

John (Jack) R. Venrick

From: "John (Jack) R. Venrick" <jacksranch@skynetbb.com>
To: "AJack R. Venrick" <jacksranch@skynetbb.com>
Sent: Saturday, September 10, 2011 1:56 PM
Subject: Supreme Court Decision On Private Property Rights And The Southeastern Ecological Framework Report

----- Original Message -----

From: [John \(Jack\) R. Venrick](#)
To: [AJack R. Venrick](#)
Sent: Saturday, September 10, 2011 1:53 PM
Subject: Supreme Court Decision On Private Property Rights And The Southeastern Ecological Framework Report

----- Original Message -----

From: [Janna Legg](#)
To: janna.legg25@gmail.com
Sent: Saturday, September 10, 2011 4:22 AM
Subject: Supreme Court Decision On Private Property Rights And The Southeastern Ecological Framework Report

Hello Everyone,

Presidential Candidate White Paper
(Analysis on the candidates' records in several areas that impact economic prosperity and freedom)
<http://www.clubforgrowth.org/whitepapers/>

ARTICLES OF THE WEEK

Lodi County Delays Holding Vote On Climate Action Plan
http://www.lodinews.com/news/article_a7b00090-d453-5040-9e8b-a2495d64ecf8.html

Aida Fernandez's Story On The Miami Land Grab Of Her Farmland
<http://faceoffmovement.blogspot.com/2011/08/miami-land-grab.html>

Battle For The California Dessert: Why Is The Government Driving Folks Off Their Land
http://www.youtube.com/watch?v=yw3RiMdS7sE&feature=player_embedded

MORE PRIVATE PROPERTY/AGENDA 21 CONCERNS

Robert Burton's Story:

I am just across the state line in Florida.. You may have heard of me...I am under attack by Senator Charlie Dean and other officials in concert with at least three UN NGOs for exposing many official hands secretly facilitating Agenda 21 while telling constituents and the news media, they have no idea what I am talking about.

I have been exposing that their campaigns are endorsed and funded by

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the UN NGO Network. I have exposed that they are committing Sherman Act and Clayton Act violations in concert with International Corporations to take over entire US based industries. That they are using the Mitigation Credit Bank to leverage private land to assimilate all natural resources toward Agenda 21 development schemes.

For my expose ,my home was raided and most of the evidence I have collected was stolen by Florida Department of Law Enforcement. Most of my You tubes were pulled from the air.

Currently I am being maliciously prosecuted for wire tap charges because I recorded Dean's Chief of Staff in the commission of his official duties ,and with his consent and posted his Agenda 21 lobbying admissions to You Tube.

The You Tubes below will show what I have been doing in Miami Dade with ICLEI Harvey Ruvin. If you watch them you will see why they want me silenced.

In 05-6 I was successful in ousting GARDC Comprehensive development planning from Echols County with the land owners by educating them to the UN being behind what was happening to their property rights. The Echols County Attorney (Warren Turner) was Georgia Conservancy and is operating in Lounds. Sherry Davidson (GARDC) is still your regional affiliate for Agenda 21.. They are Umbrella-ed under NADO National Association of Development Organizations and other UN NGOs. They are the consulting organization for Lounds and Valdosta

Robert Burton's Research

<http://www.youtube.com/user/VFiveVs#p/u/4/OlepIIsdCnA>

<http://www.youtube.com/user/VFiveVs#p/u/3/k-kMhEYXNrA>

http://www.youtube.com/user/VFiveVs#p/u/2/21vx9_iZSWw

A closer Look Southeastern Ecologocal Framework In Florida, Georgia, South Carolina, North Carolina, Alabama, Mississippi, Kentucky, And Tennessee (Buffer Zones, Green areas, Sustainability, Agenda 21)

<https://docs.google.com/viewer?>

[a=v&pid=gmail&attid=0.1&thid=130dcf9f1beb32ff&mt=application/pdf&url=https://mail.google.com/mail/?ui%3D2%26ik%3D7ba398bbd4%26view%3Datt%26th%3D130dcf9f1beb32ff%26attid%3D0.1%26disp%3Dsafe%26zw&sig=AHIEtbRUpnj9bWQScSGscl5qaH_uq5U00A&pli=1](https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=130dcf9f1beb32ff&mt=application/pdf&url=https://mail.google.com/mail/?ui%3D2%26ik%3D7ba398bbd4%26view%3Datt%26th%3D130dcf9f1beb32ff%26attid%3D0.1%26disp%3Dsafe%26zw&sig=AHIEtbRUpnj9bWQScSGscl5qaH_uq5U00A&pli=1)

Agenda 21 Today's Brochures on Understanding Agenda 21 in Education, Fishing, Property, Immigration, And Conservation Easement

http://americanfreedomwatchradio.com/?page_id=327

The Supreme Court Has Ruled!! A Story from Steve Scott In The Faceoff Movement

(If you are battling any private property issues or code enforcement issues, this case will help you)

<http://faceoffmovement.blogspot.com/>

The Supreme Court ruled that Municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for City's illegal enforcement of its Codes on the man's private property and restricting the man's business), affirming both Lucas v South Carolina Coastal Council, 505 US 1003, 120 L.Ed. 2d 798 (1992). (butterfly activists and Code Enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a

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"takings"), and *Monterey v. Del Monte Dunes*, 526 US 687 (1999), 143 L.Ed. 2d 882 S.Ct. ____ (1998).

In the *Monterey* case, the California private property owner was awarded \$8 million for Code Enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.

Federal Law also prohibits Cities and Counties from issuing citations against businesses, see Title 18 U.S.C. § 891-896, quoting Section 891 ... "An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property."

The Appellees respectfully submit that the contours of the Appellees' Fourth Amendment rights are sufficiently clear that a reasonable code enforcement officer would have fair notice and understand that a nonconsensual warrantless intrusion upon the Appellees' private property is unlawful conduct. Because the law was clearly established and a reasonably competent public official should know the law governing his conduct, Officer Lawing's immunity defense should fail. *Anderson v. Creighton*, 483 U.S. 635, 640, 107 S.Ct. 3034, 3039, 97 L.Ed.2d 523 (1987); See; *Harlow v. Fitzgerald*, 457 U.S. 800, 818-819 (1982).

"Searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment — subject only to a few specifically established and well-delineated exceptions..’ *Beck v. Ohio* , 379 U.S. 89, 96.

"Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak, is in truth a "person" right, whether the "property" in question be a welfare check, a home, or a savings account. In fact, a fundamental interdependence exists between the personal right to liberty and the personal property right. Neither could have meaning without the other. The rights in property are the basic civil rights has long been recognized. Congress recognized these rights in 1871 when it enacted the predecessor of 42 U.S.C. 1983 and 1343(3). We do no more than reaffirm the judgment of congress today." *Lynch v. Household Finance Corp.*, 405 U.S. 538 (1972).

Private property is owned and controlled by private individuals. There is no monetary or proprietary interest that a government at any level has in controlling property belonging to a private individual. The property owner decides with whom he/she wishes to negotiate, procure a contract, dispose of or improve property. *Jones v. Mayer Co.*, 392 U.S. 409 (1968). It has been described as the very essence of a scheme of ordered justice, *Brock v. North Carolina*, 344 US 424, 97 L Ed 456, 73 S Ct 349 and it has been said that without it, the right to private property could not be said to exist, in the sense in which it is known to our laws. *Ochoa v. Hernandez y Morales*, 230 US 139, 57 L Ed 1427, 33 S Ct 1033.

No such statutory authority for warrantless searches appears to exist with regard to local code enforcement boards or code inspectors. Therefore, the administrative searches or inspections under consideration may not be constitutionally conducted without the consent of the owner or the operator or occupant of the affected premises or without a duly issued search warrant. *Olson v. State*, 287 So.2d 313 (Fla.1973).

The U.S. Supreme Court held that administrative inspections of commercial structures as well as private residences are forbidden by the Fourth Amendment when conducted without a warrant. *Jones v. City of Longwood* , Florida , 404 So.2d 1083 (5th DCA.Fla. 1981).

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The trial court did not err in holding the ordinance unconstitutional under the Fourth Amendment insofar as it purports to authorize removal of inoperable vehicles from private property without first obtaining the property owner's consent or a warrant. (*beyzayiff v. city of St. Louis*) Missouri court of appeals, eastern dist. 1997.

"Further, an officer's unreasonable ignorance that he has violated a clearly established right does not save his claim of qualified immunity. *Gilker v. Baker* (9th Cir. 1978) 576 F.2d 245, 247; *Coleman v. McHenry* (E.D.Va. 1990) 735 F. Supp. 190, 193, *affd. mem.* (4th Cir. 1991) 945 F.2d 398.

"Even the most law-abiding citizen has a very tangible interest in limiting the circumstances under which the sanctity of his home may be broken by official authority....."It is said, however, that this fine is so small as to amount only to an assessment to cover the costs of the inspection. Yet if this fine can be imposed, the premises can be revisited without a warrant and repeated fines imposed. The truth is that the amount of the fine is not the measure of the right. The right is the guarantee against invasion of the home by officers without a warrant." *Frank v. Maryland*, 359 U.S. 360, 375 (1959) (J. Douglas, dissenting).

A local government code inspector is not authorized to enter onto any private, commercial or residential property to assure compliance with or to enforce the various technical codes or to conduct any administrative inspections or searches without the consent of the owner or the operator or occupant of such premises, or without a duly issued search or administrative inspection warrant.

The protection from unreasonable searches provided by section 12, Article I, Florida Constitution, and the Fourth Amendment to the U.S. Constitution, are extended to both business or commercial premises and to private residences. See, *See v. City of Seattle*, *supra* n. 7, in which the U.S. Supreme Court held that administrative inspections of commercial structures as well as private residences are forbidden by the Fourth Amendment when conducted without a warrant; and *Jones v. City of Longwood, Florida*, *supra* n. 7, in which the court, in a wrongful death action, stated that an ordinance requiring the building inspector and fire chief to periodically inspect all buildings and structures within the city was qualified by the Fourth Amendment and could not authorize inspections of private property without a warrant.

To Your Success!!
Janna Legg

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