

## Plainsandeastern

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**From:** Ron Hairston <ron.hairston@ph-clan.com>  
**Sent:** Tuesday, July 14, 2015 2:20 PM  
**To:** Plainsandeastern  
**Cc:** Colamaria, Angela  
**Subject:** Barrons Article "A Blighted Decade" eminent domain 150706  
**Attachments:** Copy of Barrons A Blighted Decade eminent domain 150706.pdf

If late submissions are being taken, please include this Barron's article regarding eminent domain as one of my comments.

Should DOE wish not to accept this late entry, please let me know so that I may provide the information via other means.

Thank you for posting all of my previous comments and those from my neighbors.

Sincerely,

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# BARRON'S

EDITORIAL COMMENTARY

## A Blighted Decade: Whose Domain Is It, Anyway?

*Though property rights were undermined by the Supreme Court 10 years ago, the struggle against excessive use of eminent domain continues.*

Work for Institute of Justice

By SCOTT BULLOCK NICK SIBILLA

Updated July 3, 2015 12:48 a.m. ET

Ten years ago last month, the U.S. Supreme Court issued its notorious *Kelo v. New London* decision. Ruling against Susette Kelo and six other homeowners, the court upheld a plan by New London, Conn., to use the power of eminent domain, not for a public use, like a courthouse or a bridge, but to build a private development project. The court said the government could legally seize ordinary Americans' homes and businesses and hand them over to politically connected private interests.

Clean Line Impacts elderly & poor across AR

In *Kelo's* aftermath, thousands of Americans were uprooted, with victims more likely to be black, Hispanic, elderly, or poor. Far beyond New London, the Supreme Court's outrageous decision empowered municipal officials to abuse eminent domain.

In the first year after *Kelo*, the Institute for Justice, which represented the New London homeowners, found that "local governments threatened eminent domain or condemned at least 5,783 homes, businesses, churches, and other properties so that they could be transferred to another private party."

Most Americans were surprised that the court could rubber-stamp such a blatant land grab. Determined to channel that outrage into real, sweeping change, the Institute for Justice launched an ambitious litigation, public-affairs, and lobbying campaign. In the decade since the *Kelo* case, 47 states have enacted legislative reforms or issued court decisions to protect property owners from eminent-domain abuse. Working with activists nationwide, IJ has saved more than 16,000 homes, businesses, places of worship, and other properties from demolition.

### Slow Progress

More needs to be done. Loopholes mar nearly half of the state-reform statutes. Most commonly, local governments can declare well-tended homes and businesses blighted, and then seize them with eminent domain.

Bogus blight designations threaten homeowners like Charlesetta Taylor. For over 70 years, Taylor has lived in the same three-story red brick house in St. Louis. When her family first moved to the neighborhood in 1945, she says, "We were the first African-American family I know on this block." Today, after housing three generations of her family, Taylor, now 79, lives alone.

Yet, St. Louis will not let this woman live in peace. Earlier this year, the city declared Taylor's home and almost 50 other residences blighted, using vague criteria like obsolete platting and inadequate street layout. St. Louis thus gave itself authority to use eminent domain to seize those homes, in the hopes of luring a new federal intelligence-agency campus. Nearly 100,000 people have signed a petition to support Taylor and her neighbors; news reports say the agency is considering three other sites that wouldn't involve having to bulldoze occupied homes and relocate families.

In Charlestown, Ind., a town with fewer than 8,000 residents, the mayor proposed a plan to demolish 354 homes. Under the guise of eliminating blight, hundreds of people would have been dispossessed. Last December, the city council rejected the proposal, thwarting what would have been one of the largest land grabs in the nation.

### Disproportionate Effect

or "manifold injustice"

Before the Supreme Court issued the *Kelo* decision, the AARP, NAACP, and the Southern Christian Leadership Conference filed a prescient amicus brief. These organizations documented how eminent domain for private development "disproportionately harms racial and ethnic minorities, the elderly, and the economically underprivileged." They asserted that "condemnations in predominantly minority or elderly neighborhoods are often easier to accomplish because these groups are less likely, or often unable, to contest the action."

In 2007, the Institute for Justice examined nearly 200 areas targeted by eminent domain for private development projects in 26 states and Washington, D.C. After compiling census data, IJ found that these project areas had greater proportions of minority residents, more renters, more people living below the poverty line, and a greater proportion of residents with less than a high school education.

Clean Line

Developers, land-use planners, and bureaucrats often dismiss concerns about eminent domain's disproportionate impact on minorities and the working class. Instead, many developers say seizing private property for a private redevelopment project would create new jobs and boost tax revenue. In the *Kelo* case, the Supreme Court upheld the condemnations for precisely those reasons.

Last October, academics at the Mercatus Center at George Mason University analyzed private-to-private takings before and after the *Kelo* decision, as well as the level and growth of local and state tax revenue. Contrary to the claims of developers, the Mercatus study found "virtually

DOE -- studies like these need full consideration

no evidence of a positive relationship between eminent-domain activity and the level of state and local tax revenue."

In 2008, the Institute for Justice examined economic trends in states that reformed their eminent-domain laws and "found no significant changes in trends in construction jobs, building permits, and property-tax revenues as a result of eminent-domain reform." Protecting property rights had "no ill economic effect."

DOE, Senators, Representatives, Governors, County Judges -- Take Heed!

### *Unchecked Government*

Promises of redevelopment are often wildly exaggerated. New London spent \$84 million in local, state, and federal subsidies on its redevelopment project to complement a Pfizer pharmaceutical-research center, which had received tax subsidies. As soon as those tax breaks expired, Pfizer pulled out, torpedoing New London's grandiose plans. Instead of an "urban village" for well-heeled Pfizer employees, feral cats prowled empty, overgrown fields. Taking homes and businesses to jump-start the economy can backfire.

Kelo stands as a testament to the dangers of unchecked government. As Justice Sandra Day O'Connor eloquently warned in her dissent, "The specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory." But the case also demonstrates how citizens can stand up for their rights and foster meaningful change.

SCOTT BULLOCK and NICK SIBILLA work at the Institute for Justice.

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PROPERTY OWNERS --  
Don't give up the fight!

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