

Eminent domain is the right of the government to take private property for public use as long as owners are paid for their property. A city government might take houses to build a park or road. Read the following excerpts from a news story about a 2005 Supreme Court case that explored the meaning of “public use.”

The Supreme Court ruled ... that governments can seize property to make room for private development projects to try to boost the economy.

The 5-4 ruling gave the Court’s blessing to cities ... not just to clear the way for public projects such as roads and parks, but also for private developments involving hotels, offices and retail centers. ...

The ruling drew a sharp opposition from Justice Sandra Day O’Connor, who warned that it will allow governments to seize any property simply to allow developers to upgrade it. “Nothing is to prevent the state from replacing any ... home with a shopping mall,” said O’Connor. ...

Susette Kelo and the other owners of 15 homes in New London, [Connecticut], challenged the plan to take their property for a project that will include a hotel, office complexes and a marina. ... Kelo’s lawyers urged the Court to find that cities cannot seize land that is not ... [run-down] for private development. ...

“Promoting economic development is a ... long-accepted function of government,” Justice John Paul Stevens wrote. He noted that the project was expected to create jobs and increase tax revenue. ...

“Seizing Land for Private Use Ok’d” by Joan Biskupic from *The USA Today*, June, 23 2005. Copyright © USA Today. Used by permission.

Directions: Using the news story above, answer the following questions.

1. Why did the homeowners challenge the city’s plan?
2. What did the Supreme Court decide? How did the Court’s ruling expand the right of eminent domain?
3. Why did Justice O’Connor disagree with the ruling?