

Can A Sign Revoke Government's Implied License To Trespass?

For decades, government's power, at every level, has increased exponentially to the point where the people are no longer sovereign. They are but hapless "victims" of a centralized government whose constitutional limits were breached beginning as far back as the Civil War. The people of America, thanks to the 14th Amendment, are now just "***citizens UNDER THE JURISDICTION THEREOF of the United States and of the State wherein they reside.***" It was supposed to be that the United States and the State wherein we reside were under the JURISDICTION of WE THE PEOPLE, not the other way around.

Then along came the 16th Amendment (1913), which made those "***citizens under the jurisdiction thereof***" human collateral for the nation's debt. Without knowing it the people were forced to pledge the taxes from their entire life's income to the government. In the 1930's FDR sealed the deal by making each individual's Social Security number the loan number for that debt. At that time, the people of America ceased being sovereign with individual and unalienable rights. Some of you may remember when Social Security was supposed to be voluntary. It is no longer. Some may remember when Social Security benefits weren't taxed. They are now. Government's growing power has increased dramatically in the intervening years, while the people sat on their hands and did nothing.

Since the 1930's under FDR and subsequent presidents, the U. S. Congress and the U. S. Supreme Court have aided and abetted the slow slide from individual sovereigns to serfs of a powerful, centralized government. The U. S. Supreme Court has handed down decisions that significantly expanded the police powers of local, state and the federal government. In the

1920's the U. S. Supreme Court, by legislating from the bench, decreed that state and local jurisdictions could pass zoning laws. The decision was just another government erosion of property rights.

In another decision the U. S. Supreme Court determined that before a government TAKING could occur in which 5th Amendment "just compensation" would have to be paid, the government



could take up to 95% of an owner's property, or the right of use of an owner's property. When environmental protection laws were passed in the early 1970's it meant that the government could stop a

landowner from using up to 95% of his or her property for environmental reasons before government would have to pay. Government might just as well confiscate all of a person's property, since 95% is essentially all of a person's property. Even though you lose the right of use of your property from government action, you still have to pay property taxes for the entire property. The elimination of property rights continued un-abated by Congress and the High Court in coming years.

Originally, the intent of the Founding Fathers was that property ownership was to be virtually sovereign title and government could not interfere or subvert that title. The right to own and use your property, without interference from government, was the foundation from which all other natural

rights sprung. It was and is called allodial title. Again, the government came along and silently and seriously diluted allodial title by converting all title deeds to Statutory Warranty Deeds.

Here is a legal definition of property rights and property ownership, as drafted by a State Supreme Court Justice.

*“Property in a thing consists not merely in its ownership and possession, but in the **unrestricted right of use, enjoyment, and disposal.** Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right.”* (See *Ackerman v. Port of Seattle*, 55 Wn.2d 400, 409, 348 P.2d 664 (1960) (quoting from *Spann v. City of Dallas*, 111 Tex. 350, 355, 235 S.W. 513, 19 A.L.R. 1387 (1921))).

*“While it is up to each state to define property for itself, the **right to use** one’s property has been universally understood to be a fundamental attribute of real property ownership. Compare *Eaton v. Boston, C. and M.R.R.*, 51 N.H. 504, 511-512 (1872) (**“the framers of the Constitution intended to protect property rights which are worth protecting; not mere empty titles . . . among those elements is, fundamentally, the right of use . . . ”**) and Lord Coke wrote that: **“to deprive one of the use of his land is depriving him of his land. What is the land but the profits thereof?”** (See also John M. Groen and Richard M. Stephens, *Takings Law, Lucas, and the Growth Management Act*, 16 U. Puget Sound L. Rev. 1259, at 1266, 1295 (Spring 1993)).”*

Even a layman can understand that when “use” is severely restricted or taken, ownership becomes a barren right. If property ownership is a “barren” right, then private citizens have no right to own property. If a private citizen has no right to own property, then it follows that Government “owns”

all property and in fact it does. Just try not paying your property taxes and the government will TAKE your property. Allodial property rights are no more.

Many in government and the environmental community actually believe that government should own all property and would like to see this to be the final outcome of private property in America today, the Constitution be damned. The United Nations believes and has stated in a policy pronouncement that the environmental value of property is too high to allow private individuals to own property and only government should own property. (We cover much about American property rights on our web page [HERE](#).)

But one of the other basic pillars of property ownership in America is the right to exclude anyone from coming on your property and that means anyone, including government agents and law enforcement. That right to exclude was codified into law in the following precedent:

*"A property owner's right to exclude extends to private individuals as well as the government". See United States v. Lyons, 992 F.2d 1029, 1031 (10th Cir. 1993) "The intruder who enters clothed in the robes of authority in broad daylight commits no less an invasion of [property] rights than if he sneaks in the night wearing a burglar's mask." **Hendler v. United States**, 952 F.2d 1364, 1375 (Fed. Cir. 1991).*

Once again the U. S. Supreme Court decided, in its infinite wisdom, that government agents and law enforcement have an **"Implied License"** to come on your property at any time they feel like it and "knock on your door and talk" to you. This was called the **"knock and talk"** provisions of U. S. Supreme Court decisions in **BREARD v. ALEXANDRIA, 341 U.S. 622 (1951)** AND **FLORIDA v. JARDINES, 133 S. CT. 1409 (2013)**. The property owner doesn't have to talk to the government agent or law enforcement officer, but nevertheless, government has a U. S. Supreme Court sanctioned right to TRESPASS on your property,

whether you live in a big city, or the wild lands of flyover country. Consequently, the U. S. Supreme Court willy-nilly waived your right to EXCLUDE anyone from your property, in favor of a "Police State." This was another erosion of allodial title.

However, in 2016, a 10th Circuit Appeals Court took aim at the "knock and talk" law and provided a mechanism for landowners to REVOKE government's "**Implied License**" to TRESPASS on your property at any time.

For over 12 years the "[National Association of Rural Landowners](#)" has provided a very powerful, legally intimidating 18" x 24" copyrighted "[No Trespassing sign](#)" to landowners all over America. Over 7,000 of these larger signs have been installed on private property in every state. In our continuing search for stronger No Trespass language we kept looking for legal language that would revoke the government's "**knock and talk**" right to trespass on your land. Upon reading the not-well-known 2016 10th Circuit Court of Appeals decision, we found the legal authority to revoke government's right and incorporated that authority in a "[Revocation of Implied License](#)" and "**Right to Exclude**" companion 12" x 18" copyrighted No Trespass sign. Our two signs (*large and small*) are designed to work together, or separately, but they have more legal authority when installed together in accordance with the 10th Circuit Appeals Court decision. **You won't find these two copyrighted signs available anywhere else.**

NOTE: *To meet the strict interpretation of the 10th Circuit Appeals Court case and to make the "Revocation of Implied License" No Trespass sign truly effective, there should be a sign at the entrance to the property and one sign on, or very near, the primary residence. Consequently, the minimum signage is two "Revocation of Implied License" No Trespass signs. We have made provisions on our web page to order one of our large 18" x 24" No Trespassing signs, together with two (2) of our "Revocation of Implied License" No Trespass signs*

to meet this requirement. All of our signs come with a very powerful sample Posting Notice letter that can be mailed to local authorities providing “constructive notice” of the No Trespassing sign posting. That letter includes the strong language and stiff trespass penalties from our “Revocation of Implied License” No Trespass sign.

America has evolved to the point that all government believes they have the absolute authority and right to trespass on your land at any time. **Under the Constitution and precedent law they don't!** Some state and local governments have tried to pass ordinances forcing the landowner to provide an easement so that government can trespass legally. We strongly advise against it or you will throw what little property rights you have left to the winds and find some nosy government agent looking in your bedroom window.

If you live in an apartment none of this has any meaning for you. However, if you are an urban or rural property owner, you owe it to yourself to investigate our two powerful No Trespassing signs to see if they are applicable to your situation. We have incorporated a link to the entire 10th Circuit Court of Appeals decision on our [“Revocation of Implied License”](#) web page so that you can see for yourself that the revocation of implied license authority granted in the decision is genuine.

If you have been the target of an unwanted visit by a government agent or law enforcement officer, you are going to want these No Trespassing signs. If you haven't had that experience, you will eventually and our powerful No Trespass signs could stop that visit.

You have a choice. Either protect your rights, or give them up all together.

If you have questions or comments, you can contact us [HERE](#).

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