
Subject: Supreme Court repeals 5th amendment?
Posted by [YSLMuffins](#) on Fri, 24 Jun 2005 02:10:43 GMT
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Source (CNN).

Quote:High court OKs personal property seizures
WASHINGTON (AP) -- -- The Supreme Court on Thursday ruled that local governments may seize people's homes and businesses -- even against their will -- for private economic development.

Ok, so maybe not the entire amendment, but a rather important clause. Constitution.org
Quote:No person shall be...deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

From the article:

Quote:The 5-4 ruling represented a defeat for some Connecticut residents whose homes are slated for destruction to make room for an office complex. They argued that cities have no right to take their land except for projects with a clear public use, such as roads or schools, or to revitalize blighted areas.

As a result, cities have wide power to bulldoze residences for projects such as shopping malls and hotel complexes to generate tax revenue.

A kicker isn't it?

Quote:Local officials, not federal judges, know best in deciding whether a development project will benefit the community, justices said.

"The city has carefully formulated an economic development that it believes will provide appreciable benefits to the community, including -- but by no means limited to -- new jobs and increased tax revenue," Justice John Paul Stevens wrote for the majority.

So your home could be bulldozed to make room for a new strip mall or shopping center. Sure it'll create more jobs, but it's for the public good!

Quote:Susette Kelo and several other homeowners in a working-class neighborhood in New London, Connecticut, filed suit after city officials announced plans to raze their homes for a riverfront hotel, health club and offices.

New London officials countered that the private development plans served a public purpose of boosting economic growth that outweighed the homeowners' property rights, even if the area wasn't blighted.

Hmmm, public purpose? Sounds like private interest. So it looks like a company with more financial muscle can throw its weight around and push the little guy around. I would expect something from business, but the government? Of course, the dissidents saw this.

Quote:Justice Sandra Day O'Connor, who has been a key swing vote on many cases before the court, issued a stinging dissent. She argued that cities should not have unlimited authority to uproot families, even if they are provided compensation, simply to accommodate wealthy developers.

Bullshit. Compensation? What can they get other than the market value of property, which is didly-squat compared to the value the owner sees?

Quote:"Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random," O'Connor wrote. "The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

It may give more power to the states, but this is nevertheless an ominous precedent.

Quote:[O'Connor] was joined in her opinion by Chief Justice William H. Rehnquist, as well as Justices Antonin Scalia and Clarence Thomas.

And please, let's keep partisan politics out of this.

O'Connor states things rather nicely.

From SCOTUSblog:

Quote:Today the Court abandons this long-held, basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded - i.e., given to an owner who will use it in a way that the legislature deems more beneficial to the public - in the process.

It frightens me to see something like this coming from the judicial. It looks like you only "own" something until the next perp with big pockets comes and decides he can use it better than you can.