”. Because the law is the criminal and the criminal is the law, the law is not going to fix the problem. Who’s left? “We, the People”.

The foundation upon which the SSS Report was based was data taken in accordance with established principles, and the Scientific Method. The foundation upon which this Supplement is based is our Founding documents plus Black’s legal definitions. The foundation upon which speed traps are based is that arbitrary non-laws are laws.

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It's an OLD Story

1. INTRODUCTION

This article is a Supplement to the technical Report, *'Is Bosque Farms, NM a "Speed Trap?": A Spot Speed Study Report'* ("SSS Report"), which focused on traffic safety ONLY. However, the posted speed limit is claimed to be a "law" and, as such, is a legal issue.

The SSS Report, using a simplified definition of a speed trap from the CA Motor Vehicle Code, concluded, based on a 200-measurement Spot Speed Study conducted in accordance with established principles, that NM Highway 47 through Bosque Farms IS a speed trap and, based on many reviewed research reports, showed that the posted speed limit has no safety basis, and further, showed that the arbitrarily low speed limit, combined with many years of heavy enforcement, results in a DECREASE in safety, resulting in approximately 5-15% more accidents than would occur with a lawful speed limit and reasonable enforcement.

The Author is not a lawyer and thus not qualified in the "subtleties" of the law. Therefore, where the Spot Speed Study Report was based on the foundation of measured data and the Scientific Method, this article is based on the foundation of the founding documents of our country: the Declaration of Independence of 1776, the Constitution of the United States, ratified in 1788, and the Bill of Rights, ratified in 1791. For the purposes of this paper, the descriptions and statements in the founding documents will be combined with definitions from Black's Law Dictionary, Seventh Edition ("Black's"). Note, however, that many law dictionaries are available on the Internet, e.g, do a search using "law dictionary". Two examples are <http://dictionary.lp.findlaw.com/> and <http://dictionary.law.com/>. These documents may be used by any reasonable person to judge if a law passed by our lawmakers is in fact lawful, and the use of these basic references permits the reader to independently check the Author's assertions and conclusions.

What may be called the over-vigorous enforcement of traffic laws like artificially low speed limits is generally if somewhat bitterly accepted as legal. It is typically perceived that such laws are in fact law. **This perception is incorrect.** An artificial or unreasonable speed limit is NOT "law"; it is arbitrary law, and as such, is not law at all. In this country, under its most basic laws, including the Declaration of Independence, the US Constitution and the Bill of Rights, all arbitrary laws are without a basis of reason or fact, and are thus unconstitutional.

This perception is a barrier to reality that must be surmounted in order to see and understand that reality. And a clear view of this reality shows us the many criminal actions of many corrupt public officials that occur in the legislative, executive and judicial branches of government in order to achieve their common goal of ever-increasing revenue.

As a perspective, the Spot Speed Study results show 24% compliance with the posted speed limit, therefore about 76% "in violation". This percentage of "violators" is even greater than the percentage of drivers in the US population. This is obviously a contradiction in terms.

Because arbitrarily low speed limits are inherent characteristics of speed traps, the facts and conclusions reached in these Bosque Farms, NM Speed Trap documents apply to all speed traps that actually satisfy the definition and, to a lesser extent, to such arbitrarily low speed limits alone, without the heavy enforcement characteristic of speed traps.

Emphasis within the referenced document quotes and Black's definitions are primarily the Author's. Because this document turned out longer than originally intended, this emphasis should also serve the reader who is in a hurry. The early reference documents were found using Google Books (<http://books.google.com/>) Advanced Search, selecting early ranges of years. For example, try "automobile law", from 1890 to 1920, etc., etc.

The reader will notice a number of **red quotes** in various places in this document, many from our country's Founders. These are presented for the same reasons as the basic reference documents below - as part of the "foundation" upon which this document rests.

In order to prevent necessary details from the various References from cluttering up this main document and interrupting its flow of reasoning, where necessary, each main Section will refer to an Appendix for its supporting details, keeping the main document reasonably short.

2. BASIC REFERENCE DOCUMENTS

The "foundation" documents mentioned above are the Declaration of Independence of 1776, the Constitution of the United States, ratified in 1788, and the Bill of Rights, ratified in 1791. Pertinent parts of these documents as they apply to speed traps are presented in Appendix A.

Declaration of Independence is included because it is the source of our Inalienable Rights of Life, Liberty and Property, which are in turn supported by the Fourteenth Amendment of the Constitution. From the Declaration:

"We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men**, deriving their just powers from the **consent of the governed** . . . as to them **shall seem most likely to effect their Safety and Happiness.**"

And:

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

And:

For depriving us in many cases, of the benefits of Trial by Jury:

U.S. Constitution, Article. VI.

This Constitution, and the Laws of the United States which shall be made . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .

In order to provide both understanding and perspective of these basic documents, **this Author HIGHLY RECOMMENDS this excellent article by Dr. Edwin Vieira**, constitutional

attorney, “Government Is Not the Problem”. This title is the “message” of his article - that the “Government Is Not the Problem”, but the corrupt public officials in it ARE the problem, and THIS paper is about such corrupt, criminal public officials. The web address is:
<http://www.thenewamerican.com/index.php/usnews/constitution/224-government-is-not-the-problem>

For example, he wrote:

In short, “the government” cannot deprive any American of his rights, because only by acting consistently with those rights, precisely as the Constitution guarantees them, do public officials function as “the government” at all. When any public official steps even a single Angstrom Unit outside of the government’s constitutional boundaries, his actions become lawless and unauthorized, and he ceases to act as or for the government, but instead acts against and in defiance of the government.

He goes on to write:

Of course, the complaint that “the government is denying us our rights” does contain a modicum of practical insight: namely, that many people in public offices today do increasingly disregard and infringe upon Americans’ rights “under color of law.” . . . they nonetheless remain in violation of the supreme law.

[Emphasis by this Author.]

Note that, with arbitrarily low speed limits and speed traps, “under color of law” is the APPEARANCE of law when none actually exists.

3. “ARBITRARY” LAWS ARE UNCONSTITUTIONAL

The government turns every contingency into an excuse for enhancing power in itself. -- John Adams

One has a moral responsibility to disobey unjust laws. -- Dr. Martin Luther King, Jr.

Appendix B presents the basis and definitions that support this fact as it applies to both lawful and “arbitrary” speed limits.

Black’s defines “arbitrary” as, *arbitrary*. 2. “. . . founded on prejudice or preference rather than on reason or fact.”

All arbitrary laws - by definition - violate the “Fundamental Right” to “Due Process”, which is required by the 5th and 14th Amendments of the U.S. Constitution.

Probably the most difficult hurdle to surmount is the presumption that arbitrary speed limits are “laws”. They are NOT, because they have no factual safety basis and therefore violate the Due Process requirements of both the US and state constitutions. Moreover, they are arbitrary from the first day they became so, as described by the United States Supreme Court in Norton v.

Shelby County 118 U.S. 425, 442 (1886), i.e., **“An Unconstitutional Act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.”** (There are many similar references, from Marbury to Miranda.) After all, NO public official, in ANY branch of government, has the authority to violate Due Process AT ANY TIME.

Dr. Vieira referenced Norton in his article, plus: **“An unconstitutional act is not a law; it binds no one.”** **Huntington v. Worthen**, 120 U.S. 97, 101-102 (1887). **“An unconstitutional law is void, and is as no law. An offense created by it is not a crime.”** **Ex parte Siebold**, 100 U.S. 371, 376 (1880), **quoted in Fay v. Noia**, 372 U.S. 391, 408 (1963).” This Author looked up Fay v. Noia and it expands to, **“An unconstitutional law is void, and is as no law. An offence created by it is not a crime. A conviction under it is not merely erroneous, but is illegal and void . . .”**

The SSS Report shows conclusively that the 45-mph posted speed limit occurs at the 24th Percentile. Yet the New Mexico Department of Transportation Signing & Striping Manual of March 2008, used by the NM DOT for setting speed limits, states, on p15, **“The proper use of traffic control devices should provide the reasonable and prudent road user with the information necessary to use the streets, highways, pedestrian facilities, and bikeways, both safely and lawfully. Uniformity of the meaning and application of traffic control devices is vital to their effectiveness.”** In the case of Highway 47 in Bosque Farms, the traffic control devices do NOT satisfy this “proper use”.

It also states, on p66-67,

“Since the presence of an unrealistic speed limit increases speed differentials and the probability of crashes, it is important to use an engineering traffic study to determine the appropriate speed limit. **It is also important to reevaluate the speed limit on roadway segments that have undergone a significant change in roadway characteristics or surrounding land use.**

If the probability of crashes increases as stated above - and it DOES - then, over time, the number of crashes WILL increase. **AND THE NM DOT AGREES:** on p67 (p2.2-3), it also states, **“Studies repeatedly show that establishing the speed limit below the 85th-percentile speed increases the number of crashes.”** **Yet, in this Bosque Farms Speed Trap, the 45-mph posted speed limit was found to be at the 24th Percentile, and the 85th Percentile found in the SSS Report measured this speed at 52 mph.**

Also, **“Research shows that the safest speed limit approximates the 85th-percentile speed . . .”**, and, **“Although not as common as the 85th-percentile speed, another good indicator of an appropriate speed limit is the upper limit of the pace . . .”** **Yet, in this Bosque Farms Speed Trap, the “upper limit of the pace” was found to be 53 mph.**

Thus, “straight from the horses mouth”, the existing speed limit

“increases the number of crashes” and is NOT **“the safest speed limit”**. Therefore, the existing speed limit is NOT safety-based and is therefore “arbitrary”, therefore violates Due Process, is therefore unconstitutional and is therefore no law at all.

Also note that the SSS Report methodology MORE THAN satisfies the NM DOT requirements for a “Spot Speed Study”, which the NM DOT Manual defines as, “A structured process using an engineering and traffic study to determine the proper speed limit.”.

From the SSS Report, where the 85th percentile assumes most drivers are reasonable and prudent, it also presumes that 15% are NOT, and 15% is far too high for such a presumption. Study of SSS Report data will show that the real percentage of actually unsafe drivers is less than ONE percent.

The only lawful way to make arbitrary laws lawful is to get rid of Due Process, which can only lawfully be done by constitutional amendment - there is NO other lawful authority to do so in the United States of America. And that still leaves our Inalienable Rights, which cannot be taken away under ANY lawful circumstances where the Inalienable Rights of other are not infringed. If we assume that arbitrary laws are lawful UNTIL A COURT SAYS OTHERWISE, is to permit the violation of Due Process with NO recourse/redress for violations of such laws during that period OR THEREAFTER.

The above-mentioned "hurdle" is the crux of the matter. As long as drivers are conned into believing that these arbitrary non-laws are laws, the corruption and theft described in this paper will continue, and continue to get worse. As virtually all of us know, speed traps have existed for many years (more than a CENTURY, see below) and, with their continued success, have continually increased. And, unless strongly checked, it will continue to increase.

The right to be let alone is indeed the beginning of all freedom. – Justice William O. Douglas

Many speed limits, particularly those set at the state level, are considered to be “prima facie”, which, to a traffic court, essentially means that exceeding these speed limits is conclusive evidence that a law has been violated. Black’s defines it as follows:

prima facie. At first sight; on first appearance but subject to further evidence or information <the agreement is prima facie valid>.

Traffic courts typically presume the FIRST part of this definition, and refuse to bother with the second. More importantly, “prima facie” speed limits, if they are not based on safety, i.e., if they are arbitrary, then they violate Due Process just like any other arbitrary speed limit.

The Spot Speed Study data, analysis, results and Report show that the subject speed limit is without a safety basis and is therefore “arbitrary”. It thus violates “due process” and is therefore unconstitutional because it violates - at minimum - the 14th Amendment. In particular, it violates “substantive due process”. There can be NO “legitimate”, “reasonable” or “compelling” government interest satisfied by a “law” that results in INCREASES in the accident rate and its resulting and unnecessary injuries and deaths.

In the case of speed traps, there is NO “legitimate governmental objective” as required by “substantive due process”. A much more accurate description would be “IL-legitimate governmental REVENUE objective”, as described in the next Section.

Since the Right to Due Process is a “Fundamental Right”, violations trigger “**strict scrutiny**”, which requires that “the state must establish that it has a **compelling interest** that justifies and necessitates the law in question.”. This means that the responsible government entity has the burden of proving that - whenever challenged - the law in question, in this case the speed limit itself, is justified and necessary on the (only) basis of public/traffic safety. And, as we have seen, this is impossible.

Furthermore, Due Process requires that such laws be “**narrowly tailored**”, defined as, “being **only as broad as is reasonably necessary to promote a substantial government interest** that would be achieved less effectively without the restriction; no broader than absolutely necessary.” In theory (constitutional law), this “substantial government interest” can only be traffic safety but, in PRACTICE, the “substantial government interest” is unlawful revenue (Section 4 below) acquired through the violation of multiple individual Rights.

For traffic laws, including speed limits, the “substantial government interest” (also described as a “legitimate government objective”) can only be SAFETY and, in speed traps where the effect of the speed limit is in fact the OPPOSITE of safety, there IS no “substantial government interest”.

The “substantial government interest” of safety CANNOT be satisfied by a speed limit that INCREASES the accident rate - it is a contradiction in terms. Therefore, in the case of speed traps, the REAL “substantial government interest” is unlawful revenue. And the perpetrators will continue to violate and ridicule our Inalienable and constitutional Rights and federal law.

Human beings will generally exercise power when they can get it; and they will exercise it most undoubtedly, in popular governments, under pretense of public safety. – Daniel Webster

As long as the relationship between arbitrary laws and Due Process remains unidentified for arbitrary speed limits, no real change can be expected.

All this Due Process info looks great on paper, and the Rights and laws violated are quite real. But what do we SEE? What is the REALITY? That, for all practical purposes, these Rights and laws do not exist. For speed traps, today these Rights and laws have no practical meaning.

4. REAL PURPOSE OF SPEED TRAPS: UNLAWFUL REVENUE

Because the arbitrary speed limit is without a safety basis, there must be some other basis. This basis is the primary purpose of speed traps, i.e., unlawful revenue. This “unlawful revenue” conclusion is in turn based on a simple process of elimination, common knowledge that can be easily verified by Internet searches, the very long history of speed traps and their purpose (See Section 8), and, of course, contemporary examples. Appendix C presents various facts and examples in support of this already obvious conclusion.

Study of the reference material in the SSS Report shows that the safest speed is average traffic speed plus 5-10 mph, regardless of the posted speed limit. Thus, the safest drivers are also those most vulnerable to speed traps - a matter of being punished for being the best, safest drivers on the road, those who best satisfy the (claimed/constitutional) INTENT of the law. Arbitrarily low speed limits therefore criminalize lawful and admirable behavior. The criminalizing of lawful, responsible behavior is completely at odds with the most basic concepts that founded the United States.

As shown below (Section 7), ALL THREE branches of government - legislative, executive and judiciary - receive a “cut” of the speed-trap revenue, a conflict with the “separation of powers” concept, and a major speed-trap motivation and conflict of interest in each branch.

5. RIGHTS AND LAWS VIOLATED BY SPEED TRAPS

5.1 Inalienable Rights

Our Inalienable Rights to Life, Liberty and Property derive from the Declaration of Independence, which predates the U.S. Constitution - and thus the existence of the U.S. Supreme and all other courts, and thier authority - by 12 years, and predates the Bill of Rights by 15 years. Our Inalienable Rights may only lawfully be infringed when the Rights of others are infringed - in the context of speed limits, actual dangerous driving infringes the Inalienable Right to Life of others by placing them at unnecessary risk, and is thus a lawful basis for a lawful speed limit. But that speed limit MUST BE provably lawful, i.e., it may NOT be arbitrary, as described above.

inalienable right. The right that cannot be transferred or surrendered; esp., a **natural right** such as the right to own property. -- also termed *inherent right*.

natural right. A right that is conceived as part of natural law and that is therefore **thought to exist independently of rights created by government or society, such as the right to life, liberty and property.** See NATURAL LAW.

The Constitution of the State of New Mexico came into existence in 1912. Its Article II, Bill of Rights, Sec. 4 states:

“Sec. 4. [Inherent rights.] All persons are born equally free, and have certain natural,

inherent and **inalienable rights**, among which are the rights of **enjoying and defending life and liberty**, of **acquiring, possessing and protecting property**, and of **seeking and obtaining safety** and happiness.”

Appendix D lists the Black’s definitions that apply to our Inalienable and Fundamental Rights. It presents the effects on those Rights by both lawful and the UN-lawful traffic stops required by speed trap operators. It shows that the Inalienable Right to Life is so basic that violence, in reasonable circumstances, is lawful in its defense (including a contemporary, local example). It shows that the Inalienable Right to Liberty may be infringed in lawful circumstances, and that these circumstances do not include speed traps. It shows that the Inalienable Right to Property includes at least TWO properties, the motor vehicle and the “highways” themselves as “property” (“public property”), and the Right to “use” and “enjoy” them both as long as the Rights of others are not infringed.

5.2 Inalienable Right to Life:

This Inalienable Right includes RISK or endangerment to life and, relative to speed traps, SAFETY, and the decrease in safety that directly results from speed traps. See Appendix D.

There are literally hundreds of research reports, speed limit brochures, etc., etc, that state that artificially low speed limits increase speed variance and therefore the accident rate, WITHOUT including the heavy-enforcement aspect that only makes the situation worse. Thus, it may be reasonably and accurately stated that speed traps increase the accident rate and the resulting injuries and deaths. This basic characteristic of speed traps thus directly violates the Inalienable Right to Life of drivers, passengers, pedestrians, etc. that use the highway. In other words, “Speed Traps Kill”.

Stealing our money is one thing. Violating basic Inalienable Rights is another, and much worse. And setting/forcing arbitrarily low speed limits to the extent that, over time, innocent people are injured and killed is yet another - and in such cases, our FIRST Inalienable Right, the Inalienable Right to LIFE, is violated.

5.3 Inalienable Right to Liberty:

Appendix D presents the Black’s definitions of “liberty”, “personal liberty”, “probable cause”, “reasonable suspicion” and “reasonable doubt”. It shows how this Inalienable Right, plus the Fundamental Right to Due Process, plus at least two federal laws are violated by speed traps.

Black’s defines “liberty” as follows:

liberty. 1. **Freedom from arbitrary or undue external restraint, esp., by a government** <give me liberty or give me death>. 2. A right, privilege or immunity enjoyed by prescription or by grant; the absence of a legal duty imposed on a person <the liberties protected by the Constitution>.

personal liberty. One's freedom to do as one pleases, limited only by the government's right to regulate the public health, safety, and welfare. – Also termed *individual liberty*.

When a driver is pulled over in a traffic stop, unless the police officer has “probable cause”, or at least “reasonable suspicion” to do so, that driver’s Inalienable Right to Liberty is violated. Because the posted 45-mph speed limit is arbitrary, and if the actual vehicle speed is not provably dangerous (See SSS Report Section 3.2), a traffic stop for violating the fake speed limit BUT less than a dangerous speed for conditions, CANNOT be lawfully justified, and any/all resulting speeding and other citation(s) are unlawful.

From Appendix G, from Huddy, “**The Law of Automobiles**”, 1909:

Page 41, § 4 General purposes of highways and streets.

“Primarily the general purposes of streets and highways is that of travel either on foot by a pedestrian or in a vehicle propelled by animal or other power. The members of the public have a right to use the public avenues for the purpose of travel and the transportation of property. . . and each is equally restricted in the exercise of his rights by the corresponding rights of the other.”

From Appendix G, from Berry, “**The Law of Automobiles**”, 1909:

Berry, Pages 198-199 - §165-166 Cont’d, “§165 **Use of highway**. **“They belong from side to side and end to end to the public, that the public may ENJOY the right of traveling and transporting their goods over them. [Second Edition (1916):]**

“The fundamental idea of a highway is not only that it is public for free and unmolested passage thereon by all persons desiring to use it, but the use of a highway is not a privilege, but a right, limited by the rights of others, and to be exercised in a reasonable manner.”[70]

From Appendix G, from Davids, “**The Law of Motor Vehicles**”, 1911:

Davids, Page 17, § 16. Legality of Use on the Highway.

"That motor vehicles, in the absence of restrictive statute, lawfully may be used upon city streets and rural highways is undisputed. **The right to use such vehicles is established by numerous decisions.[6]** It has been said that the motor car is a recognized, though modern, means of conveyance, and, subject to such restrictions as the legislature has chosen to impose with regard to its operation upon highways, **may be lawfully used upon them in the same way and with the same freedom as a wagon, carriage, cart, or other less modern vehicle.[7]**

Today, this liberty “right” seems to have disappeared, and is granted only at the whim of state and local public officials.

"Of liberty I would say that, in the whole plentitude of its extent, it is unobstructed action according to our will. But rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law,' because law is often but the tyrant's will, and always so when it violates the right of an individual." -- Thomas Jefferson

For comparison, a quote from Ronald Reagan in 1964:

"Our natural, inalienable rights are now considered to be a dispensation from government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment."

Note that THIS quote is more than 40 years old, and even MORE true today, illustrating the vast increase in corruption within our government.

5.4 Inalienable Right to Property:

Appendix D, page 3, presents the Black's definitions of "property", "chattel", "enjoy", "public use", "public property" and "highway".

Two of the Inalienable Rights to Property (there are others) are:

First, the vehicle (also called a "chattel") is PROPERTY, and the Inalienable Right to Property permits its use ("enjoyment"), limited only by the Inalienable Rights of others, in the case of traffic laws limited only by real safety. Speed traps, because their speed limits are not safety-related and are in fact detrimental to safety, violate this Inalienable Right to "enjoy" Property.

Second is the highway itself. It is defined as:

highway. 1. Broadly, any main route on land, on water, or in the air. 2. **A free and public roadway or street that every person may use. . . .**

From Appendix G, from Berry, "The Law of Automobiles", 1909:

Berry, Pages 198-199 - §165-166 Cont'd, "§165 Use of highway. **"They belong from side to side and end to end to the public, that the public may ENJOY the RIGHT of traveling and transporting their goods over them.**

New Mexico Department of Transportation Signing & Striping Manual of March 2008 defines:

"Highway" or "street" – A public way generally open to the use of the public **as a matter of right for the purpose of vehicular travel**, including the entire area within the right-of-way.

And:

"Public highway" – Every way or place generally open to the use of the public **as a matter of right** for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.

Yet, New Mexico Statute 66-7-103. Local traffic-control devices, states:

Local authorities in their respective jurisdiction [jurisdictions] shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of Article 7 of Chapter 66 NMSA 1978 or local traffic ordinances or to regulate, warn or guide traffic. **All such traffic-control devices hereafter erected shall conform to the state manual and specifications.**

However, the SSS Report places the 45-mph posted speed limit in the 24th Percentile, clearly in conflict with this legal requirement.

It is important to note that highways pre-date the automobile by hundreds of years, and so do highway laws. For example, “A Treatise of the Law of Highways”, 2nd Ed., by Choate (“Angell”), dated 1868, (Appendix D) describes highways as:

Page 3, “2. Highways. Highways are public roads, which every citizen has a **right** to use.”

Thus, a public “highway” (street, road, alley, etc., etc.) is “property”, OWNED by the public. The public, and particularly the driver and vehicle owner, have paid (and continue to pay) for this property through the gasoline (currently 42 cents/gallon) and many other fees and taxes. (As a first approximation, we can figure how many gallons of gas we buy per year using the number of miles we drive and our gas mileage and multiply that by 42 cents per gallon.) It is property that may be “used” and “enjoyed” freely, the only lawful restriction being the infringement of others’ Rights and, in the case of speed limits, any restriction may ONLY be based on public SAFETY.

Similar definitions and descriptions are given from ONE CENTURY AGO, when the automobile was coming into popular use. These are found in Section 8 below and in Appendix G, a 15-page, essentially “stand alone” document on a CENTURY of speed-trap corruption. Three of these references, by Berry, Davids and Huddy, are legal references on automobile law, written for use by lawyers and judges. These and other books will be referred to in Section 8 of this paper - they provide an important perspective that permits us to see both differences and similarities on highway and vehicle use and laws between today and a hundred years ago. Some of these differences are surprising.

A THIRD Property is money, because it may be directly exchanged for Property, and is thus its equivalent. Obviously, the Inalienable Right to Property applies to money - that which is stolen through the operation of speed traps.

"Government is instituted to protect property of every sort.... This being the end of government, that alone is a just government which impartially secures to every man, whatever is his own."

-- James Madison

In the “reasonable suspicion” (Sec. 5.3 and Appendix D) definition the phrase, “criminal activity”, which means - correctly - that in the case of actual dangerous driving, with its

infringement on the rights/safety of others, this is “criminal activity”. Yet, in the case of speed traps where the victim’s speed is not dangerous, the speed limits has no safety (“objective”) basis and is thus arbitrary, there IS NO dangerous driving, therefore no “criminal activity”, therefore no “reasonable suspicion” to stop a driver. Thus, a speed-trap traffic stop is as arbitrary as the speed limit, and so is the police officer, because he/she has NO “objective basis” other than an arbitrary law, which is no basis at all.

Moreover, in the case of speed traps, the obvious, planned intent is to issue a speeding citation for the purpose of acquiring unlawful revenue, regardless of safety. Thus, in a speed trap situation, Inalienable Rights to Life and Property are added to the Liberty Right, and the Fundamental Right to Due Process is also violated, along with at least the federal criminal laws of 18 U.S.C. 241 and 242 (conspiracy to deprive and deprivation of Rights) - an entirely different situation than a lawful traffic stop.

Alleged violations of traffic laws - in theory though not in typical traffic court practice - MUST BE provably dangerous to other users of the highway, “beyond a reasonable doubt”. Because the subject, posted, 45-mph speed limit is arbitrary, and if the actual vehicle speed is not provably dangerous (See SSS Report Sec. 3.2), a traffic stop for violating the fake speed limit BUT less than a dangerous speed for conditions, CANNOT be lawfully justified, and any/all resulting speeding and other citation(s) are unlawful.

For the record: This Author does NOT wish all traffic and speed limit enforcement to “go away”. Based on the SSS Report data and its Sec. 3.2, of the 200 measurements made, only ONE driver MIGHT have been considered to be driving unsafely, and even that one, given the free-flow traffic conditions at the time, is highly questionable. Proper traffic law enforcement by responsible public officials who are paid by the public to understand and lawfully perform their duties, can be a benefit to the public. But speed trap enforcement, for the many reasons presented in this paper, is an entirely different and UNLAWFUL situation, and is entirely unacceptable.

As shown by the Spot Speed Study Report, there are literally hundreds of research reports, speed limit brochures, etc., etc, that state that artificially low speed limits increase speed variance and therefore the accident rate, WITHOUT including the heavy-enforcement, speed trap aspect that only makes the situation worse. Thus, it may be reasonably and accurately stated that speed traps increase the accident rate and the resulting injuries and deaths. This basic characteristic of speed traps thus directly violates the Inalienable Right to Life of drivers, passengers, pedestrians, etc. that use the highway. As stated above, “Speed Traps Kill”.

5.5 Fundamental Rights:

The Right to Due Process is a “Fundamental Right”, and is presented above in Section 3 and in Appendix B.

5.6 Federal Laws:

There are many federal laws that apply to violations of Inalienable and Fundamental Rights. This sub-section will deal with only 18 U.S.C. 242 and 18 U.S.C. 241.

18 U.S.C. 242:

The **United States Department of Justice**, Criminal Rights Division, on their web page [<http://www.usdoj.gov/crt/crim/242fin.php>] describes, **“DEPRIVATION OF RIGHTS UNDER COLOR OF LAW”** as follows:

“Summary:

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

“For the purpose of Section 242, acts under “color of law” include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. . . .”

18 U.S.C. 241:

The **United States Department of Justice**, Criminal Rights Division, on their web page [<http://www.usdoj.gov/crt/crim/241fin.php>] describes **“CONSPIRACY AGAINST RIGHTS”** as follows:

“Summary:

“Section 241 of Title 18 is the civil rights conspiracy statute. **Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.”**

NOTE that **Black’s** defines **“injury”** as, **“1. The violation of another’s legal right, for which the law provides a remedy; a wrong or injustice.”**

And:

“direct injury” as **“1. An injury resulting directly from violation of a legal right. 2. An injury resulting directly from a particular cause, without any intervening causes.**

6. SPEED TRAP OPERATORS ARE “CRIMINALS”

Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters. – Daniel Webster

Thus far, it has been established that speed trap speed limits are arbitrary, violate Due Process and are thus unconstitutional from the day they became arbitrary. Also, that speed traps violate ALL THREE of our Inalienable Rights. Moreover, that the purpose of speed traps is unlawful revenue, the operative term being “unlawful”. Since “revenue” is money, the purpose is therefore the unlawful taking of money by those who set up and operate speed traps. The unlawful taking of money is thus a form of “stealing”, “theft”, etc., under the guise of enforcing an arbitrary law, i.e., under “color of law”.

6.1 General Criminal Definitions:

Appendix E is a listing of general criminal definitions that apply to such thefts. The Appendix includes terms such as “crime”, “theft”, “fraud”, “negligence”, etc.

The reader can see - once the definition of a speed trap, with its arbitrarily low speed limit and heavy enforcement is satisfied - that most or all of these definitions apply, and they establish that the perpetrators may reasonably be considered to be “criminals”. The definitions found in Appendix F are more specific to criminals whom are also public officials.

6.2 Speed Trap Criminal Definitions:

Beyond the general criminal definitions found in Appendix E, the following, in Appendix F apply more directly to public officials’ criminal operation of speed traps. Recall that the crux of the matter is the enforcement of arbitrary, or fake laws by public officials claiming they are real, i.e, the driving public is conned into believing that real laws are being enforced. For this reason, the Appendix includes terms such as “extortion”, “official misconduct”, “malfeasance”, “larceny by trick”, “gross negligence”, etc.

The reader can see that most or all of these definitions apply specifically to public officials that operate speed traps. Moreover, the “negligence” definitions, when considered with the vast amount of traffic safety and speed-limit-related research that has been and continues to be conducted over many years, that repeatedly shows that arbitrarily low speed limits directly cause increases in injuries and deaths, and that speed traps increase them MORE, the excuses of “I didn’t know”, and “I meant well”, etc., in a legal sense, cannot satisfy the law. The government says, “Ignorance of the law is no excuse”, and it applies equally to criminals in government.

For many years, instead of enforcing legitimate traffic laws, public officials in all three branches of government (See Section 7.) of the Village of Bosque Farms have been enforcing ARBITRARY, unconstitutional laws by violating our Inalienable and Constitutional Rights and federal laws for the purpose of stealing our money.

Nationwide - particularly with speed traps that enforce arbitrarily low posted speed limits - ALL of the above theft-related definitions apply, forcing the conclusion that in such cases, both Inalienable and Fundamental constitutional Rights are routinely violated by such enforcement by the local legislatures, the executive, the police and traffic courts (judiciary), and that ALL violate not only these Rights, but federal law.

From Appendix G:

With over a hundred years to become established, combined with the many methods used by corrupt public officials to resist drivers' efforts to obtain justice (primarily in the courts, **today without the benefit of a jury**), the existence of speed traps today cannot be "by accident"; it cannot be the result of good intentions. Today, speed trap perpetrators in ALL THREE branches of government can only be criminals who know exactly what they are doing and what it takes to do it.

See the reference to the article by Dr. Edwin Vieira in Section 2. He also wrote:

Second, too many aspiring usurpers and tyrants are to be found among officeholders, politicians, and the special-interest groups they serve — all of them driven by amorality, arrogance, avarice, ambition, and the appetite for unlimited power. These people have been all too successful in convincing gullible Americans that public officials actually have powers which the Constitution nowhere grants, and which the Declaration of Independence asserts could never derive from "the consent of the governed" — and that these so-called "emergency powers" or "aggregate powers" or "inherent powers" entitle officialdom to deny individuals their rights, even to the point of palpable oppression.

And:

Where their unconstitutional acts are concerned, public officials are merely private lawbreakers, subject to criminal convictions for their transgressions. See, e.g., Title 18, United States Code, §§ 241 and 242. They may be political hoodlums whose crimes are of national or even international scope; but they are hoodlums nonetheless. [Emphasis by this Author.]

Interestingly, where Black's does not define "**hoodlum**", Webster's defines it in part as, "a wild, lawless person, **often a member of a gang of criminals.**" On this subject of speed traps and their perpetrators, Dr. Vieira's use of this word is completely accurate.

It is extremely difficult to believe that, with their responsibilities to maximize traffic safety, and the ease of access to valid traffic safety information via so very many resources, including their state DOTs, their state and local traffic engineers, the internet, etc., etc., these public officials are not aware of the effects of arbitrarily low speed limits on accident rates. It is their responsibility to know; it is their DUTY to know. It is what "We, the People" elect, hire and pay them to know.

These public officials are so egregious that their crimes go far beyond the mere theft of money that characterizes a mugger or convenience store robber. They violate all three of our Inalienable Rights, including that to Life due to the increased deaths and injuries that result, and they violate our Fundamental Rights plus federal laws. These crimes are much worse than the mere theft of money.

If the American legal system actually worked to uphold the law in the interests of the people, speed traps would no longer exist because their perpetrators would have been sentenced to prison many years ago.

When a speed trap traffic court judge states that the court requires “proof beyond a reasonable doubt” for a conviction, and then accepts a cop’s word over that of the defendant, or rejects statements like, “I was driving safely”, or “I was driving with the flow of traffic”, that judge is lying. The judge is an officer of the court and ALWAYS under oath to tell the truth, so this lie is perjury and perjury is a felony. One more crime to add to the list. This is true of the Bosque Farms traffic court, and likely true of ALL speed trap traffic courts.

All of these public officials took an Oath of Office. All of these public officials lied when they took that Oath. All of these public officials violate multiple laws, multiple times each day. All of these public officials - cops and mayors (Executive), town council members (Legislative) and judges (Judiciary), are therefore criminals. Or as Dr. Vieira describes them, “hoodlums”.

Those who deny freedom to others deserve it not for themselves. ~Abraham Lincoln

To add insult to literal injury, these criminals get their paychecks from our pockets while they steal our money and violate our most basic Rights. This is akin to being stabbed in the back and being forced to pay for the knife.

7. ALL THREE BRANCHES OF GOVERNMENT MUST PARTICIPATE

In framing a government, which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed, and in the next place, oblige it to control itself. – James Madison

In order for a speed trap to exist, an arbitrary speed limit must be established by the legislative and executive branches of government. The heavy enforcement characteristic of a speed trap is initiated in the executive branch, which culminates in orders to police officers via their management. The traffic court must participate, because the judge has the authority to prevent the enforcement of arbitrary laws and could therefore prevent the operation of a speed trap altogether. That is, the court must be an active participant in the speed trap system in order for it to work as a source of unlawful revenue. The speed trap’s arbitrary judge merely has to accept the arbitrary law as real, accept the citation information as valid along with the officer’s “word”, and any victims that attempt to argue their case will fail.

And it is no less true, that personal security and private property rest entirely upon the wisdom, the stability, and the integrity of the courts of justice. – Story, Joseph Commentaries on the Constitution, 1833

The U.S. Constitution, in Article VI (Appendix A) states, “This Constitution . . . **shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby. . .**” Thus, the Constitution is a “Law”, and laws can be violated - by criminals.

For these reasons, for a speed trap to exist for any length of time, and produce its intended unlawful revenue, ALL THREE branches of government must participate. The public officials involved ALL voluntarily take an Oath of Office to support and defend the U.S. and State constitutions. When this Oath is taken, the individual ALSO voluntarily assumes the duty to understand the meaning of that Oath, otherwise the Oath itself would be meaningless. As we have seen, this active participation results in the violation of many Inalienable and Constitutional Rights, plus multiple state and federal laws. Such a degree of multiple violations accurately describes arbitrary government. In this Author's direct experience and observation, the Village of Bosque Farms has been a well-known "speed trap" for AT LEAST twenty years. It simply cannot be "by accident".

This cooperation between the three branches are at odds with the "separation of powers" purpose of the U.S. and state constitutions. Black's defines "separation of powers" as:

separation of powers. The division of governmental authority into **three branches of government** – legislative, executive, and judicial – each with specified duties on which neither of the other branches can encroach; **the constitutional doctrine of checks and balances by which the people are protected against tyranny.**

tyranny. Arbitrary or despotic government; the severe and autocratic exercise of sovereign power, whether vested constitutionally in one ruler or usurped by that ruler **by breaking down the division and distribution of governmental powers.**

Now note the above definition of "tyranny". In this country, tyranny is what happens when members of all three branches of government participate in the violation of the peoples' Rights; when they participate in the violation of the Constitutions, and their Oaths of Office. The existence of speed traps is - both today and a century ago - an example of tyranny.

"Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period and pursued unalterably through every change of ministers, too plainly prove a deliberate, systematic plan of reducing [a people] to slavery."

---Thomas Jefferson: Rights of British America, 1774

"Experience hath shewn, that even under the best forms [of government] those entrusted with power have, in time, and by slow operations, perverted it into tyranny." --Thomas Jefferson

There is no practical recourse or redress available to a speed trap victim because the typical traffic court is as arbitrary as the arbitrary speed limit it enforces. It MUST BE SO, in order for the speed trap to operate successfully. This injustice is compounded by the fact that a police officer's "word" ALONE is taken over that of the driver. Yet, they perjure themselves in court so often that the term, "testilying" (try a Google-search) has been coined to describe it. When a court requires "proof beyond a reasonable doubt", this fact should be - but virtually NEVER is in a traffic court - sufficient to produce that reasonable doubt.

Criminalizing lawful behavior, of which arbitrary traffic laws are a small part, is an effective way for corrupt public officials to increase their arbitrary authority over “the people”.

In the case of speed traps, ALL THREE branches of government violate ALL THREE of our Inalienable Rights - to Life, due to the increased accident rate that directly results; to Liberty and Property when a safe driver is stopped by a crooked cop for the purpose of helping his/her other corrupt public officials steal the driver’s money. That’s the way it is, for this and all other speed traps.

"When plunder becomes a way of life for a group of men living together in society, they create for themselves in the course of time, a legal system that authorizes it and a moral code that glorifies it." --Frederic Bastiat - (1801-1850) in his book Economic Sophisms

8. A CENTURY OF GOVERNMENT CORRUPTION It’s an OLD Story

Speed traps have existed for more than a century. Back then, they were well known to be unlawful, just as they are today. Appendix G, a 15-page document, thoroughly bolded and underlined for quick reading, presents century-old reference material on highways and our rights to use them; it states that the use of the automobile resulted in no new principles of highway law; it shows the rights of others as the basis for ALL lawful regulation, and presents several century-old examples of “speed traps”. This Appendix is the basis for the following list of conclusions.

1. **Highways are PROPERTY owned by the public** (Inalienable Right);
2. **Their free and unobstructed use is a RIGHT**, including use by motor vehicle, lawfully limited ONLY by infringement of the Inalienable Rights of others, which translates to the SAFETY of others;
3. The invention of the automobile introduced no new principles of existing highway law;
4. The “correlative right of transit” provides a SEPARATE and ADDITIONAL basis for the above Rights;
5. Police power of the state to regulate is lawful IF constitutional, for public SAFETY;
6. Speed limits existed long before the automobile, and “immoderate speed is a question for the jury”, this **jury requirement that “somehow” NO LONGER EXISTS**;
7. **Traffic safety laws cannot “unduly restrict the rights of the careful driver”**, must satisfy their safety INTENT;
8. **“Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”**;
9. **“Illegal police methods - there is no excuse for illegal depredations upon personal security and private property on the part of police officials who arrest persons for violating speed limits”**;
10. **“Fairness of laws - oppressive execution of the laws by unscrupulous officers rather**

- than against the regulations themselves”;
11. **1902-1915 Speed Trap examples: “arbitrary methods”, “unscrupulous speed trap operators”, “reap a golden harvest from the pockets of motorists”, “legalized plunder”.**
 12. That generally, A CENTURY AGO, corrupt public officials were misusing the “law” to steal from the public, violating their Rights in the process, JUST AS THEY DO TODAY.
 13. That, based on more than a century of history and practice, **TODAY, these depredations are NOT the result of good intentions, but result from long-established, planned CORRUPTION by criminal public officials.**
 14. The originators, supporters and operators of speed traps are criminals that occupy ALL THREE branches of government;
 15. Today, with speed traps, the above Rights no longer practically exist.

A century ago and more, it was clearly stated that highways are owned by the public who have DUAL Inalienable Rights (Liberty and Property) to their use that - like ALL Inalienable Rights - can be lawfully infringed ONLY when the Rights of others are infringed. That the automobile introduced NO new principles in highway law. The “correlative right of transit” provides a separate but additional basis for the Right to travel by the “ordinary means of travel” which in 1909 certainly included the automobile, as it certainly does today. These unchangeable Rights go far beyond the obvious unlawfulness of speed traps and apply to ALL traffic and highway laws - if they are not provably based, “beyond a reasonable doubt” on the interference with the Inalienable Rights of others, they are not laws.

The same Inalienable Rights apply to the driver’s license and vehicle registration because deprivation of the driver’s license violates the Inalienable Rights to Liberty and Property, and deprivation of the vehicle registration violates the Inalienable Right to Property. Where the requirements for both are reasonable from a traffic safety standpoint, they CANNOT be lawfully denied, revoked or suspended for ANY reason other than on the interference with the Inalienable Rights of others, which boils down to traffic safety ONLY. Yet today, millions of drivers have been deprived of their licenses for reasons that have nothing to do with driving, and millions more for non-safety reasons.

In the “Limitation of Police Power” section in Appendix G, we find that this power is limited: **“Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”** and, **“ . . . the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.²⁶ Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.”** Under the law here in the United States, these requirements CANNOT have changed. In practice, however, with thoroughly criminal public officials in ALL THREE branches of government, these requirements most certainly HAVE changed, and particularly in the operation of speed traps and their resulting thefts, and with their increased injuries and deaths.

The century-old examples of speed traps conclusively show a century of corruption within local and state governments, nationwide. Obviously, over the last hundred years, this corruption has increased and become a well-established means of theft from the driving public. Speed traps, with their impact on both liberty and property, have been known to be illegal for over a century, yet they still exist. **The 2008 and 2009 examples show that speed traps and criminal public officials have not changed in a hundred years, except to increase.**

With over a hundred years to become established, combined with the many methods used by corrupt public officials' to resist drivers' efforts to obtain justice (primarily in the courts, **today without the benefit of a jury**), the existence of speed traps today cannot be "by accident"; it cannot be the result of good intentions. Today, speed trap operators can only be criminals who know exactly what they are doing and what it takes to do it.

I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations. - James Madison

Looking back from one century later, the automobile DID introduce something new to basic traffic law - the huge opportunities for corrupt public officials to pass and enforce arbitrary laws for the primary purpose of stealing money from automobile drivers, while at the same time intentionally violating many of their Inalienable and Fundamental Rights, all under the guise of "safety" as described by Daniel Webster in Section 3 (p9).

Over the last century, the increases of arbitrary government power over the American driver have been astronomical (See Sec.11, Garfinkel, **overdue library book fines???**), including state defiance of the U.S. Supreme Court. Because the "American driver" is almost exactly equivalent to the "American taxpayer", and the "American driver" is about 68 percent of the total U.S. Population, arbitrary power over the "American driver" is also arbitrary power over the "American taxpayer" and arbitrary power over the majority of the American People.

9. LACK OF RECOURSE/REDRESS, RESTITUTION

Black's defines the following applicable terms:

recourse. 1. The act of seeking help or advice. **2. Enforcement of, or a method for enforcing, a right.** 3. The right of a holder of a negotiable instrument to demand payment from the drawer or indorser if the instrument is dishonored. See WITH RECOURSE; WITHOUT RECOURSE. 4. The right to repayment of a loan from the borrower's personal assets, not just from the collateral that secured alone.

redress. 1. Relief; remedy <money damages, as opposed to equitable relief, is the only redress available>. 2. A means of seeking relief or remedy <if the statute of limitations has run, the plaintiff is without redress>.

penal redress. A form of penal liability requiring full compensation of the injured person as an instrument for punishing the offender; compensation paid to the injured person for the full value of the loss (an amount that may far exceed the wrongdoer's benefit). See RESTITUTION (3).

restitutionary redress. Compensation paid to one who has been injured, the amount being the pecuniary value of the benefit to the wrongdoer. See RESTITUTION (2).

restitution. 1. Return or restoration of some specific thing to its rightful owner or status. 2. Compensation for benefits derived from a wrong to another. 3. Compensation or restoration for the loss caused to another. ● In senses 2 and 3, restitution is available in tort and contract law and is sometimes ordered as a condition of probation in criminal law.

Relative to speed traps, when lawmakers (legislative and executive branches) pass the arbitrary speed limit law, they violate Due Process and federal laws 18 USC 241 and 242, and commit multiple crimes. Those senior officials (executive) who decide on revenue-purpose enforcement, commit multiple crimes. When a police officer (executive) who has voluntarily taken an Oath of Office (along with the others), including the duty to understand its meaning, enforces that arbitrary law, he or she commits multiple crimes. When a judge (judiciary branch), who best understands the law and its constitutional basis, chooses to enforce that arbitrary law, he/she commits multiple crimes.

In this case, the police officer is nothing more than a criminal that happens to be wearing a real police officer's uniform, and working for other criminals. There's a big difference between a real police officer, who takes his/her Oath of Office seriously, who enforces only constitutional laws, who never violates individual Rights, etc., and a criminal that happens to wear a real police officer's uniform.

Today, in many places in the U.S., and particularly in the many speed trap locations, a cop is "between a rock and a hard place": the "rock" the Oath of Office voluntarily taken, and the "hard place" the orders that must be followed in order to keep his/her job. This boils down to a hard, personal decision for each - to be a crooked cop or to find another job. For the record, this writer has a great deal of respect for an honest cop; a real police officer. Sadly, in this area at least, such people are mighty thin on the ground.

**"Failure to obey the command of a police officer constitutes a traditional form of breach of the peace. Obviously, however, one cannot be punished for failing to obey the command of an officer if the command itself is violative of the constitution."
Wright v. Georgia 373 US 284, 1964**

Once an unlawful speeding citation is received there is no practical redress. Complaining to the crooked cop who issued the ticket - he/she already violated the law and your rights, showing his/her true colors - and is typically unable or not permitted to think beyond, "it's the speed limit,

it's the law". Complaining to a mayor (Executive Branch) is also pointless because his/her part of the government receives part of the profits. Complaining to a town council member (Legislative Branch) is also pointless, for the same reason. Complaining to the traffic court judge (Judicial Branch) is just as pointless, because his/her court profits also - see the 9/23/09 News-Bulletin Kennedy quote next below. Therefore, because all three branches of government profit from the enforcement of arbitrary traffic laws, there is no real and practical redress without losing yet more money to this corrupt system. A conflict of interest exists in each branch.

A Bosque Farms example of court revenue is from the 9/23/09 Valencia County News-Bulletin article titled, **"BF Approves Amendments to the Village Uniform Traffic Ordinance"**:
<http://www.news-bulletin.com/nb/index.php/news/630-BF-approves-amendments-to-the-village-uniform-traffic-ordinance.html>

"Councilor William Kennedy said that an increase from a \$100 fine to a \$110 fine didn't seem to be a big burden. . . "And this will help the court,' he said." [Emphasis this author's]

In a speed trap traffic court, there is no practical recourse. In a speed trap traffic court, there is no "reasonable doubt". In a speed trap traffic court, there is no justice. In a speed trap traffic court, there is no fairness as required by Due Process. In a speed trap traffic court, there is no law. When such crimes are committed against us, there is no recourse to the law when the law is the criminal and the criminal is the law. Bosque Farms, NM is only one of many examples of such criminals. These criminal public officials in all three branches of government betray their Oaths of Office and betray the trust of their employers.

One century ago, in Huddy's 1909, "The Law of Automobiles", Second Edition, page 201, in § 10, "Illegal police methods", he wrote, **"Ignorant officials have no right to violate the personal security of these citizens, and if they do they should be taught a lesson in respecting personal rights."**

And in 2008 (See Sec.2), Dr. Vieira wrote, **"Only the wrongdoers themselves should be punished, and can be punished, and therefore must be punished — surely, swiftly, and severely."**

These perpetrators, if confronted with the facts and results of their various coordinated actions, may be expected to claim "good intentions" or, "We did not know". But it is their DUTY to know; it is their RESPONSIBILITY to know; it is what "We, the People" PAY them to know. They violate the law, and the law says, "Ignorance of the law is no excuse". They may be held responsible for their actions in the same way they hold "We, the People" responsible for ours.

In the real United States - the vast majority of "We, the People", the productive, necessary people that make this country actually work (the "private sector") - employees that steal from their employers are typically fired and in serious cases charged, tried and convicted. But in the public, government sector, those public officials that steal from their employers are typically rewarded with raises, bonuses, promotions, etc. A situation of criminals rewarding themselves for being criminals at the expense of their victims and constituents.

“Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them.” - Story, Joseph Commentaries on the Constitution, 1833

If the American justice system worked in the interests of “We, the People”, speed traps, with their hundred-plus years of history and corruption, would simply not exist.

10. POSSIBLE SOLUTIONS

“... UNITED WE STAND, DIVIDED WE FALL ...”

Liberty has never come from the government. Liberty has always come from the subjects of government. The history of liberty is the history of resistance. The history of liberty is a history of the limitation of governmental power, not the increase of it. – Woodrow Wilson

This subject is well outside the Author’s areas of knowledge, so the following is likely incomplete and quite preliminary - merely “food for thought”.

Remove the Money Motive

The motive of those public officials operating and enforcing speed traps is simple greed - greed for our money. Can this abuse of authority by corrupt public officials be resisted? In theory, yes, but in practice, who knows? Perhaps there is a way to get rid of the money motive, either by simply refusing to give them their demanded money, which would generally be an individual's choice, or by finding a way to cost the perpetrators more money than they can steal. Refusing to give them their demanded money could include refusal to pay the license and registration fees - here in NM, the Motor Vehicle Division, of the NM Tax and Revenue Dept., is a major recipient of the stolen money. Moreover, the “fees” they charge violate the constitutional requirements of “fees” (vs. taxes), and this in itself is a reasonable basis for such refusals. Such actions would certainly be constitutionally lawful but, since the legal system are the criminals, they would not agree. But the ninth and 10th amendments say it IS lawful, and even more basically, our Inalienable Rights obviously include the right to defend those Rights. How to go about this would be a matter of decision by one or more victims.

Simple Letter to Court Demanding Proof of Law Justification, Assert “Substantive Due Process” Violation.

According to constitutional law, such a demand for proof that a speed trap speed limit satisfies Due Process would result in just that - in writing. It would consist of a copy of the most recent traffic safety survey as required by law and Due Process and the NM DOT Manual (p8 above), or some very similar, clear and straightforward document that is easily understandable and provides a reasonable basis that the average, discerning driver would accept.

In the same letter, assert that Substantive Due Process Rights have been violated. According to constitutional law, such an assertion would demand strict scrutiny, including ALL strict scrutiny (See Appendix B.) requirements, e.g., comprehensive traffic safety analysis, “narrowly tailored”, etc. This assertion should be supported by another assertion that specific Inalienable Rights have also been violated.

In practice, however, there will almost invariably be either no reply at all or a bunch of legal sophistry.(lies, con-artistry, plain old B.S.), which would be identified through careful reading. If no reply at all or a pack of con-artistry, the court would likely simply find the victim “guilty” and should the victim take no other action (which would in fact be lawful), the arbitrary court would likely begin adding more charges to force compliance with its planned, intended thefts. If there is no response or a legal-sophistry reply, you’ve just found an **arbitrary and capricious** “judge” - a criminal actually violating his/her Oath of Office, your Inalienable and Fundamental Rights, and federal laws.

Remember that virtually all traffic courts, and ALL speed-trap traffic courts, “presume” arbitrary speed limits to be valid and not arbitrary. Recall that the crux of the matter is the enforcement of arbitrary, or fake laws by public officials claiming they are real. This very conveniently - but unlawfully - shifts the burden of proof of innocence onto its victim. But everyone has the right to demand proof of its lawfulness, and the simple demand that you be provided with the justification of the law, or the simple assertion that it violates Substantive Due Process (a Fundamental Right), the burden of proof is then upon the government. Do NOT waste your time with all the various subtleties of the law - clearly justifying their “laws” is what we pay our elected and appointed officials to do.

The refusal by a court or local government to provide proof that their “law” satisfies Substantive Due Process is more than sufficient - in a legitimate court - to show a “reasonable doubt” that a law has in fact been violated.

If you can show a “reasonable doubt”, include an invoice for the “fine”, plus a corruption factor of some reasonable value, keeping in mind the extremely high value of your Inalienable Rights (e.g., LIFE) and that it has no actual dollar value - say a corruption factor of 10,000. Then write it off your state and federal taxes. (Yes, the federal government is directly involved in the support of arbitrary traffic laws, including speed limits, but that’s beyond the scope of this paper.) A “reasonable doubt” would be easily validated by a refusal to justify the law violated. Remember that the “burden of proof” is upon the responsible public officials, NOT YOU.

You may be frustrated by some “court rule”, and many are reasonable. But if they are used to support arbitrary laws, and to find a defendant guilty, they are no more lawful than an arbitrary law, and would show the existence of an arbitrary “judge”. We pay these people to obtain justice, not to injure us via legal trickery.

The charge of “contempt of court” is lawful in legitimate circumstances, but its use by an arbitrary judge to silence his/her victim is NEVER lawful. That is, “contempt of ARBITRARY

court” is NEVER unlawful. An arbitrary judge will, of course, disagree.

In other words, raise as much hell as you can. There is no need to be respectful of criminals. But it CAN be a bit risky.

It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error. -- Justice Robert H. Jackson

The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government." – Patrick Henry

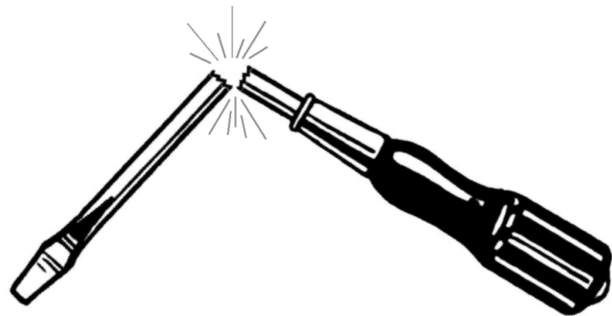
This discussion of arbitrary speed limits by thoroughly corrupt public officials in all three branches of government, and their use in stealing money from the driving public, is just one example of many that, when viewed as an overall system, represents a level of government corruption at all levels that has continued and worsened for many decades, and will continue to become increasingly greedy and corrupt. Because this greed and corruption exists within all three branches of government, individual victims have no practical redress - the only way to deal with the problem is by uniting together and initiating actions judged by such groups to be appropriate. It must be realized, however, that these government criminals, who have long-since come to believe their criminal acts are acceptable within criminal cliques, will exercise all their powers to ensure the continuation of their crimes - quite possibly including force. Dealing with potentially violent criminals can be dangerous, and great care must be taken to minimize the risks.

Screwed Drivers:

There are today millions of drivers who have been “screwed” by corrupt public officials - safe drivers who have been “busted” for violating arbitrary “laws”. It was Benjamin Franklin who said, “United we stand, divided we fall”. Today, it is very difficult for one victim to identify other victims in order to “unite” and thus put themselves in an effective position to resist these thefts. Perhaps these drivers need a symbol to identify each other, so they can meet and discuss possible solutions to the problem. A play on these words could result in the expression, “a busted, screwed driver”, shortened to “busted screwdriver”. So how about a “busted screwdriver” as this symbol?

This line art is based on a (un-busted) drawing from Wikimedia, compliments of Scott Foresman:
[http://commons.wikimedia.org/wiki/File:Screwdriver_\(PSF\).png](http://commons.wikimedia.org/wiki/File:Screwdriver_(PSF).png)

It can be placed on a hat, shirt, etc., or simply cut out of a piece of plastic and pasted in a car window, poking out of a pocket or just about anywhere. Perhaps



the simple act of carrying a screw-driver around in the open would serve to identify victims to each other? A windshield or bumper sticker? Any better ideas? Link is on home page.

“United We Stand, Divided We Fall” (Benjamin Franklin and others)

The use of the above or similar symbol could provide a method for speed trap and other victims to identify each other and “unite” for the purpose of resisting government criminals.

The National Motorists Association has a web page titled, “7 Ways To Shut Down A Speed Trap”, here: <http://blog.motorists.org/7-ways-to-shut-down-a-speed-trap/>
It may be helpful to speed trap victims.

The liberties of our country, the freedom of our civil Constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors: they purchased them for us with toil and danger and expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or to be cheated out of them by the artifices of false and designing men. – Samuel Adams

Citizen’s Arrest:

It would be quite lawful to arrest a speed trap cop for violation of 18 U.S.C. 241 and/or 242 and deliver him/her to the FBI with charges and evidence. Although it would be risky for an individual to do this with a cop, if several victims united together, made a plan and conducted such an arrest, each victim providing his/her own charges and evidence, it just might work. Their claim of good intentions or “I meant well” should have no bearing - they took an Oath of Office and are responsible to know the laws and our Rights - and “ignorance of the law is no excuse”. Other criminal public officials could be arrested and charged in the same manner. Even if they were released through some legal trickery, it might make an interesting news media story. And the results of such an experiment would provide information about the local legal system - its level of integrity or corruption.

"Resistance to tyrants is obedience to God." Thomas Jefferson

Recourse to Violence:

This Author does NOT recommend violence - he believes that violence is in fact a “last resort”. On the other hand, the Author cannot say that violence is unlawful, based on our Inalienable Rights, and the Constitution of the State of New Mexico, Article II, Bill of Rights, Sec. 4: “Sec. 4. [Inherent rights.] All persons are born equally free, and have certain natural, inherent and **inalienable rights**, among which are the rights of **enjoying and defending life and liberty**, of **acquiring, possessing and protecting property**, and of **seeking and obtaining safety** and happiness.” And obviously, our Inalienable Rights include the Right to defend those Rights.

Note that speed traps violate ALL THREE of our Inalienable Rights. Since the speed limit is arbitrary/unconstitutional, a revenue-only-based traffic stop violates the Inalienable Rights to Liberty and the two Property Rights of the vehicle and highway and, because speed trap speed limits are detrimental to safety the Inalienable Right to Life is violated through the increased accident rate that results. However, violence is NOT recommended until all attempts at recourse/redress have been shown to have failed.

Also, speed trap operators are known criminals, some of them are armed, and violence will most likely result in a violent response. Realize the risk.

The inherent right in the people to reform their government, I do not deny; and they have another right, and that is to resist unconstitutional laws without overturning the government – Daniel Webster

Among the natural rights of the colonists are these: first, a right to life; secondly, to liberty; thirdly to property; together with the right to support and defend them in the best manner they can.– Samuel Adams

11. BEYOND THE SCOPE OF SPEED TRAPS

The issue of arbitrary speed limits for the primary purpose of revenue is only one part of a much larger system of government abuse. Examples include red-light cameras with "adjusted" yellow-light times, the unconstitutional "fees" charged by DMVs, arbitrary control over drivers licenses in defiance of four separate US Supreme Court decisions, etc., etc., all of which are beyond the scope of this paper. In fact, arbitrary government power over driving and drivers for the purpose of unlawful government revenue has been going on for AT LEAST ONE HUNDRED YEARS as corrupt officials in state and local governments have become increasingly greedy to steal more and more money from their constituents in violation of their Rights. And because the perpetrators of these crimes include public officials in all three branches of these governments, they will become increasingly arbitrary and greedy as long as they can get away with it. And because all three government branches are corrupt, who is going to stop them? The only effective answer is, "We, the People" and, as Dr. Vieira wrote, "Who else is there?"

The corruption described in this paper extends far beyond speed traps and, staying for the moment within the category of traffic "laws", it includes red-light cameras (particularly those with revenue-increasing yellow-light times), which appear to also increase accident rates;

- speed CAMERAS, typically nothing more than AUTOMATED speed traps
- Red-light CAMERAS, particularly those with "adjusted" yellow-light times
- The enforcement of arbitrarily low speed limits to any degree, anywhere
- DWI/DUI laws that have no basis in effects of alcohol concentrations.
- Etc., etc.

ARBITRARY Control Over the Driver's License - A Necessary "Lever":

A major "lever" that virtually all states use is the threat of drivers license suspension or revocation. However, a drivers license may only be suspended/revoked "FOR CAUSE", which means, according to four separate U.S. Supreme Court decisions from 1971 to 1983, that Due Process is required. However, virtually all states DEFY the Supreme Court and suspend/revoke them virtually at their whim. This is a very important point because this arbitrary control over the drivers license is a major lever that supports the enforcement of arbitrary speed limits and other arbitrary traffic and non-traffic laws.

The four U.S. Supreme Court cases are:

Bell v. Burson. (Georgia) - U.S. Supreme Court - 402 U.S. 535 (1971)

Dixon v. Love. (Illinois) - U.S. Supreme Court - 431 U.S. 105 (1977)

Mackey v. Montrym. (Massachusetts) - U.S. Supreme Court - 443 U.S. 1 (1979)

Illinois V. Batchelder. (Illinois) - U.S. Supreme Court - 463 U.S. 1112 (1983)

All four of these cases describe the drivers license as a "property interest", and that Due Process is required. However, today these U.S. Supreme Court decisions mean virtually nothing. In 1994, a Massachusetts Institute of Technology, computer networking grad student, Simson L.

Garfinkel, wrote an article on the subject that was published in Wired Magazine:

http://wired.com/wired/archive/2.02/dmv_pr.html.

Garfinkel described many reasons for suspended/revoked drivers licenses, including many that have nothing to do with driving. This Author's "favorite" is overdue library books. Garfinkel did make one error, stating, "Driving is a privilege, not a right." This paper shows historically and conclusively that driving is in fact a Right. However, if our public officials admitted this fact, a nationwide, many billion dollars per year, highly successful and corrupt system of unlawful revenue would be placed in great jeopardy, and likely destroyed. This is "the name of the game": greed and corruption of public officials, stealing money from the public. This Author strongly suspects that many corrupt public officials are laughing at the U.S. Supreme Court while they defy them.

According to the U.S. Census, today about 68 percent of the population (about 209 million) have drivers licenses, and these American drivers are also essentially the American taxpayers. At any time, 5 to 7 percent, or 10 to 14 million drivers have suspended/revoked drivers licenses, and the majority have lost those licenses by violation of their Due Process Rights and the enforcement of arbitrary laws..

If a driver's license is suspended/revoked through the violation of procedural and/or substantive Due Process, it is NOT lawfully suspended or revoked because the deprivation is unconstitutional.

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them. -- Miranda vs. Arizona, 384 US 436

Therefore, based on real, constitutional law, one may indeed lawfully drive with an unlawfully suspended/revoked driver's license - but remember that you are dealing with criminals, and the risk taken if you exercise your Inalienable and Fundamental Rights.

"Never turn your back on a threatened danger and try to run away from it. If you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger by half. Never run away from anything. Never!" -- Winston Churchill

"America's drivers" are almost exactly equivalent to, "America's taxpayers". What do you think what happened if, for example, every "American driver" who has had his or her Rights violated, ceased being one of "America's taxpayers"? After all, there can be - by definition - NO constitutional law that can force the people to pay taxes to support arbitrary government.

But, what if the tables were turned? What if the "American driver/taxpayer" turned off those taxes? After all, in the United States, there can be no constitutional law that can force the "American taxpayer" to pay taxes to support an arbitrary government. What if the "American driver/taxpayer" exercised lawful power over arbitrary power? The result would likely be one of two large changes - either our government officials would cease to be arbitrary and obey the law, or they would use force and violence to continue toward totalitarian government.

The motor vehicle and driver are - nationwide - a many-billions-of-dollars-per-year source of unlawful revenue that has grown to vast proportions over the decades. This long-developed system of extortion has grown to the point where local and state governments DEPEND on it as a reliable source of revenue, regardless of consequences to its victims. These unlawful sources include:

- Speed traps
- License and registration "fees" so high they are unlawful TAXES (fees vs taxes).
- State and federal excise taxes (gas, tires, etc., etc.) not applied to their claimed purpose.
- Etc., etc.

12. SUMMARY

The "flow of logic" can be seen in the Table of Contents, each showing that:

1. Because the speed limit is not based on safety, it is "arbitrary", thus unconstitutional and no law at all;
2. The real purpose of speed traps is unlawful revenue, as is long, well and correctly known;
3. It presents a list of the Inalienable and Fundamental Rights, plus federal laws violated by speed trap participants, and in turn shows these participants to be criminals;
4. In order for speed traps to be successful these participants must exist in ALL THREE branches of government, and that ALL THREE share in the "booty" (conflict of interest);
5. Speed traps have existed for more than a CENTURY and the corruption was known a hundred years ago and through to today;

6. A speed trap victim has no practical redress in a speed trap's arbitrary court, i.e., that there is no redress when the law is the criminal and the criminal is the law;
7. It discusses possible solutions to the problem, and that speed traps are a small part of a much larger problem.

Those who expect to reap the blessings of freedom, must, like men, undergo the fatigue of supporting it. – Thomas Paine

To sin by silence when they should protest makes cowards of men." --Abraham Lincoln

An illustration of the long history of public official corruption in the field of motor vehicle law is Huddy's 1909 "The Law of Automobiles", repeated here. Before reading it, consider that this was written as a legal reference book for lawyers and judges, and includes all the automobile-related case law (decided cases) to that date. Yet, this quote is highly subjective, i.e., a matter of its Author's opinion, and written ONE HUNDRED YEARS AGO. Obviously, by the year 1909, the level of public official corruption, like that described in THIS paper, was already well known. On page 201, it states:

§ 10. Illegal police methods.

Notwithstanding the fact that the law is violated frequently by automobilists, there is no excuse for illegal depreations upon personal security and private property on the part of police officials who arrest persons for violating speed limits. . .

No more force can be used by an officer of the law in arresting a person who has committed a misdemeanor than is absolutely necessary for making the arrest. This legal requirement should be known and understood by every peace officer. Physical violence is prohibited, and the use of dangerous weapons renders a police officer liable for assault, if it is unauthorized. **It must be born in mind that violators of the automobile laws are guilty of misdemeanors merely, and are not to be dealt with harshly, especially where violations are only technical.** Most automobilists are respectable, law abiding citizens, generally speaking, and are persons of business standing and integrity.

Ignorant officials have no right to violate the personal security of these citizens, and if they do they should be taught a lesson in respecting personal rights.

The above Huddy statement was written in 1909. NINETY-NINE years later, in 2008, Dr. Edwin Vieira (See Section 2) wrote:

Only the wrongdoers themselves should be punished, and can be punished, and therefore must be punished — surely, swiftly, and severely.

And in his next paragraph:

When wrongdoers hold public offices, though, and misuse their positions and powers to perpetrate crimes and then shield themselves from just retribution, who is to punish them? We the People. Who else is there?

And his last paragraph is:

Americans have come to that point “in the Course of human events” at which they must stop whining about how “the government is denying us our rights,” and instead stand up and secure those rights themselves in their capacity as this country’s one and only sovereign. If not now, there may never be another opportunity.

The willingness of public officials to pass and enforce arbitrary traffic laws, knowing that they will drive up the injury and death rates for no other purpose than the acquisition of completely unlawful revenue - to effectively steal money from their employers through fraud, extortion, etc., describes a level of public corruption that would only seem to exist in totalitarian regimes, police states and similar tyrannical governments, but never in the United States of America and its famed “justice system”, being entirely at odds with the most basic and traditional concepts of “American Justice”.

13. CONCLUSIONS

The major conclusion of the legal aspects of this and all other speed traps is that they are so unlawful that ALL THREE of our Inalienable Rights are violated by criminal public officials in ALL THREE branches of government.

The “hurdle to surmount” described in Section 3 (p7) is the presumption that arbitrary speed limits are “laws”. This "hurdle" is the crux of the matter. As long as drivers are conned into believing that these arbitrary non-laws are laws, the corruption and theft described in this paper will continue. Because the law is the criminal and the criminal is the law, the law is not going to fix itself. Who’s left? “We, the People”.

The SSS Report shows conclusively that speed traps INCREASE the accident rate and the resulting injuries and deaths. Thus, the once-legitimate government authority used to operate speed traps has been perverted from the lawful to the completely unlawful; perverted from minimizing risk to INCREASING risk for the purpose of acquiring unlawful revenue, under the guise of public safety.

Speed traps have existed in the United States for many, many years, long before the Author's first exposure to one in 1969. With a great deal of work, it may be possible to estimate the number of people injured and killed over the years (or each year) as a direct result of speed traps.

Speed traps have been operated by criminal public officials for over a century - so long that these criminals all know exactly what it takes to - under current conditions - operate and perpetuate the system. A century ago there were fewer criminal public officials, and they were just beginning to learn how to corrupt the automobile laws to serve their greed and ambition. As the use of the motor vehicle grew, so also did the opportunities for corruption, and opportunities for corrupt people to become involved in these crimes. Today, after a century of practice, they have it down to a fine art.

The reader may have noticed rather harsh descriptions of speed trap perpetrators. But they are CRIMINALS willing to:

- Steal from their employers
- Betray the trust of their neighbors
- Violate their victim's most basic Rights
- Believe themselves exempt from the law
- Violate their Oaths of Office
- Use publically-owned equipment and facilities to commit their crimes
- By their own criminal actions and negligence, permit people to be injured and killed while they perpetrate their crimes.
- Etc.

In the Author's view, these people represent the very lowest levels of our society. Not only do they provide no net benefit to that society, their net effect is a great deal of harm, and they exist at nearly all levels of our government. These particular corrupt public officials operate speed traps, only one of many corrupt activities that make up their total.

Where Does the Money Go?

The Author cannot answer this question - it likely varies considerably from state to state. Here in New Mexico - described by the about-to-retire, Albuquerque, FBI Special Agent in Charge Thomas McClenaghan, in Jan, 2009, to KRQE TV 13, **New Mexico "may be the most corrupt state in the nation"**, and, **"corruption in this state is epidemic"**, and **"at all levels of government"**.

http://www.krqe.com/dpp/news/crime/crime_krqe_albuquerque_fed_calls_nm_corruption_epidemic_200901210115

Another example is, http://www.realcrimes.com/Corruption_Overview.htm

The money could be spent in the public interest, could be simply wasted, used as a source of graft to corrupt politicians like the now-imprisoned Sen. Manny Aragón, or a combination of the three. With the high level of corruption in New Mexico, it is extremely doubtful that a significant amount is spent in the public interest. Obtaining such information is nearly impossible here - in this Author's direct experience, the "Inspection of Public Records Act" NM Statute NMSA 14-2, in a practical sense, simply does not exist.

It is public officials' responsibility to know about speed limits and their effects; to set and enforce them in a lawful manner. It is their DUTY to know. It is what "We, the People" elect, hire and pay them to know. The American driver is certainly subject to "Ignorance of the law is no excuse" - and so also are these criminals.

If arbitrary speed trap "law" enforcement were reduced to proper, reasonable, lawful levels, considerably fewer police officers would be needed to provide lawful and necessary law enforcement services.

The foundation upon which the SSS Report was based was data taken in accordance with established principles, and the Scientific Method. The foundation upon which this Supplement is based are our Founding documents plus Black's legal definitions. The foundation upon which speed traps are based is that arbitrary non-laws are laws.

The Rights and laws described in this document **REQUIRE** valid traffic safety analyses to determine and set the safest speed limits. We have paid for this government service through our gasoline and many other taxes and fees, over and over and over. But, where are the analyses and lawful speed limits we have repeatedly paid for? For all practical purposes, they simply do not exist. WHY? Why have these fake, arbitrary speed limits been stealing our money, violating our most basic Rights and injuring and killing us for all these years?

Why was it necessary for THIS Author to do it for free? Why did this Author (See the SSS Report for his qualifications.) have to educate himself in the specific area of speed limit safety analysis over many weeks, when traffic engineers from coast to coast, and specifically in the NM DOT, already have it? It should have been done - it was legally **REQUIRED** to be done - and we have repeatedly **PAID** for it to be done - over many years. WHY? Likely so the unlawful revenue will keep rolling in. Why else?

The "Limitation of Police Power" description on page 23 is worth repeating: "**Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property**" and, "**. . . the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.**²⁶ **Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.**"

In Section 7 [p21], it was shown that speed traps, to be successful for any length of time, cooperation and participation by corrupt officials in ALL THREE branches of government is required, which violates the concept and purpose of the "separation of powers". Black's defines this situation as "tyranny". The speed-trap revenue motive of this tyranny directly results in the violation of ALL THREE Inalienable Rights and other Constitutional Rights. Yet the Declaration of Independence states, "**That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed . . .**" **Thus, the same public officials whose most basic purpose is to SECURE these Rights, are in fact VIOLATING these Rights.**

**"We, the People are the rightful masters of both Congress and the courts -- not to overthrow the Constitution, but to overthrow men who pervert the Constitution."
-- Abraham Lincoln**

APPENDIX A

BASIC REFERENCE DOCUMENTS

The Declaration of Independence:

Applicable quotes, with the Author's emphasis, from the Declaration of Independence are:

“We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.**--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . .”

“and **to institute new Government,** laying its foundation on such principles and organizing its powers in such form, as to them **shall seem most likely to effect their Safety and Happiness.**”

“**He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.**”

“**He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:**”

“**For depriving us in many cases, of the benefits of Trial by Jury:**”

“**In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury.**”

The U.S. Constitution:

Preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, **and secure the Blessings of Liberty to ourselves and our Posterity,** do ordain and establish this Constitution for the United States of America.

Article. IV, Section 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Article. VI.

This Constitution, and the Laws of the United States which shall be made in Pursuance

thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

The Bill of Rights:

Amendment V

“ . . . nor be deprived of life, liberty, or property, without due process of law. . . ”

Amendment XIV.

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

Section. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

APPENDIX B - “ARBITRARY to UNCONSTITUTIONAL

“ARBITRARY” SPEED LIMIT VIOLATES DUE PROCESS, UNCONSTITUTIONAL

Black’s defines “arbitrary” as, *arbitrary*. 2. “. . . *founded on prejudice or preference rather than on reason or fact.*”

All arbitrary laws - by definition - violate the “Fundamental Right” to “Due Process”, which is required by the 5th and 14th Amendments of the U.S. Constitution. Black’s has several related definitions, as follows:

fundamental right. 1. A right derived from natural or fundamental law. 2. *Constitutional law.* A significant component of liberty, encroachments of which are rigorously tested by courts to ascertain the soundness of purported governmental justifications. • A fundamental right triggers strict scrutiny to determine whether the law violates the Due Process Clause or the Equal Protection Clause of the 14th Amendment. As enunciated by the Supreme Court, fundamental rights include voting, interstate travel, and various aspects of privacy (such as marriage and conception rights).

Fundamental Rights are those addressed in our Bill of Rights, plus other “unenumerated” Fundamental Rights , such as the right to work, marry, etc.

Due Process Defined: Black’s gives several related definitions, as follows:

Due Process Clause. The constitutional provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty or property. There are two Due Process Clauses in the U.S. Constitution, one in the 5th Amendment applying to the federal government, and one in the 14th Amendment applying to the states (although the 5th Amendment’s Due Process Clause also applies to the states under the incorporation doctrine).

due process. The conduct of legal proceedings according to established rules and principles **for the protection and enforcement of private rights**, including notice and the right to a **fair hearing** before a tribunal with the power to decide the case.

The Constitution of the State of New Mexico came into existence in 1912. Its Article II, Bill of Rights, Sec. 18 states:

Due process; equal protection; sex discrimination.]

No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the laws. . .

economic substantive due process. The doctrine that certain social policies, such as the freedom of contract or **the right to enjoy property without interference by government regulation**, exist in the Due Process Clause of the 14th Amendment, **particularly in the words, “liberty” and “property.”**

substantive due process. The doctrine that the Due Process Clauses of the 5th and 14th Amendments require legislation to be fair and reasonable in content and to further a legitimate governmental objective.

In the case of speed traps, there is NO “legitimate governmental objective”. An accurate description would be “IL-legitimate governmental REVENUE objective”.

due-process rights. The rights (as to life, liberty and property) so fundamentally important as to require compliance with due-process standards of fairness and justice.

Findlaw’s dictionary definition of due process:

“2: a requirement that laws and regulations must be related to a legitimate government interest (as crime prevention) and may not contain provisions that result in the unfair or arbitrary treatment of an individual (called also substantive due process)”

“Note: The guarantee of due process is found in the Fifth Amendment to the Constitution, which states “no person shall . . . be deprived of life, liberty, or property, without due process of law,” and in the **Fourteenth Amendment, which states “nor shall any state deprive any person of life, liberty, or property without due process of law.”** The boundaries of due process are not fixed and are the subject of endless judicial interpretation and decision-making. Fundamental to procedural due process is adequate notice prior to the government's deprivation of one's life, liberty, or property, and an opportunity to be heard and defend one's rights to life, liberty, or property. **Substantive due process is a limit on the government's power to enact laws or regulations that affect one's life, liberty, or property rights. It is a safeguard from governmental action that is not related to any legitimate government interest or that is unfair, irrational, or arbitrary in its furtherance of a government interest. The requirement of due process applies to agency actions.**”

Also from Findlaw is:

<http://caselaw.lp.findlaw.com/data/constitution/amendment14/03.html>:

A bare half-dozen years later [1884], in again reaching a result in harmony with past precedents, the Justices gave fair warning of the imminence of a modification of their views. After noting that the due process clause, by reason of its operation upon "all the powers of government, legislative as well as executive and judicial," could not be appraised solely in terms of the "sanction of settled usage," Justice Mathews, speaking for the Court in *Hurtado v. California*, 40 declared that "**[a]rbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of the governments, both state and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political**

institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government." Thus were the States put on notice that every species of state legislation, whether dealing with **procedural or substantive rights**, was subject to the scrutiny of the Court when the question of its essential justice was raised.

The Spot Speed Study data, analysis, results and Report show that the subject speed limit is without a safety basis and is therefore "arbitrary". It thus violates "due process" as defined above, and is unconstitutional because it violates - at minimum - the 14th Amendment. In particular, it violates "substantive due process". There can be NO "legitimate", "reasonable" or "compelling" government interest satisfied by a "law" that results in INCREASES in the accident rate and its resulting and unnecessary injuries and deaths.

Since the Right to due process is a "Fundamental Right", violations trigger "strict scrutiny", which is defined:

strict scrutiny. *Constitutional law.* The standard applied to suspect classifications (such as race) in equal-protection analysis and to **fundamental rights** (such as voting rights) in due-process analysis. • **Under strict scrutiny, the state must establish that it has a compelling interest that justifies and necessitates the law in question.** See compelling-state-interest test; suspect classification; fundamental right.

Note the phrase, "the state must establish". This means that the responsible government entity has the burden of proving that - whenever challenged - the law in question, in this case the speed limit itself, is justified and necessary on the (only) basis of public/traffic SAFETY. And, as we have seen, this is impossible.

compelling-state-interest test. *Constitutional law.* **A method for determining the constitutional validity of a law**, whereby the government's interest in the law is balanced against the individual's constitutional right to be free of the law, **and only if the government's interest is strong enough will the law be upheld.** • The compelling-state-interest test is used most commonly in equal-protection analysis when the disputed law requires strict scrutiny.

narrowly tailored. . . . [a law] being **only as broad as is reasonably necessary to promote a substantial government interest** that would be achieved less effectively without the restriction; no broader than absolutely necessary.

For traffic laws, including speed limits, the "substantial government interest" (also described as a "legitimate government objective") can only be SAFETY and, in speed traps where the effect of the speed limit is in fact the OPPOSITE of safety, there IS NO "substantial government interest".

Many speed limits, particularly those set at the state level, are considered to be “prima facie”, which to the typical traffic court means that exceeding these speed limits is conclusive evidence that a law has been violated. Black’s defines it as follows:

prima facie. At first sight; on first appearance but subject to further evidence or information <the agreement is prima facie valid>.

prima facie, adj. Sufficient to establish a fact or raise a presumption unless disproved or rebutted <a prima facie showing>.

prima facie evidence. Evidence that will establish a fact or sustain a judgement unless contradictory evidence is produced.

Traffic courts typically presume the FIRST parts of these definitions, and refuse to bother with the second. More importantly, “prima facie” speed limits, if they are not based on safety, i.e., if they are arbitrary, then they violate Due Process just like any other arbitrary speed limit.

APPENDIX C

BASIS: UNLAWFUL REVENUE PURPOSE

This Appendix provides several bases for the conclusion that, when safety is not the basis for an arbitrary speed limit, the actual basis is unlawful revenue.

Basis One - Process of Elimination.

If not SAFETY, what CAN the purpose be? Speed traps are too complex and systematic to exist for all these years to be “accidental”, or “well intended”. Thus, it be must planned and intended, including all the rights and law violations.

Basis Two - Common Knowledge.

**Search - eg, “speeding citation” + revenue, or
“speeding ticket” + revenue, ETC.**

Thus, virtually all drivers know. The vast majority of us know that they were driving safely when they received a speeding ticket, and know they were “ripped off”. Even though we may not know all the details presented in this paper, we know THAT.

Basis Three - EARLY Examples.

The Horseless Age: the automobile trade magazine, 1908, Vol. 21, No. 7:

“Legislation Discussed at Jersey Motorists’ Meeting.

[Judge William H. Hotchkiss, of Buffalo and Pres. of the A.A.A.]

“With respect to definite speed limits, the Judge had the following to say:

“Miles per hour’ is a statutory speed trap, where prejudice starts the stop watch at one end, and legalized plunder bars the way at the other. The true principle, and, in road regulation, it is as old as the camel or the cart, is that unlawful speed should be determined, not arbitrarily by miles per hour, but, by the condition of the highway and the traffic thereon at the time, that is, whether, in the judgement of men, the rate is such as then and there to endanger the lives and property of others.”

This example comes from Section 8 and Appendix G, “A Century of Government Corruption”, a 15-page nearly stand-alone paper. This is a century-old example of essentially the same “legalized plunder” that characterizes ALL speed traps, then and today. One probable difference is that, a century ago, the then-also-corrupt public officials may not have realized that speed traps injure and kill people, as they do today.]

Also in “The Horseless Age”, Vol. 21, No. 25, June 21, 1908, page 722:

“Warning of Police Trap”

“Motorists who drive in New Jersey should **beware of a speed trap** which is being operated in the village of New Providence, just west of the West Summit Station on Springfield avenue, which runs through Summit and Berkeley Heights. The trap is worked by a single individual with a stopwatch, who times cars as they come into view around the bend in the road, and again as they come to the junction of Springfield Avenue

with another road entering it diagonally from the northeast. If the car covers this distance at a speed greater than 15 miles an hour it is stopped and the driver charged with violating that section of the law limiting the speed of automobiles to 15 miles an hour at “prominent intersections.” **The village is hardly large enough to appear on the map, and ordinary roads speeds through it are perfectly safe. There are no caution signs, and the animus behind the proceedings would seem to be too plain for comment.**
H.L. Towle

Automotive industries, Volume 10, 1904, p509:

' . . . by motorists, who feel that the attractiveness of the most picturesque and best drive out of Chicago is more than offset **by the arbitrary methods of the police of the towns, who laid various traps to catch those who exceeded the absurdly low speed limit.** These traps took the form of concealed or "plainclothes" . . . '

This is a 1904 example of arbitrary speed limits and crooked cops, with no basic difference between 1904 and 2009. And make no mistake - these crooked cops were following orders, just as they do today.

Section 8 and Appendix G have, along with many more examples, several century-old legal references on the subject of speed traps and their unlawful revenue purpose.

It certainly appears that, for over one hundred years, there has been an ongoing struggle between productive Americans and corrupt, public officials, over how much money the corrupt officials are permitted to steal from the public, and the officials, through their long-continued efforts, appear to have been increasingly successful. This level of effort, for over a century, CANNOT be “accidental”, or “well intended” - but a carefully planned, detailed system.

Basis FOUR - Contemporary Examples of Existing Speed Traps.

Internet searches such as:

“speed trap”, or

“speed trap” + revenue, etc., etc.

These will show national speed trap databases, many publications on the subject, etc., etc.

APPENDIX D

LIST OF VIOLATED INALIENABLE and FUNDAMENTAL RIGHTS, And FEDERAL LAWS

Our Inalienable Rights to Life, Liberty and Property derive from the Declaration of Independence, which predates the U.S. Constitution - and thus the existence of the U.S. Supreme and all other courts, and thus its authority - by 12 years, and predates the Bill of Rights by 15 years. Our Inalienable Rights may only lawfully be infringed when the Rights of others are infringed - in the context of speed limits, actual dangerous driving infringes the Inalienable Right to Life of others by placing them at unnecessary risk, and is thus a lawful basis for a lawful speed limit. But that speed limit MUST BE provably lawful, i.e., it may NOT be arbitrary, as described above.

Black's defines the term as:

inalienable right. The right that cannot be transferred or surrendered; esp., a **natural right** such as the **right to own property**. -- also termed *inherent right*.

And a "natural right" as:

natural right. A right that is conceived as part of natural law and that **is therefore thought to exist independently of rights created by government or society, such as the right to life, liberty and property**. See NATURAL LAW.

These Inalienable Rights are recognized by the Constitution of the State of New Mexico, Article II, Bill of Rights,

"Sec. 4. [Inherent rights.]

"All persons are born equally free, and have certain natural, inherent and **inalienable rights**, among which are the **rights of enjoying and defending life and liberty**, of acquiring, possessing and **protecting property**, and of **seeking and obtaining safety** and happiness."

Inalienable Right to Life:

A recent example of this right comes from the Valencia County News-Bulletin on 11/7/09: <http://www.news-bulletin.com/nb/index.php/news/971-Charges-dismissed-against-Sanchez,-no-probable-cause.html>. In Part:

A former Marine charged with the shooting death of a suspected burglar walked out of court Tuesday morning a free man.

Magistrate Danny Hawkes dismissed all charges against 38-year-old Luke Sanchez of Los Chavez after finding there was no probable cause to bind him over for trial.

"After reviewing all evidence presented to this court and to the judge the murder statute or the voluntary manslaughter statute are not amenable with out first looking at the statute of justifiable homicide by a citizen or the statute of excusable homicide. Therefore the court finds no probable cause exists in homicide charge or the voluntary manslaughter charge. Therefore the defendant is discharged and all charges are

dismissed," Hawkes said in court Tuesday.

Thus, the Inalienable Right to Life includes, in reasonable circumstances, the right to use violence in defense of one's life.

There are literally hundreds of research reports, speed limit brochures, etc., etc, that state that artificially low speed limits increase speed variance and therefore the accident rate, WITHOUT including the heavy-enforcement, speed-trap aspect that only makes the situation worse. Thus, it may be reasonably and accurately stated that speed traps increase the accident rate and the resulting injuries and deaths. This basic characteristic of speed traps thus directly violates the Inalienable Right to Life of drivers, passengers, pedestrians, etc. that use the highway.

Examples are provided in the Spot Speed Study Report. Another comes from the Federal Highway Administration:

http://ops.fhwa.dot.gov/freewaymgmt/publications/frwy_mgmt_handbook/chapter6_01.htm

* "Standard Deviation of the Speed Distribution. **The dispersion or spread of its speeds is a good indicator of the efficiency and safety of a traffic stream. Locations with broad speed distributions often indicate an artificially low speed limit and the need to modify the limit.**"

Inalienable Right to Liberty:

Black's defines "liberty" as follows:

liberty. 1. **Freedom from arbitrary or undue external restraint**, esp., by a government <give me liberty or give me death>. 2. A right, privilege or immunity enjoyed by prescription or by grant; the absence of a legal duty imposed on a person <the liberties protected by the Constitution>.

personal liberty. **One's freedom to do as one pleases, limited only by the government's right to regulate the public health, safety, and welfare.** – Also termed *individual liberty*.

"Probable cause", "reasonable suspicion", and "reasonable doubt" are defined as:

probable cause. 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 a *reasonable cause*; *sufficient cause*; *reasonable grounds*. Cf. REASONABLE SUSPICION.

reasonable suspicion. A particularized and **objective basis**, supported by **specific and articulable facts**, for suspecting a person of **criminal activity**. ● A police officer must have a reasonable suspicion to stop a person in a public place. See STOP AND FRISK. Cf. PROBABLE CAUSE.

reasonable doubt. The doubt that prevents one from being firmly convinced of a defendant's guilt, or the belief that there is a real possibility that a defendant is not guilty.

- “Beyond a reasonable doubt” is the standard used by a jury to determine whether a criminal defendant is guilty. See Model Penal Code § 1.12. In deciding whether guilt has been proved beyond a reasonable doubt, the jury must begin with the presumption that the defendant is innocent. See burden of persuasion.

The Bosque Farms traffic court claims to use this “standard”.

Note, in “reasonable suspicion” the phrase, “criminal activity”, which means - correctly - that in the case of actual dangerous driving, with its infringement on the rights/safety of others, this is “criminal activity”. Yet, in the case of speed traps where the victim’s speed is not dangerous, the speed limits has no safety (“objective”) basis and is thus arbitrary, there IS NO dangerous driving, therefore no “criminal activity”, therefore no “reasonable suspicion” to stop a driver. Thus, a speed-trap traffic stop is as arbitrary as the speed limit, and so is the police officer, because he/she has NO “objective basis” other than an arbitrary law, which is no basis at all.

Moreover, in the case of speed traps, the obvious intent is to issue a speeding citation for the purpose of acquiring unlawful revenue. A LAWFUL traffic stop, based on actual reasonable suspicion, is a temporary violation of the Inalienable Right to Liberty, and justified. But in a speed trap situation, Inalienable Rights to Life and Property are added to the Liberty Right, and the Fundamental Right to Due Process is also violated, along with at least the federal criminal laws of 18 U.S.C. 241 and 242 (conspiracy to deprive and deprivation of Rights) - an entirely different situation than a lawful traffic stop.

Alleged violations of traffic laws - in theory though not in typical traffic court practice - MUST BE provably dangerous to other users of the highway, “beyond a reasonable doubt”. Because the subject, posted, 45-mph speed limit is arbitrary, and if the actual vehicle speed is not provably dangerous (See Report Sec. 3.2), a traffic stop for violating the fake speed limit BUT less than a dangerous speed for conditions, CANNOT be lawfully justified, and any/all resulting speeding and other citation(s) are unlawful.

For the record: This Author does NOT wish all traffic and speed limit enforcement to “go away”. Based on the Report data and Sec. 3.2, of the 200 measurements made, only ONE driver MIGHT have been considered to be driving unsafely, and even that one, given the free-flow traffic conditions at the time, is highly questionable (“reasonable doubt”). Proper traffic law enforcement by responsible public officials who are paid by the public to understand and lawfully perform their duties, can be a benefit to the public. But speed trap enforcement, for the many reasons presented in this paper, is an entirely different and UNLAWFUL situation, and is entirely unacceptable.

"Of liberty I would say that, in the whole plentitude of its extent, it is unobstructed action according to our will. But rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add

'within the limits of the law,' because law is often but the tyrant's will, and always so when it violates the right of an individual.'

-- Thomas Jefferson

Inalienable Right to Property:

Black's defines "property" as follows:

property. 1. **The right to possess, use, and enjoy a determinate thing** (either a tract of land or a chattel); the right of ownership <**the institution of private property is protected from undue governmental interference**>. 2. Any external thing over which the rights of possession, use, and enjoyment are exercised <the airport is city property>.

Note the words, **possess, use, and enjoy**. In the context of property, they occur frequently.

Closely related definitions are:

chattel. Movable or transferable property; esp., personal property. [e.g., a vehicle.]

enjoy. **To have, possess, and use (something) with satisfaction; to occupy or have the benefit of (property).**

use. 1. **The application or employment of something;** esp., a long-continued possession and employment of a thing for the purpose for which it is adapted . . .

public use. 1. **Property. The public's beneficial right to use property . . .**

reasonable use. **Use of one's property for an appropriate purpose that does not unreasonably interfere with another's use of property.**

public property. State- or community-owned property not restricted to any one individual's use or possession.

Based on this "**public property**" definition (and the obvious), a highway is "property". Black's defines "highway" as follows:

highway. 1. Broadly, any main route on land, on water, or in the air. 2. **A free and public roadway or street that every person may use.** 3. The main public road connecting towns or cities. 4. **The entire width between boundaries of every publically maintained way when part is open to public use for purposes of vehicular traffic.**

A public "highway" (street, road, alley, etc., etc.) is thus "property", OWNED by the public. The public, and particularly the driver and vehicle owner, have paid (and continue to pay) for this property through the gasoline (currently 42 cents/gallon) and many other fees and taxes. It is property that may be "used" and "enjoyed" freely, the only lawful restriction being the infringement of others' Rights and, in the case of speed limits, any restriction may ONLY be based on public SAFETY.

Two of the Inalienable Rights to Property (there are others) are:

First, the motor vehicle (also called a “chattel”, defined as “Movable or transferable property; esp., personal property.”) is PROPERTY, that a person may “use” and “enjoy”, as long as the rights of others are not infringed, and that potential infringement is limited to SAFETY. Fake safety is not fact- or reasonably-based, violates due process (see below), and does not apply.

Second is the highway itself. It is defined as:

highway. 1. Broadly, any main route on land, on water, or in the air. 2. **A free and public roadway or street that every person may use.** 3. The main public road connecting towns or cities. 4. **The entire width between boundaries of every publically maintained way when part is open to public use for purposes of vehicular traffic.**

common highway. **A highway for use by the public for any purpose of transit or traffic.**

public highway. A highway controlled and maintained by governmental authorities for general use.

public use. 1. Property. The public's beneficial right to use property . . .

It is important to note that highways pre-date the automobile by hundreds of years, and so do highway laws. For example, “A Treatise of the Law of Highways”, 2nd Ed., by Choate, dated 1868, describes highways as:

Page 3, “2. Highways. Highways are public roads, which every citizen has a right to use.”

The land upon which highways are built are typically acquired from private owners through the process of “eminent domain”, paid for by the public, and is therefore “property”.

The following highway definition and description are from “The Law of Automobiles”, By C.P. Berry of the St. Louis Bar, both the 1909 First, and the 1916 Second Edition (See Appendix G):
2nd Ed.: p196-197 - ‘§164 **Highway defined.** **‘The term “highway” has been defined to be “a public way open and free to anyone who has occasion to pass along it on foot or with any kind of a vehicle.” [56] Also, “a passage open to all the citizens of the state, to go and return, pass and repass, at their pleasure.” [57].**
‘It is defined by Webster as “a public road; a way open to all passengers”[58]
‘The term embraces every kind of public way, common to all citizens . . . ’ [1909 1st Ed. Also.]

Both editions state:

p198-199 - §165-166 Cont’d, “§165 **Use of highway.** **“They belong from side to side and end to end to the public, that the public may ENJOY the right of traveling and transporting their goods over them. [69]**

And the 1916 2nd Ed. continues:

“The fundamental idea of a highway is not only that it is public for free and unmolested passage thereon by all persons desiring to use it, but the use of a highway is not a privilege, but a right, limited by the rights of others, and to be exercised in a reasonable manner.”[70]

NOTE THAT the ONLY limitation is the “rights of others”, and “reasonable manner”. The arbitrary speed limit of a speed trap does not satisfy this limitation.

“In the absence of any limitation imposed by lawful authority the highways may be used for any and every kind of public travel and transportation which the necessities or convenience of the public may require.” . . . [71]

Another century-old reference is “The Law of Automobiles”, by Xenophon Pearce Huddy 1909 364 pages. It states: p39 “§1. Highways defined. . . . A way open to all people is a public highway.”

Fundamental Rights:

The Right to Due Process is a “Fundamental Right”, and described in detail in Appendix B.

Federal Laws:

There are many federal laws that apply to violations of Inalienable and Fundamental Rights. This sub-section will deal with only 18 U.S.C. 242 and 18 U.S.C. 241.

18 U.S.C. 242:

The **United States Department of Justice**, Criminal Rights Division, on their web page [<http://www.usdoj.gov/crt/crim/242fin.php>] describes, **“DEPRIVATION OF RIGHTS UNDER COLOR OF LAW”** as follows:

“Summary:

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

“For the purpose of Section 242, acts under “color of law” include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. . . .”

18 U.S.C. 241:

The **United States Department of Justice**, Criminal Rights Division, on their web page [<http://www.usdoj.gov/crt/crim/241fin.php>] describes **“CONSPIRACY AGAINST RIGHTS”** as follows:

“Summary:

“Section 241 of Title 18 is the civil rights conspiracy statute. **Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the constitution or the laws of the Unites States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.”**

NOTE that **Black’s** defines “injury” as, “1. The violation of another’s legal right, for which the law provides a remedy; a wrong or injustice.”

And:

“**direct injury**” as “1. An injury resulting directly from violation of a legal right. 2. An injury resulting directly from a particular cause, without any intervening causes.

APPENDIX E

GENERAL CRIMINAL DEFINITIONS

The following Black's definitions are general as they apply to the conduct of speed traps. Emphasis within the quoted definitions are the Author's.

crime. A social harm that the law makes punishable; the breach of a legal duty treated as the subject matter of a criminal proceeding.

continuous crime. 1. **A crime that continues after an illegal act has been consummated; a crime that involves ongoing elements.** . . . 2. A crime (such as driving a stolen vehicle) that continues over an extended period.

instrumental crime. **A crime committed to further another end or result; esp., a crime committed to obtain money** to purchase a good or service.

predatory crime. **A crime that involves preying upon and victimizing individuals.**

criminal. 1. One who has committed a criminal offense. 2. One who has been convicted of a crime.

robbery. The illegal taking of property from the person of another, or in the person's presence, by violence or intimidation; aggravated larceny.

armed robbery. **Robbery committed by a person carrying a dangerous weapon, regardless of whether the weapon is revealed or used.**

larceny. The unlawful taking and carrying away of someone else's personal property with the intent to deprive the possessor of it permanently. – Common-law larceny has been broadened by some statutes to include embezzlement and false pretenses, all three of which are subsumed under the statutory crime of "theft."

aggravated larceny. Larceny accompanied by some aggravating factor (as when the theft is from a person).

steal. 1. **To take (personal property) illegally with the intent to keep it unlawfully.** 2. **To take (something) by larceny, embezzlement, or false pretenses.**

theft. 1. The felonious taking and removing of another's personal property with the intent of depriving the true owner of it; larceny. 2. **Broadly, any act or instance of stealing, including larceny, burglary, embezzlement, and false pretenses.**

fraud. 1. A knowing misrepresentation of truth or concealment of a material fact to induce another to act to his or her detriment.

fraudulent act. Conduct involving bad faith, dishonesty, a lack of integrity, or moral turpitude.

neglect, n. The omission of proper attention to a person or thing, whether inadvertent, negligent, or willful; the act or condition of disregarding. -- neglect, *vb.* -- **neglectful,** adj.

inexcusable neglect. Unjustifiable neglect; neglect that implies more than unintentional inadvertence. · A finding of inexcusable neglect in, for example, falling to file an answer to a complaint will prevent the setting aside of a default judgment.

willful neglect. Intentional neglect; deliberate neglect.

ordinary negligence. Lack of ordinary diligence; the failure to use ordinary care. · The term is most commonly used to differentiate between *negligence* and *gross negligence*.

The reader can see - once the definition of a speed trap, with its arbitrarily low speed limit and heavy enforcement, is shown to be satisfied - that most or all of these definitions apply, and they establish that the perpetrators may reasonably be considered to be “criminals”. The definitions found in Appendix F are more specific to criminals whom are also public officials.

Nationwide - particularly with speed traps that enforce arbitrarily low posted speed limits - ALL of the above theft-related definitions apply, forcing the conclusion that in such cases, both Inalienable and Fundamental constitutional Rights are routinely violated by such enforcement by the local legislatures, the executive, the police and traffic courts (judiciary), and that ALL violate not only these Rights, but federal law.

APPENDIX F

SPEED TRAP-SPECIFIC DEFINITIONS

Beyond the general criminal definitions found in Appendix E, the following apply more directly to public officials' in their criminal operation of speed traps. Emphasis within the quoted definitions are the Author's.

extortion. 1. **The offense committed by a public official who illegally obtains property under the color of office; esp., an official's collection of an unlawful fee.** – Also termed *common-law extortion*. 2. The act or practice of obtaining something or compelling some action by illegal means, as by force or coercion. – Also termed *statutory extortion*.

fraudulent misrepresentation. **A false statement that is known to be false or is made recklessly - without knowing or caring whether it is true or false - and that is intended to induce a party to detrimentally rely on it.**

misconduct. 1. **A dereliction of duty; unlawful or improper behavior.**

affirmative misconduct. 1. **An affirmative act of misrepresentation or concealment of material fact; intentional wrongful behavior.** • Some courts hold that there must be an ongoing pattern of misrepresentation or false promises, as opposed to an isolated act of providing misinformation. 2. With respect to a claim of estoppel against the federal government, **a misrepresentation or concealment of a material fact by a government employee – beyond a merely innocent or negligent misrepresentation.**

official misconduct. **A public officer's corrupt violation of assigned duties by malfeasance, misfeasance, or nonfeasance.** Also termed *misconduct in office; misbehavior in office; malconduct in office . . . corruption in office, official corruption*.

misfeasance. 1. A lawful act performed in a wrongful manner.

malfeasance. **A wrongful or unlawful act; esp., wrongdoing or misconduct by a public official;**

nonfeasance. **The failure to act when a duty to act existed.**

wanton misconduct. **An act, or a failure to act when there is a duty to do so, in reckless disregard for another's rights, coupled with the knowledge that injury will probably result.** – Also termed *wanton and reckless misconduct*.

willful and wanton misconduct. **Conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise ordinary care to prevent a known**

danger or to discover a danger. Also termed *willful indifference to the safety of others*.

highway robbery. 1. Robbery committed against a traveler on or near a public highway

larceny by trick. Larceny in which the taker misleads the rightful possessor, by misrepresentation of fact, into giving up possession of (but not title to) the goods. – Also termed *larceny by trick and deception, larceny by trick and device; larceny by fraud and deception*.

theft by deception. **The use of deception to obtain another's property**, esp. by (1) creating or reinforcing a false impression (as about value), (2) preventing one from obtaining information that would effect one's judgement about a transaction, or . . .

theft by extortion. **Theft by which the perpetrator obtains property by threatening to** (1) inflict bodily harm on anyone or commit any other criminal offense, (2) accuse anyone of a criminal offense, . . . (4) **take or withhold action as an official, or cause an official to take or withhold action . . .** (6) testify or provide information or withhold testimony or information with respect to another's legal claim or defense, or (7) inflict any other harm that would not benefit the actor. – . . . Also termed *larceny by extortion*.

negligence, n. 1. The failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; **any conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly, or willfully disregarding of others' rights.** · The term denotes culpable carelessness. The Roman-law equivalents are *culpa and negligentia*, as contrasted with *dolus* (wrongful intention). -- Also termed *actionable negligence; ordinary negligence; simple negligence*. 2. A tort grounded in this failure, usu. expressed in terms of the following elements: duty, breach of duty, causation, and damages.

advertent negligence. **Negligence in which the actor is aware of the unreasonable risk that he or she is creating;** RECKLESSNESS. -- Also termed *willful negligence*.

concurrent negligence. **The negligence of two or more parties acting independently but causing the same damage.** Cf. *joint negligence*.

criminal negligence. **Gross negligence so extreme that it is punishable as a crime.** · For example, involuntary manslaughter or other negligent homicide can be based on criminal negligence, as when an extremely careless automobile driver kills someone. -- Also termed *culpable negligence; gross negligence*.

culpable negligence. 1. **Negligent conduct that, while not intentional, involves a disregard of the consequences likely to result from one's actions.** 2. See *criminal negligence*.

gross negligence. 1. A lack of slight diligence or care. 2. A conscious, voluntary act or omission

in reckless disregard of a legal duty and of the consequences to another party, who may typically recover exemplary damages. -- Also termed *reckless negligence*; *wanton negligence*; *willful negligence*; *willful and wanton negligence*; *hazardous negligence*. 3. See *criminal negligence*.

inadvertent negligence. Negligence in which the actor is not aware of the unreasonable risk that he or she is creating, but should have foreseen and avoided it. --Also termed *simple negligence*.

joint negligence. The negligence of two or more persons acting together to cause an accident. Cf. *concurrent negligence*.

negligence per se. Negligence established as a matter of law, so that breach of the duty is not a jury question. · Negligence per se usu. **arises from a statutory violation.** -- Also termed *legal negligence*.

passive negligence. Negligence resulting from a person's failure or omission in acting, **such as failing to remove hazardous conditions from public property.** Cf. *active negligence*.

subsequent negligence. The negligence of the defendant when, after the defendant's initial negligence and the plaintiffs contributory negligence, **the defendant discovers -- or should have discovered -- that the plaintiff was in a position of danger and fails to exercise due care in preventing the plaintiffs injuries.** -- Also termed *supervening negligence*. See LAST-CLEAR-CHANCE DOCTRINE.

The reader can see - once the definition of a speed trap, with its **arbitrarily** low speed limit and heavy enforcement, is shown to be satisfied - that most or all of these definitions apply. Moreover, the “negligence” definitions, when considered with the vast amount of traffic safety and speed-limit-related research that has been and continues to be conducted over many years, the excuses of “I didn’t know”, and “I meant well”, etc., in a legal sense, cannot satisfy the law.

Nationwide - particularly with speed traps that enforce arbitrarily low posted speed limits - ALL of the above theft-related definitions apply, forcing the conclusion that in such cases, both Inalienable and Fundamental constitutional Rights are routinely violated by such enforcement by the local legislatures, the executive, the police and traffic courts (judiciary), and that ALL violate not only these Rights, but federal law.

APPENDIX G

SPEED TRAPS: A CENTURY OF GOVERNMENT CORRUPTION

It's an OLD Story

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INTRODUCTION

This Section presents century-old reference material on highways and our rights to use them, that the use of the automobile resulted in no new principles of highway law, the rights of others as the basis for ALL lawful regulation, and several century-old examples of “speed traps”.

This Section concludes that:

- Highways are PROPERTY owned by the public (Inalienable Right);
- Their free and unobstructed use is a RIGHT, including use by motor vehicle, lawfully limited ONLY by infringement of the Inalienable Rights of others, which translates to the SAFETY of others;
- The invention of the automobile introduced no new principles of existing highway law;
- The “correlative right of transit” provides an ADDITIONAL basis for the above Rights;
- Police power of the state to regulate is lawful IF reasonable/constitutional, for public SAFETY;
- Speed limits existed long before the automobile, and “immoderate speed is a question for the jury”;
- Traffic safety laws cannot “unduly restrict the rights of the careful driver”, must satisfy their INTENT;
- “Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”;
- “Illegal police methods - there is no excuse for illegal deprivations upon personal security and private property on the part of police officials who arrest persons for violating speed limits”;
- “Fairness of laws - oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves”;
- 1902-1915 Speed Trap examples: “arbitrary methods”, “unscrupulous speed trap operators”, “reap a golden harvest from the pockets of motorists”, “legalized plunder”.
- That generally, a CENTURY AGO, corrupt public officials were misusing the “law” to steal from the public, violating many of their Rights in the process, JUST AS THEY DO TODAY.
- That, based on more than a century of history and practice, TODAY, these deprivations are NOT the result of good intentions, but result from long-established, planned CORRUPTION.
- The originators, supporters and operators of speed traps are criminals that occupy ALL

THREE branches of government;

● Today, with speed traps, the above Rights no longer exist, where corruption DOES. Most of the following references were found using Google Books, usually its Advanced Search. The URLs are <http://books.google.com/> and http://books.google.com/advanced_book_search. With the Advanced search, a range of publishing years may be entered. As an example, using a year range of 1800 to 1880 and the phrase, "highway law", 417 hits were obtained in Jan, 2010.

The References are from about a century ago. Four of them, "Angell" (1868), "Huddy"(1906 & 1909), "Berry" (1909 & 1916) and "Davids" (1911) are identified in the References sub-section below in detail. Others are in the body of the text. Most of the bolding and underlining emphasis is by this Author.

For those readers that wish to save time, read the Section titles and the **bolding and underlining**.

Conclusions are presented at the end of each sub-section, and at the end of the document.

Highways - Right to Use.

1868, PRE-Automobile: "Angell":

Chapter 1. History of highways and types of roads.

Page 3, "Highways". **Highways are public roads, which every citizen has a right to use.**

Angell, Pages 74 & 75. § 84. **Of the Public Use.** [This discussion is on eminent domain, however, in § 85 it briefly discusses the rights of the public.]

"One thing is, however, incontrovertible, which is, that the necessities of the public to the use to which the property is appropriated must exist as the *basis* upon which the right is founded. [2]

This "right to use" is reiterated in Sections 86, 87 and 327.

Davids, Page 17, § 16. Legality of Use on the Highway.

"That motor vehicles, in the absence of restrictive statute, lawfully may be used upon city streets and rural highways is undisputed. **The right to use such vehicles is established by numerous decisions.[6]** It has been said that the motor car is a recognized, though modern, means of conveyance, and, subject to such restrictions as the legislature has chosen to impose with regard to its operation upon highways, **may be lawfully used upon them in the same way and with the same freedom as a wagon, carriage, cart, or other less modern vehicle.[7]**

"Huddy", 1st & 2nd Editions:

Page 41, § 4 General purposes of highways and streets.

"Primarily the general purposes of streets and highways is that of travel either on

foot by a pedestrian or in a vehicle propelled by animal or other power. The members of the public have a right to use the public avenues for the purpose of travel and the transportation of property. . . and each is equally restricted in the exercise of his rights by the corresponding rights of the other.”

[Footnote No. 4]: “It can hardly be questioned that the primary and fundamental purpose of a public highway, street, or alley, is to accommodate the public travel, to afford citizens and strangers an opportunity to pass and repass on foot or in vehicles with such movable property as they may have occasion to transport, and every man has a right to use on the road a conveyance of his own at will, subject to such proper regulation as may be prescribed by authority.”

Berry, Page 15 - § 14. **Automobile is lawful conveyance.** . . . Not only are these rights recognized and enforced by the courts,[3] but many statutes also recognize them in common with the rights of other vehicles.[4]

As was said by the court in the case of House vs. Cramer:[5]

"The right to make use of the automobile as a vehicle of travel along 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 by some other vehicle.** But they are to use this means of locomotion with due regards for the rights of others having occasion to travel on the highways."

Berry, Pages 196-197 - ‘§164 **Highway defined.** ‘The term “highway” has been defined to be “a public way open and free to anyone who has occasion to pass along it on foot or with any kind of a vehicle.” [56]

Berry, Pages 198-199 - §165-166 Cont’d, “§165 **Use of highway.** “They belong from side to side and end to end to the public, that the public may **ENJOY the right of traveling and transporting their goods over them.** [69]

[1st Ed., p104, §114: SAME]

[Second Edition:]

“The fundamental idea of a highway is not only that it is public for free and unmolested passage thereon by all persons desiring to use it, but the use of a highway is not a privilege, but a right, limited by the rights of others, and to be exercised in a reasonable manner.”[70]

[NOTE THE ONLY limitation is the “rights of others”, and “reasonable manner”. The arbitrary speed limit of a speed trap does not satisfy this limitation.]

“In the absence of any limitation imposed by lawful authority the highways may be used for any and every kind of public travel and transportation which the necessities or convenience of the public may require.”. . . [71]

Circa 1915:

Lawyers' Reports Annotated - Page 943

by Lawyers Co-operative Publishing Company - Law reports, digests, etc. United States - 1915

“ . . . **This, however, can only be done when the paramount right of the public to the full, free, and safe use of the street in all of its parts is not thereby infringed upon.** West Chicago Masonic Asso. v. Cohn, 102 111. 210, 55 L.R.A. 235, 86 Am. St. Rep. 327, 61 N. E. 439.”

...

“ . . . **the street under the surface of the ground could only be used in such a manner as would safeguard the paramount right of the public to the full and unobstructed use of the street for the purpose for which it was dedicated;**”

Circa 1895:

Atlantic reporter, Volume 32 - Page 883

West Publishing Company - Law - 1895

“At the same time the **public has a paramount right to travel over a public highway.**”

Circa 1894:

West Coast Reporter, Vol. IV, Oct.-Dec., 1884, p518, Sup. Ct. Cal.

“As we have already said, the rights of the people in the navigable rivers of the state are paramount and controlling. . . . **but she [the state] cannot grant the rights of the people to the use of the navigable waters flowing over it; these are inalienable.** Any grant of the soil, therefore, would be subject to **the paramount rights of the people to the use of the highway. . . . It is, therefore, beyond the power of legislatures to destroy or abridge such rights, or to authorize their impairment.**”

From both Huddy and Berry - both automobile law reference books - we see that the public OWNS the highways (Property), and we have an unobstructed “Right” to use them without infringement, limited only by the Inalienable Rights of others. These are Inalienable Rights that CANNOT have changed over the last century, because NO government authority exists to do so. These Authors KNEW the definition of the word, “Right”.

Automobile Use - No New Principles of Law.

Berry, p12-13 - §13 **History of Bicycle.** “**The position of the automobile and the bicycle, in the view of the law are so nearly alike** that it is well to refer briefly to the history of the bicycle, as the principles of law applicable will necessarily be referred to in this work. **However, no new principles of law are involved; the courts are merely applying old principles to a new and novel mode of conveyance.**”[45]

Berry, p200-201 - §167 **Use of automobiles on the highways. The use of the highways for automobiles involves the application of a new appliance and mode of travel, rather than of any new principle.** [73] **It does not exclude or seriously interfere with the original modes in which the highways were used, but simply adds another in furtherance of the general object for which they were dedicated.** [1st Ed., p104, §115: SAME]

p201: There is no longer any doubt but that the owners of automobiles have the same rights on the public highways as the owners of other kinds of vehicles. [78] **These rights, however, must be exercised with a due regard for the rights of others using the highways.** [79] [1st Ed., p105, §115: SAME]

Huddy SECOND Ed., Preface to First Edition, Page v:

“Very true, **many of the cases have merely called for the application of established rules of law**, in dealing with the motor vehicle; but there have been decided numerous points of special application to the automobile and its operation on the public avenues of travel . . .”

Huddy SECOND Ed., Preface to Second Edition, Page xi:

“Two striking and important principles of law concerning the motor vehicle have been established since the first edition appeared.

“The first and most important is that the automobile is not an agency dangerous *per se* and to be classed with combustibles, explosives . . .

“The second important question which has been settled is that the owner of an automobile is not liable for the acts of another to whom he has loaned his machine . . .”

From these last two Huddy quotes, we see that the only two “principles” of law are that automobiles (also a “carriage”, p10, § 5.) are not dangerous *per se*, and that the driver and not the owner is liable for misuse of the auto - thus, as Berry stated, there are no new principles of highway law in the OPERATION of the automobile. From Angell we see that highway law existed before the automobile, and from here we see that the automobile introduced no new principles to this law.

Inalienable Rights of Others Translates to SAFETY of Others.

Huddy, Page 85, § 1. [Automobile] Right to operate on the highway.

“For so long as they are constructed and propelled in a manner consistent with the use of highways, and are calculated to subserve the public as a beneficial means of transportation with reasonable safety to travelers by ordinary modes, they have equal rights with other vehicles in common use to occupy the streets and roads. **Their use, nevertheless, should be accompanied with that degree of prudence in management and consideration for the rights of others which is consistent with their safety.**”

Huddy, Page 88, § 3. The law of the road - In general.

A highway is for the use of the public at large; indeed it has been defined to be a road which every citizen has a right to use. This being so, it is necessary that the travel and traffic on the highway shall be governed by certain laws that the rights of each citizen may be certain of protection.

Huddy, Page109, § 5. Reciprocal rights and duties.

“A person with a horse and wagon, and a person with an automobile, each has a right to use the highways with his respective vehicle, **but it is the duty of each to exercise his right with due regard to the corresponding rights of the other.**”¹

Berry, Pages14-15 - §14 Automobile is lawful conveyance. . . . **But they are to use this means of locomotion with due regard for the rights of others having the occasion to travel on the highways.’**

[1st Ed. {1909}, p17, §18: SAME, then adds NEXT:]

“In a word, their owners are subject to that well-known maxim of the law that, ‘A man must use his own property as not to interfere with others in the use of theirs.’[6]

NOTE THAT this is an “Inalienable Rights” issue - vehicle use is a RIGHT, limited ONLY by interference with the rights of others, and thus the “statutory regulations” they are “subject to” are based ONLY upon this foundation.

Berry, p142-143 - §125 **Right of motorist to use highways. The driver of an automobile and any other user of the highways, aside from special provisions changing the rule, have equal rights in the use of the same, and each is required to exercise reasonable care not to injure the other, or infringe upon the other’s rights.**

Davids, Page 76. § 94. **Mutual Obligation of Operators of Motor Vehicles, and Others.** A person operating an automobile and a person lawfully using the highway in another manner ordinarily have equal rights thereon,¹ and **it is the duty of each to exercise his right with due regard to the right of the other.**² The legal measure of duty is the same upon both of the parties.³

New Mexico Department of Transportation Signing & Striping Manual of March 2008 defines:
“Highway” or “street” – A public way generally open to the use of the public **as a matter of right for the purpose of vehicular travel**, including the entire area within the right-of- way.

And:

“Public highway” – Every way or place generally open to the use of the public **as a matter of right** for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.

This sub-section reiterates the Right to use our highways that can lawfully be infringed ONLY by the interference with the Rights of others, which primarily translates to the SAFETY of others.

The Correlative Right of Transit.

The following is from Huddy's 1909 2nd Ed., pp310-317, "§ 5. The Right of transit." It involves the authority of states to tax out-of-state automobile drivers, which is not permitted, not due to interstate commerce, but due to the "correlative right of transit". The reasoning is that the federal government may require the services of its citizens at any of its offices anywhere and that, in turn there exists the correlative right of transit which means that its citizens have the reciprocative right of access to the federal government by the "**ordinary means of travel**" to its offices. This is based on the 1867 U.S. Supreme Court case, *Crandall v. Nevada*.

Huddy's logic begins with U.S. citizenship and the citizens' "right of transit", by the "**ordinary means of travel**" described in *Crandall v. Nevada*, and that - in 1909 and unquestionably today - the automobile meets the definition of "ordinary means of travel". Although few if any public officials - be they politicians or judges - are willing to recognize this fact today, combined with all the Rights and law violations described in this paper, it remains equally true now. The *Crandall v. Nevada* decision mentioned land offices as one example of such a federal office, and the Act of April 25, 1812, 2 Story's Laws U. S. 1238 equates post offices in the same category.

Specifically, Huddy, beginning on page 314 states:

"The government, also, has its offices of secondary importance in all other parts of the country. On the seacoasts and on the rivers it has its ports of entry. In the interior it has its land offices, and its sub-treasuries. In all these it demands the services of its citizens, and is entitled to bring them to close points from all quarters of the nation, and no power can exist in a State to obstruct this right that would enable it to defeat the purposes for which the government was established.

"The Federal power has a right to declare and prosecute wars, and, as a necessary incident, to raise and transport troops through and over the territory of any State of the Union.

"If this right is dependent in any sense, however limited, upon the pleasure of a State, the government itself may be overthrown by an obstruction to its exercise. . . .

The correlative right of transit. - "But if the government has these rights on her own account, the citizen also has correlative rights. He has the right to come to the seat of government to assert any claim he may have upon the government, or to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has a right to *free access* to its seaports through which all the operations of foreign trade and commerce are conducted, to the sub-treasuries, the land offices, the revenue offices, and the courts of justice in the several States, and this right is in its nature independent of the will of any State over whose soil he must pass in the exercise of it.

Huddy also described the U.S. Supreme Court "Passenger Cases" of 1849, quoting the Court as follows:

"Living as we do under a common government, charged with the great concerns of the whole Union, **every citizen of the United States from the most remote states or**

territories, is entitled to free access, not only to the principal departments established at Washington, but also to its judicial tribunals and public offices in every state in the Union. For all the great purposes for which the Federal government was formed, we are one people, with one common country.”

“We are citizens of the United States, and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own states.” [italics emphasis Huddy’s, bolding emphasis this author’s.]

Thus, combining the Supreme Court cases, *Crandall v. Nevada*, with its “right of transit” by the “*ordinary means of travel*” and the Passenger Cases’ “must have the right to pass and repass through every part of it without interruption, as freely as in our own states”, this Right, along with our Inalienable Liberty and Property Rights, means that motor vehicle use is a RIGHT which may not be infringed or denied unless the Rights of others are in turn infringed. Clearly then, speed traps violate ALL these Rights, plus, due to their resulting increased accident rates, the Inalienable Right to Life.

The “correlative right of transit” provides a separate but additional basis for the Right to travel by the “ordinary means of travel” which in 1909 certainly included the automobile, as it certainly does today.

Authority to Regulate Speed, Fairness of laws.

PRE-AUTOMOBILE, from 1868:

Angell, p424, § 342 - **“Rate of Speed. Another duty which travelers are bound to observe is to drive at a moderate rate of speed. To drive a carriage through a crowded or populous street at such a rate or in such a manner as to endanger the safety of the inhabitants is an indictable offense at common law, and amounts to a breach of the peace. In this country, driving faster than an ordinary traveling pace in the streets of populous cities is very generally prohibited by statutes or municipal ordinances;** and it is a well-settled principle, that a person, who is engaged in an illegal or prohibited course of conduct is liable for all the consequences of his acts.[2] But, independently of this principle, driving at an immoderate rate of speed is, in itself, a culpable negligence, from which, if an injury result, without fault of the person injured, the author is liable for it.[3] **What is immoderate speed is a question for the jury.** Best, C.J., speaks of it as such speed that the horses cannot be stopped or properly directed; and Barbour, J., speaking for the Supreme Court of the United States, describes it as "rapid driving, which, under the circumstances of the case, amounts . . .”

Thus, speed limits existed before the automobile. **Also note the phrase, “a question for the jury”:** somehow, in the last 142 years, the jury requirement has been eliminated from our traffic courts. Just think - if we could argue a speed trap ticket in front of a jury of our peers, we would have a far better chance at justice, because those “peers” are in the same boat. **Shifting the authority from a jury to a single, corrupt traffic court judge whose court benefits directly or indirectly in the resulting booty, is NECESSARY to the success of speed traps.**

Huddy, Page 22, § 6. - “. . . but it is to be regretted that in some of the States, there has been a disposition to extract revenue from automobilists under the licensing power of the government. The revenue features of the automobile laws are clearly unauthorized, since the police powers of the States do not permit taxation beyond a reasonable limit.

Berry, Pages 36-37 - “§31 Power of state to regulate the use of Property. Under the police power of the state the Legislature may enact all manner of wholesome and reasonable laws, not repugnant to the constitution, which it may deem for the good and welfare of the people.[8] . . .

“The power to regulate invests the Legislature with a large discretion to determine what measures are necessary to preserve the public interests and protect private rights.[11]”

[1st Ed., p29, §30: SAME]

NOTE AGAIN - The RESTRICTIONS placed on this power.

Huddy, Page 295, Chapter 25, Automobile Legislation.

§ 1. General considerations.

“The legislative regulation of motoring is of vital importance to motor-car owners and operators, not only from the standpoint of keeping within the law, but because every motorist has, or should have, a desire to see that these laws are fair and reasonable in their tendency to protect public safety. Prejudicial or otherwise discriminating legislation against motoring is to be condemned, and every effort should be made in maintaining the freedom of the road and to protect the road rights from measures imposing unreasonable hardships.”

Berry, p72-73 - §60. Power to regulate the speed of automobiles. Under a general grant of police power, a municipal corporation may, in the interest of the public safety, regulate the speed of automobiles in its streets and ways.³¹

Huddy, Page 295, § 2. Fairness of laws.

“Legislation on the whole, has been very fair in most of the states in its interest for the public and the motorist. Only occasionally enactments have seemed to be grossly unreasonable and discriminating. The greatest complaint is concerning the oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves. Some of the law periodicals are advocating more stringent legislation in reference to reckless motoring and the use of motor cars on the streets. One who has studied and compared the legislation of the various states of the Union and of England, and the decisions handed down by the courts, and has considered well the legal status of the motor car, would hesitate long before advising enactment of drastic legislation which would also unduly restrict the rights of the careful driver.”

Note that, in both the Speed Trap Study and the Legal Aspects document, “the careful driver” is the one most likely to be punished for BEING a “careful driver”, a gross violation and direct contradiction of the intent of the law.

Berry, Pages 72-73. “§60. **Power to regulate the speed of automobiles.** Under a general grant of police power, a municipal corporation may, **in the interest of the public safety**, regulate the speed of automobiles in its streets and ways.³¹”

Berry, Pages 80-81. §68 [Municipal] Ordinances - “. . . **must be reasonably construed, in a manner consistent with the intent of the authority enacting them**”
. . . **“Where an ordinance is open to two constructions, one legal, the other illegal, that construction must prevail that will preserve its validity.[63]”**

This “one legal, the other illegal” expression is an excellent example of the Bosque Farms Speed Trap.

Davids, Page 25. § 22. **Source of Power of States. Such regulations are a legitimate exercise of the police power 8 for the promotion of the safety of the public.**⁷ In one of the earlier cases the court said: "There can be no question of the right of the legislature, in the exercise of the police power, to regulate the driving of automobiles and motorcycles on the public ways of the commonwealth. **They are capable of being driven and are apt to be driven at such a high rate of speed, and when not properly driven are so dangerous, as to make some regulation necessary for the safety of other persons on the public ways.**"

Davids, Page 31. *Validity of Laws Generally.*

§ 29. **As Exercise of Police Power. The enactment of laws prescribing conditions to be complied with in the operation of motor vehicles is an appropriate exercise of the police power for the preservation of the safety of the public in the use of the streets and highways.**¹ The New Jersey court has said in this connection: "Turning from the trolley car to the automobile, we see introduced into use on the highways a vehicle propelled by a power as great and capable of attaining speed still greater than a trolley car. We see a machine confined to no part of the street, and which, if driven by an inexperienced or reckless driver, is a menace to all who are entitled to use the street. **It seems too obvious for further remark that the legislature has the same right to protect other users of the highways against these dangers as it has to guard them against the unrestricted movements of a trolley car.** Therefore, the provisions of the statute which limit the rate of speed, which require the display of signals and the use of efficient brakes, are all **appropriate to preserve safety in the use of the road.**"

Davids, Page 58. § 74. **Necessity for Limitation of Speed.** Motor vehicles as a rule are capable of being driven at great speed,⁵ and **the experience of the public in being obliged to submit to danger from the immoderate speed of these vehicles, or to abandon the highways to their use, has made enactments to restrain their speed a necessity.**⁸

From the traffic safety experience and research that has occurred over the last century, the phrase, “danger from the immoderate speed” is far better understood today. For example, the safety effects of speed variance were unknown a hundred years ago.

Davids, Page 58. **§ 75. Power of Legislature to Limit Speed. The legislature in the exercise of the police power for the promotion of the safety of the public in the use of the highways may prescribe a reasonable maximum rate of speed at which automobiles may be driven.**⁷

Davids, Page 250. **§ 256. Negligent, Reckless, or Dangerous Driving.** [Footnote 3.] . . . "Common Traveling Pace."—In State v. Smith, 29 R. I. 245, 69 Atl. 1061, the defendant was prosecuted for fast driving in violation of the statute. . . . A complaint, brought under it, that one drove or rode at a speed greater than a common traveling pace, **charges the offense with sufficient clearness to protect the accused in his right to be informed of the nature and cause of the accusation against him; and he is not, on account of the uncertainty of the language of the statute, liable to be deprived of his liberty and property without due process of law.**"

This sub-section clearly states that government DOES have lawful authority to regulate automobile use, including speed PRIOR TO THE INVENTION OF THE AUTOMOBILE, as long as such laws are "fair and reasonable" and not "repugnant to the constitution", and in the interests of public SAFETY, and that these laws cannot "unduly restrict the rights of the careful driver", and must satisfy the intent of the law. Also clearly, speed traps, a century ago and today, VIOLATE these lawful requirements. Furthermore, speeding was LONG AGO a "a question for the jury", which no longer exists.

Limitation of Police Power, Illegal Police Methods, Speed Trap Examples.

Berry, Pages 36-37 - "**§31 Power of state to regulate the use of Property. Under the police power of the state the Legislature may enact all manner of wholesome and reasonable laws, not repugnant to the constitution, which it may deem for the good and welfare of the people.**[8] . . .

"The power to regulate invests the Legislature with a large discretion to determine what measures are necessary to preserve the public interests and protect private rights.[11]"

AND:

"§31. Limitation of police power. By virtue of the constitution of our government the police power is limited by the organic law of the state and nation.²¹ Therefore, to justify the state in interposing its authority in behalf of the public, it must appear that the interests of the public generally, as distinguished from a particular class, require such interference, and that the means are reasonably necessary for the accomplishment of the desired purpose, and not unduly oppressive upon individuals.²² Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property,²³ nor overthrow vested rights.²⁴ Its power is limited by the organic laws, and to enactments relating to the interests or welfare of the public,²⁵

and, hence, the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.²⁶ Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.²⁷

NOTE the phrase, “must appear”: today, criminal public officials steadfastly maintain this “appearance” while intentionally violating many Rights in order to enforcement and profit from traffic laws that are NOT “in the interests of the public”.

Huddy, Page 201, § 10. **Illegal police methods.** “Notwithstanding the fact that the law is violated frequently by automobilists, there is no excuse for illegal depreations upon personal security and private property on the part of police officials who arrest persons for violating speed limits. . . .”

Huddy, Page 295, § 2. **Fairness of laws.** “The greatest complaint is concerning the oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves.”

Read the above, large-font, bolded and underlined text AGAIN.

Consider that this was written A CENTURY AGO. Obviously, way back then, thoroughly corrupt public officials existed, just as they do today, with their arbitrary enforcement of arbitrary traffic laws. Obviously, way back then, drivers’ most basic Rights were being violated just as they are today.

EARLY EXAMPLES OF SPEED TRAPS:

Some of the examples below are from “**The Horseless Age**”. Huddy, in his 1909 Second Edition Preface on page xiii, states, “The author desires to thank the *Horseless Age*, for the valuable assistance rendered in the compilation of this work.

From 1904:

Automotive industries, Volume 10, 1904, p509: ‘. . . by motorists, who feel that the attractiveness of the most picturesque and best drive out of Chicago is more than offset **by the arbitrary methods of the police of the towns, who laid various traps to catch those who exceeded the absurdly low speed limit.** These traps took the form of concealed or “plainclothes” . . .’

From 1915:

Automotive industries, Volume 33 - Page 631: “**Wins Pa. Speed Trap Appeal**”
“**For a long time many officers in the county have been reaping a harvest by jumping out of bushes and arresting automobilists on the charge of speeding.**”

From 1912:

Papers, addresses and resolutions before the American Road Congress ... - Page 174

American Association for Highway Improvement - Reference- 191 pages

“ . . . issued by a multitude of cities and villages and the activities of the **unscrupulous speed trap operators who were actuated solely by mercenary motives . . .**”

From 1915:

Dependable Highways - Page 14: **“... warning motorists against a speed trap. Cases growing out of arrests were contested and the trapper finally driven to private life. ...”**

From 1908:

“The Horseless Age”, Vol. 21, No. 25, June 21, 1908, page 722: **“Warning of Police Trap”**
“Motorists who drive in New Jersey should beware of a speed trap which is being operated in the village of New Providence . . .”

From 1910:

Motor age, Volume 18 - Page 11: **“Ohio constables and justices no longer can reap a golden harvest from the pockets of motorists, for the speed trap in Ohio is doomed. ...”**

From 1902:

The Horseless age: the automobile trade magazine, Volume 9 - Page 454

‘The Question of Speed Under the New Law.

‘George E. Chamberlin, chairman of the law committee of the Automobile Club of America, in an interview with THE HORSELESS AGE, said he believed there would be difficulty in securing convictions of the anti-speed law, and that un-warrantable arrests are likely to be made unless some suitable method is adopted by the authorities to secure positive proof of the speed at which an automobiles travel. He expressed himself as follows:

“The word of a policeman that an automobile exceeded the speed limit is not sufficient evidence, and his charge of an infraction of the law must be supported by corroborative testimony that can be sustained. Otherwise the assumption of innocence should prevail.”

This is a 1902 example of the difference between 1902 and 2009 - today, such “corroborative testimony” is simply not required by our arbitrary traffic courts, to their great profit.]

From 1908:

The Horseless age: the automobile trade magazine, Vol. 21, No. 7: 1908

“Legislation Discussed at Jersey Motorists’ Meeting.

[Judge William H. Hotchkiss, of Buffalo and Pres. of the A.A.A.]

“With respect to definite speed limits, the Judge had the following to say:

“‘Miles per hour’ is a statutory speed trap, where prejudice starts the stop watch at one end, and legalized plunder bars the way at the other. The true principle, and, in road regulation, it is as old as the camel or the cart, is that unlawful speed should be determined, not arbitrarily by miles per hour, but, by the condition of the highway and the traffic thereon at the time, that is, whether, in the judgement of men, the rate is such as then and there to endanger the lives and property of others.”

This is a century-old example of essentially the same “legalized plunder” that characterizes ALL speed traps, then and today. One probable difference is that, a century ago, the then-also-corrupt public officials may not have realized that speed traps injure and kill people, as they do today.]

The earliest of these examples is from 1902. Obviously, speed traps, and the criminal public officials that ran/run them, have existed for over a century. Given all this history and background, the criminal methods today are much more refined and have become extremely difficult to counter, particularly when the courts and their “judges” are an integral part of this criminal process.

COMPARE THE ABOVE CENTURY-OLD EXAMPLES TO May 07, 2009:

http://www.ohio.com/news/break_news/44551342.html

Troopers in ticket-writing frenzy

By Bob Dyer, Akron [OH] Beacon Journal columnist

“The Ohio Highway Patrol is determined to bring safety to our interstates — even if it kills us.” . . . So here we are, stuck with an artificially low speed limit, and where does the Ohio Highway Patrol choose to unleash a ticket-writing frenzy? . . . Even worse than picayune tickets is the added danger — for motorists and troopers.”

OR TO THE Upper Moreland, PA, July 21 2008, Board of Commissioners Meeting Minutes:

<http://www.uppermoreland.org/commissioners/minutes.aspx?id=28>

“Chief Nestel replied he has spoken with the Chief of Police of Hatboro, and he agrees that the speed is lower than it should be. Because Hatboro vigorously enforces the artificially low speed limit, doesn't make it right.”

[WOW. An honest police chief. With integrity. How does he keep his job?]

CONCLUSIONS

See the bulleted list on the first page.

A century ago and more, it was clearly stated that highways are owned by the public who have DUAL Inalienable Rights (Liberty and Property) to their use that - like ALL Inalienable Rights - can be lawfully infringed ONLY when the Rights of others are infringed. That the automobile introduced NO new principles in highway law. The “correlative right of transit” provides a separate but additional basis for the Right to travel by the “ordinary means of travel” which in 1909 certainly included the automobile, as it certainly does today. These unchangeable Rights go far beyond the obvious unlawfulness of speed traps and applies to ALL traffic and highway laws - if they are not provably based on the interference with the Inalienable Rights of others, they are not laws.

The same Inalienable Rights apply to the driver’s license and vehicle registration because

deprivation of the driver's license violates the Inalienable Right to Liberty and Property, and deprivation of the vehicle registration violates the Inalienable Right to Property. Where the requirements for both are reasonable from a traffic safety standpoint, they CANNOT be lawfully denied, revoked or suspended for ANY reason other than on the interference with the Inalienable Rights of others, which boils down to traffic safety ONLY. Yet today, millions of drivers have been deprived of their licenses for reasons that have nothing to do with driving, and millions more for non-safety reasons.

Over the last century, the increases of arbitrary government power over the American driver have been astronomical (See Sec. 11, Garfinkel, overdue library book fines???), including state defiance of the U.S. Supreme Court. Because the "American driver" is almost exactly equivalent to the "American taxpayer", and the "American driver" is about 68 percent of the total U.S. Population, arbitrary power over the "American driver" is also arbitrary power over the "American taxpayer" and arbitrary power over the majority of the American People.

But, what if the tables were turned? What if the "American driver/taxpayer" turned off those taxes? After all, in the United States, there can be no constitutional law that can force the "American taxpayer" to pay taxes to support an arbitrary government. What if the "American driver/taxpayer" exercised lawful power over arbitrary power? The result would likely be one of two large changes - either our government officials would cease to be arbitrary, or they would use force and violence to continue toward totalitarian government.

A century ago and more, it was clearly stated that government DOES have lawful authority to regulate automobile use, including speed, even PRIOR TO THE INVENTION OF THE AUTOMOBILE, as long as such laws are "fair and reasonable" and not "repugnant to the constitution", and in the interests of public SAFETY, and that these laws cannot "unduly restrict the rights of the careful driver", and must satisfy the intent of the law. Also, speeding was, circa 1868, "a question for the jury", which no longer exists in any practical sense.

In the "Limitation of Police Power" section, we find that this power is limited: "**Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property**" and, "**. . . the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.**"²⁶ **Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.**" Under the law here in the United States, these requirements CANNOT have changed. In practice, however, with thoroughly criminal public officials in ALL THREE branches of government, these requirements most certainly HAVE changed, and particularly in the operation of speed traps and their resulting thefts, and increased injuries and deaths.

The above, century-old examples of speed traps conclusively show a century of corruption within local and state governments, nationwide. Obviously, over the last hundred years, this corruption has increased and become a well-established means of theft from the driving public. Speed traps, with their impact on both liberty and property, have been known to be illegal for over a century,

yet they still exist. **The 2008 and 2009 examples show that speed traps and criminal public officials have not changed in a hundred years, except to increase.**

With over a hundred years to become established, combined with the many methods used by corrupt public officials' to resist drivers' efforts to obtain justice (primarily in the courts, **today without the benefit of a jury**), the existence of speed traps today cannot be "by accident"; it cannot be the result of good intentions. Today, speed trap operators can only be criminals who know exactly what they are doing and what it takes to do it.

References.

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