

Licenses

The authority to license, if any such authority can be said to exist, is the power to control, regulate, stifle, intimidate, rob and or destroy an individual or an organization of individuals and their activities or products. Licensing is the ugly fist of protectionism, suited better to a dictatorship than to a free republic. Governments are fond of licensing, as evidenced by all manner of secretaries, boards and commissions whose function it is to oversee such things and assure government an additional source of revenue from the price of granting its permission. Tyrannical governments prefer that their subjects or slaves be required to ask for their permission prior to, and as a condition of, doing nearly every kind of public, private or independent activity. Such governments want servile subjects who do what they are told to do. Hence the necessity of creating an acceptance of licensing, as being "for the common good" or "for public protection."

A review of the prohibitions, requirements and options of the government under our constitutional contract is revealing. Nowhere can there be found any general option or requirement for government to license anything or anyone, except in Article I, Section 8, wherein the Congress was given the *option* to regulate (conceivably through licensing): 1) commerce with foreign nations; 2) commerce among the states (subject to a number of prohibitions); and 3) commerce with the Indian tribes. Otherwise, quite the contrary is true.

It is important to remember that the Constitution is a contract of limitation on government. It is a prescription for exactly what government shall or may do and how it shall or may proceed and it specifies the specific purposes of such government as shall rightfully exist. The six purposes given in the preamble of the Constitution are offended by any government sponsored licensing activities. Government licensing creates injustice and makes the "blessings of tranquility and liberty" insecure.

The whole question of government licensing is centered around the difference between a right and a privilege. As a free person an individual may elect to do anything so long as in so doing no threat or harm is done to the life, liberty or property of another individual. Those with the courage to claim and exercise their rights as re-affirmed in the Constitution do so with the concurrence of the highest law of the land, that it is their right as a free people to do so.

No permission is needed to exercise a right but one does have to ask and obtain permission to use or do something which transgresses the rights or

property of another. In such a case the one owning the right, or piece of property as the case may be, is the only one with sufficient authority to grant another person any kind of permission or privilege. Since the government must protect all equally and cannot properly favor anyone with its gratuities (if it had any to give), and since government has no rights, but only duties and requirements with options and prohibitions for fulfilling them, and since, constitutionally speaking, government does not have the authority to collect any revenues other than those resulting from properly laid taxes, duties, imposts and excises (or possibly fines from duly convicted criminals), government has no authority to profit financially from licensing.

Thousands of people have claimed their natural or God-given right to liberty and have various types of "licenses" (all self-issued). These anti-bureaucratic forms have two purposes; to claim their rights in a responsible and organized way as a peaceful transitional declaratory offering for government observance; and to introduce the Freedom Movement and the concept of liberty to others.

Arms Permits

Three examples of Freedom Movement "licenses" are—the True Creator License from God which speaks for itself; the United States of America Constitutional Arms Permit; and the United States of America Constitutional Driver's License. Personally, I use all three. I consider them and the activities they "license" my personal, sovereign, private, exclusive right, privilege and property. The arms permit is a touchy subject because some people fear that those who have arms could use them to force others to yield their rights or property. This fear is justified. However, the proposed solution—that the government take the means of defense away from everybody—is not realistic or reasonable, because government can be and often is just as much a violator of peoples' rights and property as common criminals, and without the right to the option of the use of arms there is no reason to believe that it would not become more so.

The Second Amendment of the Bill of Rights says, "the right to keep and bear arms shall not be infringed." That is a terribly plain and clear prohibition against governmental rule-making to the contrary. The Founding Fathers were distrustful of all governments, and I believe rightly so. I am sure, too, they realized that there never seems to be a sheriff in sight when a private citizen needs one. In numerous incidents of police strikes the level of crime actually drops dramatically. It would seem criminals are as scared of a well-armed citizenry as the bureaucracy seems to be.

After I had been in possession of my rights and "licenses" a couple of years, I decided to check the status of the Second Amendment with the local county sheriff. As the event unfolded I produced my self-issued arms license for the perusal of officialdom, along with a declaration that I was carrying a concealed weapon. The gentleman did not respond as though he were seeing something new or hearing anything that should be cause for alarm, so I dug

out my self-issued driver's "license" too, but to no avail. I was told that they didn't want to see my weapon and was politely sent on my way with the request that if I were stopped by any of their officers I should "please have them call in before they take any action."

Drivers Licenses

My constitutional driver's license has generally provoked the same sort of response when shown (as opposed to surrendered) to a traffic officer. Most of the time they just do not want to get involved with the average law-respecting citizen when they know that he knows his rights. There was one time, though, when a village police officer decided to "call in" on his own about the matter. When he returned to my car he was quite polite, and very careful to explain to me that he had called in because he had never come across a constitutional driver's license before and he wasn't sure how to handle it. He had been instructed to issue the twelve-mile an hour speeding ticket for which he had stopped me originally, and write "constitutional license" on the ticket in the place of the customary governmental-issued driver's license number.

It should be noted that there is no "license", self-issued or otherwise, that can give any legitimate authority to violate or threaten the life, liberty or property of another. Drunk or reckless driving is as much of a threat to the life, liberty or property of another as is the careless or malicious use of firearms, and both are cause for legitimate complaints to government by anyone so threatened. We have law officers to protect us from exactly that kind of thing because there is no privilege, license, or authority that can justify the initiation of aggression against another individual or his property.

Marriage Licenses

Liberty is in a pretty sad state of affairs when permission to marry is subject to governmental examinations, terms, and fees. In a recent edition of *We the People*⁴ the following comments and information appeared in an article entitled "*Marriage is a Contract*" (Parsons on Contracts, circa 1884):

In keeping with the common law principles upon which this country is founded, *We the People*, has come across numerous references to "marriage contracts" and "common-law marriages." We decided to find out a little more about these subjects when we heard that various states were battling parents over custody of their children on the premise that "since the state married them (through a license), the children were 'fruits of the state.'" They were saying that "what the state grants, the state can take away" and since the parents were married by permission of the state—with their license, the state had a vested interest in the children of the marriage.

This of course, deserved some attention, as far as *We the People* was concerned.

We found that marriage is a contractual agreement, whether the provisions of the contract are written or oral. The old common-law type of marriage called for a contract to marry to be drawn up showing what each party to the marriage could pledge as consideration. Consideration is: property, real or personal, that could make the contract a binding agreement. Contracts call for consideration, or they are not valid. After this contract (or promise to marry) is drawn up, the marriage is held on the set date, the parson, or preacher or minister who solemnizes the marriage signs and dates the certificate of marriage, and the parties are married under the eyes of God and by common law. This puts to rest the use of the term Common Law Marriage as and illegal arrangement. "Living together" is not a common law marriage per se. The Common Law Marriage calls for a contract, for consideration to pass hands (like the old dowry, for instance), it calls for a solemnization of the marriage by an authorized church leader such as a minister, parson, etc.

There is also a certificate you can file with the state to declare your marriage as a matter of public record.

Another thing the common law marriage calls for is that both the parties to the contract (to be husband and wife) be legal age. . .or 21 or over, by the old common law terms.

We the People's Contract to Marry, Certificate of Marriage Without License, and Affirmation of Common-Law Marriage are shown here. The publication does suggest that having one's blood tested before marriage is not necessarily a bad idea.

Free people are under no obligation either to seek or to renew any illegitimate government "license."