

"In a letter to a judge ruling on a traffic case, Republican U.S. Senate candidate Sam Rohrer contended the state cannot legally force individuals to get driver's licenses or register their cars, and likened the continuation of the requirements to slavery. The arguments focus on the "enormous" economic costs of ending slavery or licensing and registration, Mr. Rohrer wrote on April 18, 2006, on behalf of a constituent to Chester County Judge Phyllis R. Streitl when he was still representing Berks County in the state House.

"However, no one today would dare argue that we should not have eliminated slavery because it was too costly to the American economy. When rights are being violated, no cost is too high to return those rights to the individuals who hold them," Mr. Rohrer wrote.

Like slavery, licenses and registrations restrict travel, he wrote.

"Slavery is the ultimate restriction of one's liberty," Mr. Rohrer wrote. "It limits one's rights in every conceivable way, including one's right to move about freely. Likewise, refusing to acknowledge an individual's right to travel is an unconstitutional restriction of one's liberty and should not be permitted to continue in Pennsylvania."

'Reiled' up

In an interview Monday, Mr. Rohrer said his legal counsel wrote the letter, though he signed it and approved its mailing. He did not back down from questioning the basis for requiring individuals to have driver's licenses and register their vehicles, but said he did not mean to imply requiring either amounts to slavery.

"No, no, I don't think that's the point, he said. "That was an argument to say there, 'Yeah, but if it's a matter of right, and if it's a matter of freedom, then you cannot say that the cost is too high, the right must override the economic impact.' And that was the reason for putting that (slavery in), as a matter of illustration."

Mr. Rohrer is a candidate for the seat held by Democratic Sen. Bob Casey.

Mr. Rohrer wrote the letter in support of William T. Reil, 69, of Elverson in Chester County, who was cited on Feb. 12, 2002, with driving an unregistered vehicle, a vehicle without a valid inspection sticker or insurance, driving while his license was suspended and driving with altered, forged or counterfeit documents and plates.

After a trial before Judge Streitl, at which Mr. Reil represented himself, Mr. Reil was found guilty March 27, 2006, of driving with a suspended license and with altered, forged or counterfeit documents and plates, according to court records on the Pennsylvania Unified Judicial System web site. The other charges were withdrawn. The letter was sent more than three weeks later.

On April 20, two days after the date on Mr. Rohrer's letter, Judge Streitl sentenced Mr. Reil to a \$200 fine plus court costs. Mr. Reil appealed to the state Superior Court, which upheld the verdict and sentence in December 2007. His \$1,039 in fines and costs were paid, according to the court records.

'Vast implications'

In defending Mr. Reil, Mr. Rohrer said he had a lawyer on his legislative staff "examine Mr. Reil's understanding of this complex issue." The staff member found Mr. Reil's arguments were based on "solid legal precedent," Mr. Rohrer wrote. "I have also performed my own in-depth research over the years and I, too, have reached the conclusion that Mr. Reil stands on solid legal footing," Mr. Rohrer wrote. The "crux of the issue," he wrote, is whether the state Vehicle Code applies to an individual. His staff's research showed it only applies to "commercial vehicles and commercial use of the roads."

"If one's movement can be restrained, such restraint is intrinsically a restraint of his liberty. Mr. Reil's use of an automobile is simply an extension of his personal liberty to move about as he wishes," Mr. Rohrer wrote. "An individual who wishes to utilize an automobile or other means of conveyance in order to exercise his right to travel cannot lawfully be required to obtain a license to drive or to register his automobile in order to operate it freely on our roads."

The Vehicle Code requires driver's licenses and vehicle registrations. "No person, except those expressly exempted, shall drive any motor vehicle upon a highway or public property in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter," the code says.

It also says:

"No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration."

Cars registered in other states, farm tractors, golf cars and mobile homes are among exempt from registration. Mr. Rohrer wrote that he knew his conclusion would have "vast implications." "I am well aware that a ruling of this nature would 'undo' years of enforcement of our existing laws. I am also well aware of the enormous economic impact such a ruling would have on the Department of Transportation," he wrote.

In the interview, Mr. Rohrer said he got involved in the case at Mr. Reil's request. He remembered joining several other legislators at a meeting with state Department of Transportation officials where the rationale for licensing and registering vehicles was discussed.

'Right to travel'

Asked if he still believes what he wrote in the letter about licensing and registration, Mr. Rohrer did not

back off.

"I think what you have ... is that if you look at law, the law governing commercial activity, commercial traffic ... that is very, very clear in law - that licensing, permitting, taxing, a number of those things are established under commercial law because commercial activities and corporations are a creature of the state," he said.

As long as the state does not go too far in restricting their activity, it has "the freedom" to restrict, he said. "Individuals, though, there was no precedent in law ... and in essence, what we were told as House members is that the application of the commercial law was essentially flipped down on top of an individual."

"The right to travel is an inherent constitutional right," he said.

As a legislator, Mr. Rohrer said, he had an obligation to a constituent to examine the issue and ask the judge to weigh the argument when making her decision. Randy DeSoto, a spokesman for Republican Senate candidate Marc Scaringi, said he partly agreed with Mr. Rohrer.

Mr. Scaringi believes "the right to travel and to earn a living is a God-given, fundamental right that the state should not be able to deny," Mr. DeSoto said in a prepared statement. "However, it is clearly an exaggeration to liken obtaining a drivers license or registering one's vehicle to slavery."

Jim Conroy, a spokesman for Republican candidate Tom Smith, declined to comment. Efforts to reach the candidates Steve Welch, David Christian and John Kensinger through their spokesmen were unsuccessful."

By Borys Krawczeniuk (Staff Writer) / Published: February 7, 2012

Source :

>>> <https://www.citizensvoice.com/news/rohrer-says-rationale-for-driver-s-licenses-slavery-similar-1.1268127> <<<