

# Americans don't see the erosion of their property rights

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by [Randy Bright](#)



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I have just read an interesting article entitled “Why the Left and the Right Should Join Forces against Eminent Domain,” written by Emily Washington last August for the *Market Urbanism* website.

Washington rightly point out the destructive impact that eminent domain has had upon our cities, long before the infamous and unconstitutional decision made by the U.S. Supreme Court in the case of *Kelo v. New London*, in which it was decided that eminent domain could be used to take property from one party and give it to another party on the premise that it would create economic gains for the public good.

In reality, the case was about property rights and it essentially said that property rights were sacrosanct until such time as one person with the power of government simply decided that another person's property rights were not so sacrosanct after all. Even ultra-liberal justice Sandra Day O'Connor objected to the decision, knowing that it would place the property rights of all people in jeopardy. In effect, it returned us to a system of feudalism wherein the rich make up the rules in order to take what they want, not unlike the nobles of centuries ago.

Washington speaks about the destructive impact that the use of eminent domain had upon the City of Detroit, linking to an article written by Ilya Somin, who wrote, “Detroit's sixty-year decline, culminating in its recent bankruptcy, has many causes. But one that should not be ignored is the city's extensive use of eminent domain to transfer property to politically influential private interests. For many years, Detroit aggressively used eminent domain to promote ‘economic development’ and ‘urban renewal.’ The most notorious example was the 1981 Poletown case, in which some 4,000 people lost their homes, and numerous businesses were forced to move in order to make way for a General Motors factory.”

Washington cited a current case in Denver, where the city declared an area of the city to be “blighted” – clearing the way for developers to ask the city to transfer title of those properties to them using eminent domain. That area of the city includes 246 homes.

In the *Kelo v. New London* case, a number of homes were taken with the intention of giving them to Pfizer to build a new facility, one that would have given New London a badly needed financial boost. In the end, Pfizer backed out of the deal, unfortunately after the homes were destroyed.

Washington writes about other detrimental effects of the misuse of eminent domain, including the loss of neighborhood cohesion, the unanticipated creation of more blight and the effects of, for example, California's consideration of taking the mortgages of underwater homeowners from the lenders and refinancing them at better terms for the homeowners, and how that would make lenders less willing to make home loans in that state.

Washington's point was that both left and right ends of the political spectrum (presumably meaning liberals and conservatives) should be equally outraged at the misuse of eminent domain. The premise of her article was correct, but it did not go far enough in explaining why the redefinition of eminent domain was so important that it was taken *it* (sic) to the Supreme Court, and what circumstances made it possible to do so.

First of all, true liberals would in fact be as against the misuse of eminent domain as any conservative, but there are few true liberals left. In fact, most "liberals" today are actually "progressives" – a euphemism for "communists" or "socialists," depending on who you talk to.

Secondly, the urban planning trend toward densification and the imposition of urban growth boundaries necessarily leads to shortages for land suitable for development. At that point, there is nothing left but to harvest developable land from the existing stock of property, in most cases taking from those who are too poor to fight.

Third, Americans have been so dumbed down regarding the concept of property rights that even those who demand that a city take property from someone else for their own benefit are too stupid to realize that the same tactic could be used against them if their projects don't produce promised results.

The bigger story about the unconstitutional abuse of eminent domain is not just the impact of its abuse, but why it became possible for it to happen at all, and why so many Americans no longer understand how property rights is the concept that could deliver economic benefits to all of us.

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Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, [rwbrightchurcharch@sbcglobal.net](mailto:rwbrightchurcharch@sbcglobal.net) or [www.churcharchitect.net](http://www.churcharchitect.net).

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