

Condemn the System

By Reg P. Wydeven
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As we celebrate our nation's independence this week, one can't help but reflect on the virtues that our forefathers sacrificed their lives for when breaking away from the tyrannical British – life, liberty and the pursuit of happiness. Freedom is a vital value sewn into our national fabric – we relish our freedom of speech, freedom of religion and freedom of commerce.

A free marketplace is the bedrock of our capitalist system, a system that basically boils down to a financial survival of the fittest. That's why it's so odd that eminent domain, a law based on communist principles, is found in the United States.

Eminent domain is a legal concept that allows the government to take private property for “public use,” such as a school, a park, a bridge or a highway, in exchange for just compensation. Essentially, the law allows the government to take land from a few individuals for the benefit of the community.

But thanks to a recent ruling of the U.S. Supreme Court, eminent domain now has a capitalist twist that would make Karl Marx roll over in his grave.

Last week the Supreme Court held that local governments may use eminent domain to seize homes and businesses for private developments, so long as they serve a public good, such as increasing the municipality's tax base and creating more jobs.

The case was *Kelo v. City of New London*, and was filed by Susette Kelo, a property owner from the Fort Trumbull area of New London, after the Connecticut town used eminent domain to seize her home along the Thames River to make way for an office building, riverfront hotel and other commercial activities.

Kelo made “extensive improvements to her house, which she prizes for its water view,” Justice John Stevens noted in the decision. In addition, Wilhelmina Dery, one of six other plaintiffs in the case, “was born in her Fort Trumbull house in 1918 and has lived there her entire life.”

City officials had been addressing New London's sagging economic fortunes for years, and they believed the seizure of these seven homes would promote a variety of commercial, residential and recreational land uses “with the hope that they will form a whole greater than the sum of its parts” and bring economic benefits to the general community.

Four of the nine justices vehemently disagreed with the ruling, however. In the dissenting opinion, Justice Sandra Day O'Connor wrote, “the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.”

Obviously, many citizens fear the government will be act as Robin Hood in reverse. In an extremely clever protest, a private developer in the Towne of Weare, New Hampshire, has petitioned to use eminent domain to seize 34 Cilley Hill Road for a new hotel. The home at that address belongs to Supreme Court Justice David H. Souter.

Entitled “The Lost Liberty Hotel”, the proposed development will feature the “Just Desserts Café” and include a museum, open to the public, featuring a permanent exhibit on the loss of freedom in America. Instead of a Gideon's Bible, each night stand will be stocked with a free copy of Ayn Rand's novel “Atlas Shrugged.”

There are five people on the Towne of Weare's board, and three votes are required to approve the seizure. To paraphrase Jerry Seinfeld, Justice Souter is hoping he will remain the master of his eminent domain.

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