

For the Public Good

By Reg P. Wydeven
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One of my favorite movies is easily 'Star Trek II: The Wrath of Kahn.' The film stars the late Ricardo Montalban as Kahn, a genetically engineered superman bent on enacting revenge on William Shatner's Captain Kirk for abandoning him on a barren planet years ago. At the movie's climax, Kahn detonates the Genesis Device, a powerful weapon that will destroy the crippled Enterprise with Kirk on board.

To save his ship and crewmates, Spock rushes to the engine room, where he enters the warp core to manually repair the warp drive. With the engines restored, the Enterprise zooms away from the explosion and Kirk cheats death once more. Spock, however, is not so lucky.

Because the warp core was filled with radiation, Spock ends up dying of radiation poisoning. When Kirk asks him why he sacrificed himself, Spock explained that logic dictates that the needs of the many outweigh the needs of the few.

The United States is founded on the premise of individual freedom. The unalienable rights described in the Declaration of Independence were based on those found in the Virginia Declaration of Rights, adopted by the Virginia Convention of Delegates a month earlier. Written by George Mason, the Virginia Declaration states, "That all men are by nature equally free and independent, and have certain inherent rights...namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."

Even in the land of the free, however, Spock's claim that the needs of the many outweigh the needs of the few rings true. Eminent domain is a legal concept that allows the government to force the sale of private land for the greater public good. All levels of government utilize eminent domain, typically to widen highways or turn blighted areas into parks.

Last month, the New York Court of Appeals ruled that the state can use eminent domain to force homeowners and businesses to sell their properties for an expansive development in Brooklyn that would include a new arena for the New Jersey Nets.

In a 6-1 vote, the Court held that the land was blighted enough to justify taking it for developer Bruce Ratner's proposed \$4.9 billion, 22-acre Atlantic Yards project consisting of office towers, apartments and the new arena. To proceed with the development, Ratner is selling a majority interest in the ownership of the Nets franchise to Russian entrepreneur Mikhail Prokhorov. If things go according to plan, the team will begin the 2011-2012 season in their new home. The arena will also hopefully woo free-agent-to-be LeBron James to the Big Apple.

Chief Judge Jonathan Lippmann wrote the decision, which states, "The constitution accords government broad power to take and clear substandard and insanitary areas for redevelopment." Ratner wholeheartedly agreed, saying, "Once again the courts have made it clear that this project represents a significant public benefit for the people of Brooklyn and the entire city."

The business and homeowners and their tenants occupying the area beg to differ. They contend the ruling primarily benefits private interests, while the state constitution requires a public use for the taking of land. The property owners vow to continue to oppose each step of the eminent domain process to keep their homes and businesses.

Despite the opposition, Ratner is confident his enterprise will live long and prosper.

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