

# Private Property Rights Are the Key to Freedom

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The increasing encroachment of government regulations, pontificating politicians, and the enforcement of Social Justice schemes have led to a loss of understanding of the terms private property and property rights. It was once understood that the unauthorized entering of private property was a violation to the utmost. The property owner was justified and supported in taking necessary actions to remove the trespasser and secure that land.

Today, such ideas are considered radical, old fashioned, out of touch, and even reprehensible. The homeowner can be arrested for defending against an armed intruder. The intruder can actually sue a homeowner for shooting them even as the intruder breaks down the door intending to rob and do harm. Home protection is called violence, perhaps even racism. It's a whole new world of compliance, fear, and acceptance rather than pride, protection, and prosperity in ownership.

So, if we are to succeed in restoring the ideals of property ownership and benefit from the prosperity and freedom it creates, then a short discussion of the full definition of private property is in order.

In the beginning of the nation – after the Declaration of Independence and the American Revolution, and the signing of the Treaty of Paris with Great Britain – the American people became complete, sovereign freeholders in the land with the same prerogatives as the King once had. Now in this new nation the English King had no further claim to the land and could not tax or otherwise encumber it.

From that point the United States government acknowledged private ownership by issuing land patents, also called "Letter Patents." They were signed by the President of the United States and recorded in the county record. From that point the land then became the owner's property in a "true land title." There were no other claims on the land. Land Patents or "Allodial Titles" were one of the major motivators of the American Revolution, providing rights to the land, free and clear of the liens and encumbrances of the King of England.

Land Patents are a contract or Document of Title, issued by government for the conveyance of some portion of land from the public domain to private individuals. According to Black's Law, a Land Patent Contract means the complete and absolute ownership of land; a paramount and individual right of property in land.

But, as expert Ron Gibson has written, the enjoyment of free and clear title allowing owners to "own" their land without interference from any government, including the government of the United States, didn't last long. Writes Gibson, "As a result of generations of constructive Trust Fraud perpetuated against the American people. . . we've been conned into believing we are 'owning' property, when in fact, and by law, we're only in 'possession' of property utilizing it as a renter or tenant would. So long as we pay our rent (i.e., taxes and mortgages), get the licenses, pay the fees, have it insured, regulated, zoned and permitted, we can still remain 'in possession.'"

Gibson goes on to say, "Our Land Patent Laws were largely derived from Old English Laws, known as Allodial Patents, which means (The King of your Land). Once a patent has been issued by the United States Government, signed by the President of the United States, and recorded in the county recorder's records in which the land is located, it then becomes your fee simple title (owing to no one). Meaning a true land title!"

Today, this history has been largely ignored by our government. Instead of a Land Patent or Allodial Patent issued when one buys property, we are issued a Warranty Deed. That is not a true title, but rather a "color of title." That means you have a partner in the ownership of the land. The partner is the State, which encumbers the property with taxes and liens and all of those things, which simply render you a tenant on what should be your own land.

The government's refusal to acknowledge true property rights has led to a massive destruction of the American system, and is at the root of the creation of the largest reorganization of human society ever attempted.

In the 1990s, an all-out assault on property rights was well underway, led by a radical environmental movement, resulting in massive federal land grabs in the name of conservation. As one can imagine, courts across the nation were flooded with cases of people attempting to defend their property rights from government taking. In the state of Washington, one of the major targets for such programs, the state Supreme Court realized it didn't have an adequate definition of property rights to use in considering such cases. That's when State Supreme Court Justice Richard B. Sanders wrote a "Fifth Amendment" treatise which included the following definition of property rights:

*"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."*

Clearly Sanders' definition is based on the concept of Land Patents and Allodial Title. "Use" of the land is the key. Using the land in a productive way beneficial to the owner is

what gives the land value. Simply paying the taxes and mortgage while some undefined government entity can rule and regulate how the property is used, according to Justice Sanders, is a “barren right” that annihilates its value.

So, if private property rights are to be saved in the nation that practically invented the concept, let there be no doubt in what the term means.

### **Ten Points to Define True Private Property Rights**

the owner’s exclusive authority to determine how private property is used;

The owner’s peaceful possession, control, and enjoyment of his/her lawfully purchased, real private property;

The owner’s ability to make contracts to sell, rent, or give away all or part of the lawfully purchased/real private property;

That local, city, county, state, and federal governments are prohibited from exercising eminent domain for the sole purpose of taking lawfully owned private property to resell to a private interest for a private project;

That no level of government has the authority to impose directives, ordinances, fees, or fines regarding landscaping, color selections, tree and plant preservation, or open spaces on lawfully purchased/real private property;

That no level government shall implement a land use plan that requires any part of lawfully purchased private property be set aside for public use or for a Natural Resource Protection Area directing that no construction or disturbance may occur;

That no level of government shall implement a law or ordinance restricting the number of outbuildings that may be placed on lawfully purchased/real private property;

That no level of government shall alter or impose zoning restrictions or regulations that will devalue or limit the ability to sell lawfully purchased/real private property;

That no level of government shall limit profitable or productive agriculture activities by mandating and controlling what crops and livestock are grown on lawfully purchased/real private property;

That no level of government representatives or their assigned agents may trespass on private property without the consent of the property owner or is in possession of a lawful warrant from a legitimate court of law. This includes invasion of property rights and privacy by government use of unmanned drone flights, with the exceptions of exigent circumstances such as protection of life, limb or the private property itself.

These points speak specifically to the right of USE of the property. They do not infringe on a local government's ability for local rule or to impose local, reasonable, legal policy, so long as such policies recognize and protect the owner's use of their private property.

Under current policies being implemented in every state and nearly every community, each of these points are being violated daily. Local governments are creating partnerships with private developers, using the powers of eminent domain to confiscate property for the building of private entities and enterprises such as shopping malls, manufacturing plants, and housing developments with the express purpose of raising tax revenues.

Federal agencies such as HUD, EPA and Bureau of Land Management (BLM) have been systematically fining property owners, even confiscating and locking away private land, prohibiting its use and destroying traditional industry and farming.

State and local governments are forcing developers to set aside large tracts of land to enforce open space and green areas, which imposes punitive financial impositions on the property owners.

Finally, governments at every level routinely trespass on private land to measure, photograph and map, **with the express purpose of creating new regulations.**

Each of these actions is taken by government for the sole purpose of controlling the use of the land. The very idea of “unrestricted right of use” by the property owner terrifies the powers in charge as they race to control every inch of land and its use. Meanwhile, under such plans the very idea of private property rights has become ignored and voided by government edict. The owner, then, has lost the ability to defend his property, or control who has access. The result is that *private property rights, according to Justice Sanford’s definition, have ceased to exist.*

Nearly an unlimited variety of government programs, schemes and tricks are employed to control land use and violate the concept of private property. There are international rules and treaties, federal regulations and programs, state projects, and local plans – many interconnected to one specific goal designed to change our society, form of government, and way of life. Each focus on control or destruction of private property to achieve its goal. Leading that drive are powerful forces in partnership with private organizations having specific agendas and nearly unlimited funds affecting and affecting policies necessary for bringing it about.

To preserve our freedom, every American must understand why private property ownership must be protected.

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