**Case 1: Property Rights Name: \_\_\_\_\_\_\_\_\_\_**

**Supreme Court set to consider hearings in key cases**

Justices return to decide a city's power to take a person's home.

MARK HELM, Copyright 2004 Hearst News Service

Published 5:30 am, Sunday, September 26, 2004

**WASHINGTON** - The U.S. Supreme Court returns to work will decide this week whether to hear several key cases, including whether a Connecticut city can take away a person's home to clear the way for upscale development.

1. **After reading the first paragraph, what is the main idea of the first paragraph? What do you think is going on in this case?**

The Connecticut case involves Susette Kelo's pink house on the Thames River in New London and whether the city of New London can take her land away and sell it to real estate developers because they promise to pay more taxes and create jobs by converting the neighborhood into trendy condominiums.

"This case hits at the heart of the American dream ... a person's home," says Gregory Garre, a former law clerk. “The idea that the government can kick you out of your home because they want expensive condos in your neighborhood really scares people."

1. **After reading the above paragraph’s, who is Suesette Kelo? What happened to her in this case?**
2. **Do you think what happened to Mrs Kelo is fair? If yes, explain why? If no, explain why not?**

But the issue is much bigger than the fate of one house on the Thames — businesses, developers and homeowners throughout the United States have a stake in its outcome, says Garre.

The Constitution allows governments to take private land for "public use," also known as eminent domain authority.

Garre says many lawyers consider the phrase "public use" to restrict government taking property for the benefit of the general public so that it can build, roads, bridges or public buildings. But the Connecticut Supreme Court said the term "public use" means that a taking need only have some anticipated public benefit, such as increased tax revenues and improving the area's economy.

1. **What does the term, “eminent domain” mean? What does it allow a government to be able to do?**

Kelo lost in the state courts and is asking the U.S. Supreme Court to hear her case.

"If the court agrees with the Connecticut Supreme Court on the definition of 'public use,' cities would have a much easier time justifying the taking of any property," Garre says.

1. **After reading the previous paragraphs above, what happened in Mrs. Kelo’s case? Did she get to keep her property? Explain in a few sentences what you think happened?**
2. **Why was the government of Connecticut allowed to take Mrs. Kelo’s home? What reason did the court give for allowing this to happen?**

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| **Read** the **5th Amendment**. Why do you think the Founders allowed the possibility of the government taking private property in some circumstances? What do you think the Founders meant by "nor shall private property be taken for public use, without just compensation"? |  |

1. **How do you think you would rule on the case? What is the reason for your opinion?**

Now read this brief summary of the *Kelo v. City of New London* case from the US Supreme Court. In short, the court said the following:

**No. In a 5-4 opinion delivered by Justice John Paul Stevens, the majority held that the city's taking of private property to sell for private development qualified as a "public use" within the meaning of the takings clause. The city was not taking the land simply to benefit a certain group of private individuals, but was following an economic development plan. Such justifications for land takings, the majority argued, should be given deference. The takings here qualified as "public use"** despite the fact that the land was not going to be used by the public. The Fifth Amendment did not require "literal" public use, the majority said, but the "broader and more natural interpretation of public use as 'public purpose.'"

1. **What was the Supreme Court’s ruling? What reason did the Supreme Court give for its decision?**
2. **Do you agree or disagree? Why?**