

You can fight back against the use of eminent domain

April 17, 2014

by [Randy Bright](#)



Randy Bright

Even before the fateful 2005 *Kelo v. New London* U.S. Supreme Court decision, governments had been pushing the limits in the abuse of eminent domain to seize personal and business property in order to give it to other private entities for development.

But the great thing about America – at least for now – is that there are ways to defend yourself against eminent domain abuse, even when it is unconstitutionally sanctioned by the U.S. Supreme Court.

There are a number of organizations that will assist property owners - and churches - that are facing the loss of their property to eminent domain abuse, but I would like to draw your attention to one in particular, the Castle Coalition, a part of “The National Law Firm for Liberty”, the Institute for Justice.

On their website, the Institute for Justice states, “Our four pillars of litigation are private property, economic liberty, free speech and school choice. Simply put, we seek a rule of law under which individuals can control their destinies as free and responsible members of society.”

The Institute for Justice is a 501(c)(3) organization.

Their Castle Coalition was formed specifically to battle the abuse of eminent domain and for property rights, and it does so free of charge.

After the *Kelo* decision, it created its Hands Off My Home campaign and its Eminent Domain Abuse Survival Guide, which you can download for free from their website.

Of particular interest to me was the Success Stories section of the website. Listing case after case in states all across the country, it describes the eminent domain abuse threats against homeowners, business owners, and even a convent, that were successfully stopped using the techniques from their survival guide. For one who has read about and written about a number of eminent domain abuses, even I was astonished at the brazenness of the threats to seize property.

What did not astonish me was the repetition of a common theme that I have been writing about for several years now, that being the entitlement attitudes of some of those who work for governments; entitlements in the sense that when they believe that they need a particular piece of property, they may simply take it. The lack of conscience or knowledge that this is theft is telling for a society that is losing its moral benchmark.

You might think many of the cases listed on the website include those of big governments taking the properties of the single defenseless property owner; there are cases like that, of course, but many of the cases included city governments taking hundreds or even thousands of individual properties, and other cases that involve taking huge tracts of land.

Here are a few examples of the cases listed on their website.

In 2006, Riviera Beach, Florida, attempted to seize the homes of 5,100 residents using eminent domain, intending to transfer the property to a developer that planned to build luxury condos and a private yacht club. At the time, Governor Jeb Bush had signed into law legislation that prohibited using eminent domain to seize property for private development. However, Riviera Beach closed the deal with the developer the night before Bush signed the bill, and claimed that it was still a legal acquisition.

Using the techniques in the survival guide, residents were able to successfully challenge and stop the land grab.

In another case, a business owner faced seizure of his business property in Chicago. In his due diligence, he discovered that the developer who was going to receive his property had “suspiciously donated thousands of dollars to an alderman who helped coax the property through the City’s bureaucracy.” When exposed, the city immediately dropped the seizure.

In Normandy, Missouri, the city attempted to condemn the 107-acre property of the Sisters of the Good Shepherd (a Catholic Charity which included a convent, retirement home and transitional home for chemically dependent women), planning to give the property to a developer. The nuns organized 300 residents to attend a city meeting, resulting in the cessation of the seizure.

Even though it is possible to win against such efforts, no property is safe from seizure as long as the current unconstitutional definition of eminent domain stands. Many states have enacted laws to curb the abuse, but we have a long way to go to restore the conscience of those who see nothing wrong with this insidious practice.

©2014 Randy W. Bright

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 or www.churcharchitect.net.

© 2014 Tulsa Beacon