
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.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [SuperFlyingEngi](#) on Fri, 24 Jun 2005 02:41:31 GMT
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Don't worry. Only poor people will lose their homes. It's ok.

Sarcasm aside, this is a ridiculous piece of judicial legislation.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [bigjoe14](#) on Fri, 24 Jun 2005 03:42:19 GMT
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Uhhh... this isn't anything new. They've always had the power to bulldoze your house for whatever

reason they wanted, poor or not poor.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [YSLMuffins](#) on Fri, 24 Jun 2005 05:55:14 GMT
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However--this practice of eminent domain now has the backing of the Supreme Court.

And another thing--public use and private development. I could have sworn roads, streets, and the like constituted "public use." But now this has twisted "public use" into the "public good." Who's to define "public good"? Notice that public good is not used in the fifth amendment.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [Sir Phoenixx](#) on Fri, 24 Jun 2005 11:10:04 GMT
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That's just ridiculous... My home and land could be the ugliest and weed-trash-etc. infested land possible, and they wanted to put in health clinics, Walmarts, a freeway, etc... It shouldn't matter, they shouldn't be able to do jack shit to/with my property without (more then) adequate compensation and my explicit permission.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [Aircraftkiller](#) on Fri, 24 Jun 2005 11:53:47 GMT
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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.

Why are you ignoring what shut down your entire argument?

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [prox](#) on Fri, 24 Jun 2005 12:28:10 GMT
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I'll like to see a CEO try to do that to my house, he'll be 6 feet underground in no time, it doesn't matter if i have to spend the rest of my life in prison because of it.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [SuperFlyingEngi](#) on Fri, 24 Jun 2005 13:56:36 GMT
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I just realized that all the wilderness preserves in the U.S. were seized with eminent domain. But I still think the whole private contractor developer business is a little weird.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Hydra](#) on Fri, 24 Jun 2005 15:49:42 GMT

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Thanks to the efforts of the most liberal justices on the Supreme Court, property rights in the United States are now dead.

Who's surprised?

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Javaxcx](#) on Fri, 24 Jun 2005 16:35:10 GMT

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It's funny that both sides of the spectrum blame the other guy so vehemently.

To my knowledge, this kind of bullshit doesn't happen here (legally). So, you're all welcome to move up here to avoid being displaced for market value.

We have free healthcare!

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [SuperFlyingEngi](#) on Fri, 24 Jun 2005 17:50:36 GMT

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Just one of the reasons why it's better to live in Canada than the U.S. [health care]

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Javaxcx](#) on Fri, 24 Jun 2005 18:08:35 GMT

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Hey man, it may be free, but it's also pretty retarded at the same time. The liberals here BANNED private practice. That is borderline communism right there. One of the reasons you'll hear that our hospitals are backed up is because no one can go to a private doctor who might just so happen to have an MRI or something.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Crimson](#) on Fri, 24 Jun 2005 18:16:28 GMT

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Sorry, I can't agree that it's OK to bulldoze a house for a commercial interest. You want to build a highway, a road, a government building... do what you gotta do. But not for a commercial interest.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Jecht](#) on Fri, 24 Jun 2005 18:27:54 GMT

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This is wrong, just plain wrong. If something belongs to me, the government shouldnt be able to do jack with it.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [msgtpain](#) on Fri, 24 Jun 2005 18:57:52 GMT

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Hydra wrote on Fri, 24 June 2005 11:49Thanks to the efforts of the most liberal justices on the Supreme Court, property rights in the United States are now dead.

Who's surprised?

I'm not surprised.. but your statement isn't exactly factual... The decision was made by 5 Justices, and only 3 are hard-line liberal voters... The other two, Souter and Kenedy were both appointed by Republican Presidents, and both typically vote Conservative to mildly moderate. I can only assume that Souter bought a vote here for something that he wants a favor on in the near future.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Nukelt15](#) on Fri, 24 Jun 2005 20:33:32 GMT

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Wow, I'm going to feel SO fucking secure when I finally get my own place.

Republican this, Democrat that...who gives a shit what party it is? This is just wrong on so many levels. The Supreme Court has clearly overstepped its authority; it is using its power to legislate from the bench, and in a way that is harming the American people. That's all there is to it.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [msgtpain](#) on Sat, 25 Jun 2005 00:31:02 GMT

In this instance, I don't believe they are "legislating from the bench", I believe they completely failed in their primary job: Defending the interests of US citizens through interpretation of the US Constitution.

In quite a few cases they agree to take on, I firmly believe that they are overstepping their bounds by not declining and returning the authority to the States where it belongs. Even though they are the "Supreme" court, their only authority lies in defending the Constitution of the US; it is their job to decide when a citizens Constitutional rights are being violated and do something about it. When there is no Right in question, they are supposed to defer back to the State Supreme Court, end of story.

In this case, a Constitutional Right was definitely in question, and they failed in upholding that Right, this was Not a Right which should be decided by the state, the US Constitution specifically spells out the citizens Right in this scenario, the States should not have final say, which is exactly what their decision stated.

As of late, I've been completely dumbfounded in quite a few of their decisions. They're taking on cases which I believe they have no authority an refusing to take on ones which I believe they definitely do have authority. However, this one -- In my opinion, they should have taken on, and should have upheld the rights of the citizens in question. I'm baffled at why they would take it on, then defer to the state's authority.. If that was their intention, why didn't they just refuse to hear it?

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Doitle](#) on Sat, 25 Jun 2005 01:17:48 GMT

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Hold on a second, instead of just saying this is crazy. Why not think of why someone might want to do this. Sort of get into the eyes of the other side. I live in a very small town that... Well... Sucks commercially. The taxes are high because the brunt of city services and education fall completely on the shoulders of homeowners. The reason that it has been this way was because the small time government for the most part was blocking any new construction besides housing. The taxes were cripplingly high because it's just hard to collect enough money to support everything on residential housing alone. Finally the town board had to crack and let new development in. There is a Target going in right accross the street from me, LITERALLY accross the street about 100 ft from my house. A Lowes next to it. We are getting a shopping mall near our little Airport. The commerce that is coming in will help drop the taxes accross the board for the people of the town because the revenues brought in from commerce are much much greater than from residents. In contrast we lived for a little while farther east in Illinois in a city called Chicago Ridge. It has a very low population but is a huge city. The reason is because the city is almost completely industry and commerce. Lots of factories and warehouses and a very large shopping mall. The taxes there were so much lower than they are here that it was shocking. As long as they are given just compensation I think I could see this going on without too much of a problem. You have to realize mayors and city board members are not supervillains. MWAHAHAHA OLD LADYS HOUSE!?! GONE! STARBUCKS MWAAHAHAHAHAHAHAH!!!!!!!. That's not how it works. A very very good example, are when you see old houses on major roads. US30 has many little decrepit

houses with driveways directly onto this 4 lane road. These are prime prime commercial locations and these houses reduce the chances a town can draw the big box developments its coffers so sorely need. If they are given just compensation I say it's for everyones good that they take that house down or move it some place else. Again it's not as diabolical as it sounds.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [Crimson](#) on Sat, 25 Jun 2005 03:14:21 GMT
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I used to live in Wyoming (for about a year and a half)... the industry there brought in so much money that sales tax was 5% and there was no state income tax. It was nice.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [Aircraftkiller](#) on Sat, 25 Jun 2005 06:19:06 GMT
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Florida has no state income tax either, from the massive amount of tourism we get here.

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [YSLMuffins](#) on Sat, 25 Jun 2005 07:04:24 GMT
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Doitle wrote on Fri, 24 June 2005 20:47....

Well it sounds like in your story the people would have welcomed the developers. But now the council members and such can do this without your consent. Who's to say this power won't be abused?

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [prox](#) on Sat, 25 Jun 2005 13:06:15 GMT
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Quote:

I'm not surprised.. but your statement isn't exactly factual... The decision was made by 5 Justices, and only 3 are hard-line liberal voters... The other two, Souter and Kenedy were both appointed by Republican Presidents, and both typically vote Conservative to mildly moderate. I can only assume that Souter bought a vote here for something that he wants a favor on in the near future.

Yeah, not to mention that David H. Souter was appointed by Republican hero Bush Senior himself...

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Jecht](#) on Sat, 25 Jun 2005 14:19:14 GMT

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Crimson wrote on Fri, 24 June 2005 22:44I used to live in Wyoming (for about a year and a half)... the industry there brought in so much money that sales tax was 5% and there was no state income tax. It was nice.

Our sales tax is 6% in Michigan.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [Doitle](#) on Sat, 25 Jun 2005 17:26:51 GMT

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Quote:Well it sounds like in your story the people would have welcomed the developers. But now the council members and such can do this without your consent. Who's to say this power won't be abused?

We do welcome them... lol. We'll finally have a place to shop and our taxes will go down. The reason this won't go abused, is because as I said we don't have supervillains as mayor. Mayor Mike Smith, mayor of my town, will not spin around in his chair slowly and say: "It's time..." *Cue Dramatic Music* Storm troopers flood the streets. "EXIT YOUR HOMES AND GET ABOARD THE NEAREST CITIZEN RELOCATION SHUTTLE IMMEDIATELY. YOU MAY BRING ONE SUITCASE PER FAMILY." And then every house in the town is bulldozed to create thousands of Jamba Juices for who? All the people are gone.

Like I said we don't tend to elect diabolical people. We may elect corrupt people or even bad people, but not diabolical people. This is not a blank check for every town council member to bulldoze the houses of the people they don't like. My house is in the middle of a subdivision. It's surrounded by residential zoning. It is ceratinly NOT for the good of the town to bulldoze it and make a commercial development. It would be against zoning ordinances.

Also as far as how they did it in my town. It's because the same few people ran every year. It's something like 4 people plus the mayor. Every election, "Town Board Members (choose 4):"

Name
Name
Name
Name

No one else ever ran lol.

Subject: Re: Supreme Court repeals 5th amendment?

Posted by [prox](#) on Sat, 25 Jun 2005 17:55:55 GMT

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Quote:

We do welcome them... lol. We'll finally have a place to shop and our taxes will go down. The reason this won't go abused, is because as I said we don't have supervillains as mayor. Mayor Mike Smith, mayor of my town, will not spin around in his chair slowly and say: "It's time..." *Cue Dramatic Music* Storm troopers flood the streets. "EXIT YOUR HOMES AND GET ABOARD THE NEAREST CITIZEN RELOCATION SHUTTLE IMMEDIATELY. YOU MAY BRING ONE SUITCASE PER FAMILY." And then every house in the town is bulldozed to create thousands of Jamba Juices for who? All the people are gone.

LMFAO

Subject: Re: Supreme Court repeals 5th amendment?
Posted by [warranto](#) on Sat, 25 Jun 2005 18:07:22 GMT
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SuperFlyingEngi wrote on Fri, 24 June 2005 13:50 Just one of the reasons why it's better to live in Canada than the U.S. [health care]

The idea is better, but the application of it to make it functional takes a lot of work. Unfortunately, you need a good leader to accomplish that. I don't see many around here.
