

## Eminent Domain: From Use to Abuse

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Historical Paper

FREEDOM is what makes America great. The forefathers believed that at the core of this freedom lies the right to own property (Hyde 5). Recognizing that government occasionally needs to exercise the power of eminent domain to acquire property for public use, the founders safeguarded the right of the people to own property by stating in the Fifth Amendment, “nor shall private property be taken for public use, without just compensation” (Lively 1). Later, the Fourteenth Amendment extended the just compensation provision to the states (“Eminent Domain” West’s 227). The rights guaranteed by the Fifth and Fourteenth Amendments have come under attack as government has failed to use its power of eminent domain responsibly, thus resulting in eminent domain moving from an exercise of use to one of abuse.

The forefathers strongly believed that freedom and the right to property are intertwined (Pombo and Farah 7). In 1774, Arthur Lee wrote, “The right of property is the guardian of every other right, and to deprive the people of this, is in fact to deprive them of their liberty” (25). John Adams also upheld this thought when he wrote, “Property must be secured, or liberty cannot exist” (Adams 280). Similarly, James Madison said, “In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights” (174).

Eminent domain, or condemnation, is “the inherent power of a governmental entity to take privately-owned property, especially land, and convert it to public use, subject to reasonable compensation for the taking” (“Eminent Domain” Black’s 541). The concept of eminent domain was not created by the founders (Pombo and Farah 7), but rather, they were greatly influenced by the Magna Carta (Schwartz 117-18). The words of the Fifth Amendment closely resemble those of the Magna Carta (Yandle xi).

During the Colonial and Revolutionary eras, the government’s power of eminent domain was used for building roads and public buildings and for economic growth. After the Revolution, states began to expand their use of eminent domain for other public purposes while

still providing compensation (Ely 13). The US government first established the authority of eminent domain in 1876 in Kohl v. US (“U.S. Constitution”). Then in 1879, the US Supreme Court wrote, “The right of eminent domain [. . .] appertains to every independent government” (qtd. in What’s Good). Great controversy occurred in the late 1800s between landowners and the railroad companies when the railroad practiced eminent domain. The government, however, saw the acquisitions as a benefit to the public since the railroad would be providing a means of transportation (Anthony “Eminent”). As the nation evolved, transportation improved, and states extended eminent domain to permit the construction of private turnpikes, highways, and canals (Bechara 277).

Eminent domain was further extended for space transportation when, on October 25,



Fig. 1. The end of Logtown

The flag at the Logtown post office is taken down for the final time by the postmaster, Mrs. Lollie Wright (center). Watching are the owners of the building, Mrs. Roy Baxter and her son, Roy Baxter, Jr. (John visit).

1961, NASA announced it would build a facility to test Saturn V and Apollo moon rockets in Hancock County, Mississippi (Herring 1), thus affecting 2202 landowners (John visit) and 660 families (Poe 30). This acquisition destroyed 5 towns, 786 houses, 16 churches, 2 schools, and 19 stores (Herring 33) (See Appendix A). Former homeowner Beulah Kellar said that being forced to leave “[. . .] was upsetting to all the people in that area.” Echoing this, Mrs. Roy Baxter said, “You see, it’s hard to leave. It’s hard to move old plants. Did you know that? Old plants die when you transplant them” (qtd. in Bailey: 21).

Hancock County banker Leo Seal, Jr. said, “[Mississippi Senator John] Stennis appealed to the national and civic pride [. . .]” of the residents in the battle against Communism. Stennis asked them to make a sacrifice, saying, “There is always the thorn before the rose . . . you have got to make some sacrifices, but you will be taking part in greatness” (qtd. in “Senator John”: 9).

Although this exercise of eminent domain was unquestionably a public use, the government was not excused from its responsibility to provide just compensation for the people. Test site property was initially valued at \$200 an acre, while buffer zone easement property was worth \$75 an acre (Herring 28). Residents were anxious about property assessment values (“Top” 1). One example of this concern appeared in a letter to Stennis, reprinted in a local newspaper (Fargason 3) (See Appendix B). Later, over 500 people complained they were not being fairly compensated (Kelso 1). Stennis advised residents to reject offers they felt were unfair (“Senator Stennis”). Government land acquisition agent William Matkin said many cases went to trial for settlement.

The 1960s and 1970s brought further change in the use of eminent domain, expanding the interpretation to include urban renewal with the 1954 Supreme Court ruling in Berman v. Parker (Shlaes). Over time, rather than using eminent domain power to construct highways, schools, and parks (Blumner), cities stretched the definition of public use to encompass a public purpose as well as a public benefit (Shlaes) in an attempt to increase employment and tax revenues. Cities and states are increasingly using their eminent domain powers as marketing devices to try to attract more business (Starkman A1). Bob Denlow, a Missouri attorney, said, “The public-purpose test has been so watered down over the past two generations that it can mean almost everything” (qtd in Gurwitt: 27). Because of this widening definition of public use, it can no longer provide protection against endless takings (Paul 97).

One example of this widening of public use occurred in 1980 in Poletown (Poletown), a neighborhood within the city of Detroit primarily made up of senior adults and Polish-Americans (Kelly 29). General Motors (GM) approached city officials with the proposal to locate their new plant inside the city if the city could provide an acceptable location (Wylie “A Neighborhood” 1). The Poletown plant would be built on seventy acres, but GM representatives claimed the

additional 395 acres were necessary for “parking, future expansion, and other purposes” (qtd. in What’s Good) (See Appendix C). Ronald Reosti, the attorney who represented Poletown residents, said city officials were anxious to accommodate GM because the area had recently suffered huge economic losses. Detroit used a new quick-take law to rapidly acquire the neighborhood (Poletown). This legislation gave cities eminent domain authority to acquire land for the development of industry and commerce in efforts to decrease unemployment (Wylie Poletown 54-55). City administrators claimed Poletown was the only place that met all of GM’s requirements (Kelly 29).

Acquiring Poletown required the condemnation of 1500 houses (Richburg A5), 150



Fig. 2. Ralph Nader addresses Poletown residents

Nader made a personal visit to Poletown (Wylie Poletown 128) and sent a team to assist the residents (Garlow). Charles Garlow, a member of the team, said, “We thought we could save Poletown in cooperation with the community activists through education and action.”

businesses, 16 churches, and the eviction of 4,200 individuals (Feinman 243). City officials claimed that GM would bring in 6,000 jobs (Safire A31), but when the project contract was drafted on April 30, 1981, GM representatives were only promising “at least 3000 employees within four years, [. . .] economic conditions permitting” (qtd. in What’s Good). Former homeowner Carol Dockery said, “We weren’t against people having jobs, but we were fighting GM about where they wanted to build the plant. GM could have built on any empty space, [. . .] but they didn’t want to compromise.” The Poletown Neighborhood Council went to court for this reason (Wylie Poletown 75). Ralph Nader supported this (Walter 12A) and sent a team to assist the residents (Garlow). Residents claimed

that utilizing eminent domain for public use meant the public should actually use the land being taken or, minimally, directly benefit from the taking. In their case, however, they said the public

would experience only minor benefit, and because GM would gain through profits, this was definitely private use (Paul 34).

The private versus public use debate produced diverse responses. Detroit's mayor, Coleman Young, said, "There's nothing revolutionary about what we've done. What's new is that the city of Detroit has decided that jobs are in the public interest" (qtd. in What's Good). The Michigan Supreme Court agreed, ruling that because the plant would bring jobs and, in turn, benefit the community, public use was justified. Furthermore, the Court said that it is solely the discretion of the legislative branch to decide what meets the public use requirement (Bechara 280). However, Michigan Supreme Court Justice John Fitzgerald disagreed, writing:

Now that we have authorized local legislative bodies to decide that a different commercial or industrial use of property will produce greater public benefits than its present use, no homeowner's, merchant's, or manufacturer's property, however productive or valuable to its owners, is immune from condemnation for the benefit of other private interests that will put it to a "higher" use (qtd. in Paul: 36).

Justice James L. Ryan, also voicing dissent, wrote: "When the private corporation to be aided by eminent domain is as large and influential as General Motors, the power of eminent domain, for all practical purposes, is in the hands of the private corporation. The municipality is merely a conduit" (qtd. in Wylie Poletown: 133).

Actions like those of Detroit abuse the takings clause of the Fifth Amendment and demonstrate the failure of government to act responsibly in safeguarding individual property rights. Enlarging the state's definition of public use has a tendency to desensitize the public, producing more tolerance and acceptance of further takings (Ownby 110). Michael Rikon, a New York City attorney, believes the 1954 Berman v. Parker case and the Poletown case have set the tone for widening the meaning of public use. Both cases continue to be the most common

models for those who desire to obtain private property through condemnation (Halperin).

Another example of the expansion of public use occurred in 1996 (Packer S1) in Hurst, Texas when 127 homes in the Richland Park East neighborhood physically blocked plans by the city and the Simon DeBartolo Group to expand North East Mall (“Ten” A16) (See Appendix D). The city claimed the property was needed to expand the mall (Fortner) and to construct access roads (Anderson G1). This plus economic benefits, Hurst said, justified the use of eminent domain for public use (“Homeowners”).

To acquire the property, Hurst utilized a 1987 law which permitted the spending of public monies to assist private industry endeavors. Later, municipal economic development organizations were created and provided eminent domain authority (Mansnerus 44). This was probably the first time a city took people’s homes to enlarge a shopping mall (“Texas” 9).

Former residents Leon Lopez and Luretta Laue had no interest in selling (Lopez interview; Laue). At sixty-two years old, Lopez said, “I planned on dying there” (interview). However, 117 residents chose to sell their property for a combined amount of \$13.3 million (Fortner). Lopez and Laue claim the offer was insufficient to rebuild the same home in today’s economy. Both believe the city used harassment to obtain the desired property (Lopez interview; Laue). “Several families were told that if they did not agree to sell, their property would be condemned, and they would only be given half of what they were originally offered. They were afraid,” said Laue.

The remaining ten homeowners filed suit after the city condemned their property (Packer S1). The families fought the city’s plans because they believed the condemning of private property for private use was wrong (Lopez interview). “The fact that the board of directors [. . .] consisted of four people, which was a quorum, could take homes and call it economic growth, was wrong,” said Laue. Owners were unable to save their property prior to settlement because,

in May 1997, a judge ruled the houses could be destroyed (“Texas” 9). Later, the families were awarded a \$3 million out-of-court settlement (Packer S1, S4).

Scott Moran, one attorney representing the residents, said Hurst leased or sold their



Fig. 3. Demolition of a Richland Park East home

Hurst, Texas exercised its eminent domain authority to condemn and destroy this house for a mall expansion project (Mansnerus 44).

eminent domain authority to a business for profit.

DeBartolo approached the residents about buying their homes, while the city promised to condemn any properties residents refused to sell (Moran). Moran said, “They [the residents] were labeled in the press as greedy holdouts who didn’t want the mall when really they were modern-day heroes who were willing to fight because it was dead wrong. Their homes were bulldozed. What happened to their homes was flat-out illegal.”

Conversely, Art Spellmeyer, a DeBartolo executive said, “[. . .] the good of the many outweighs the good of the few” (qtd. in Anthony “How”). Jordan Clark, president of the United Homeowners Association, believes Hurst has set a precedent. Clark said, “When precedents are set, other people imitate. And when they can come in and say, ‘We’re taking a neighborhood to expand our mall to make money,’ that’s a pretty dangerous precedent” (qtd. in Anthony “How”).

Clark’s words have come to fulfillment with reports of more than one hundred abuses of eminent domain during 1998-2001 (Berliner). Proponents, however, support the widening use of eminent domain. Jeff Finkle, an economic development advocate, said, “Eminent domain [. . .] is the most important redevelopment and revitalization tool available [. . .]” (qtd in Gurwitt: 27). New York senator Charles Schumer agrees that condemnation is a successful method, along with tax incentives and transit improvements, for bettering business (Halperin). An editor of a Knoxville, Tennessee paper wrote, “. . . Blocking the potential good it [eminent domain] could



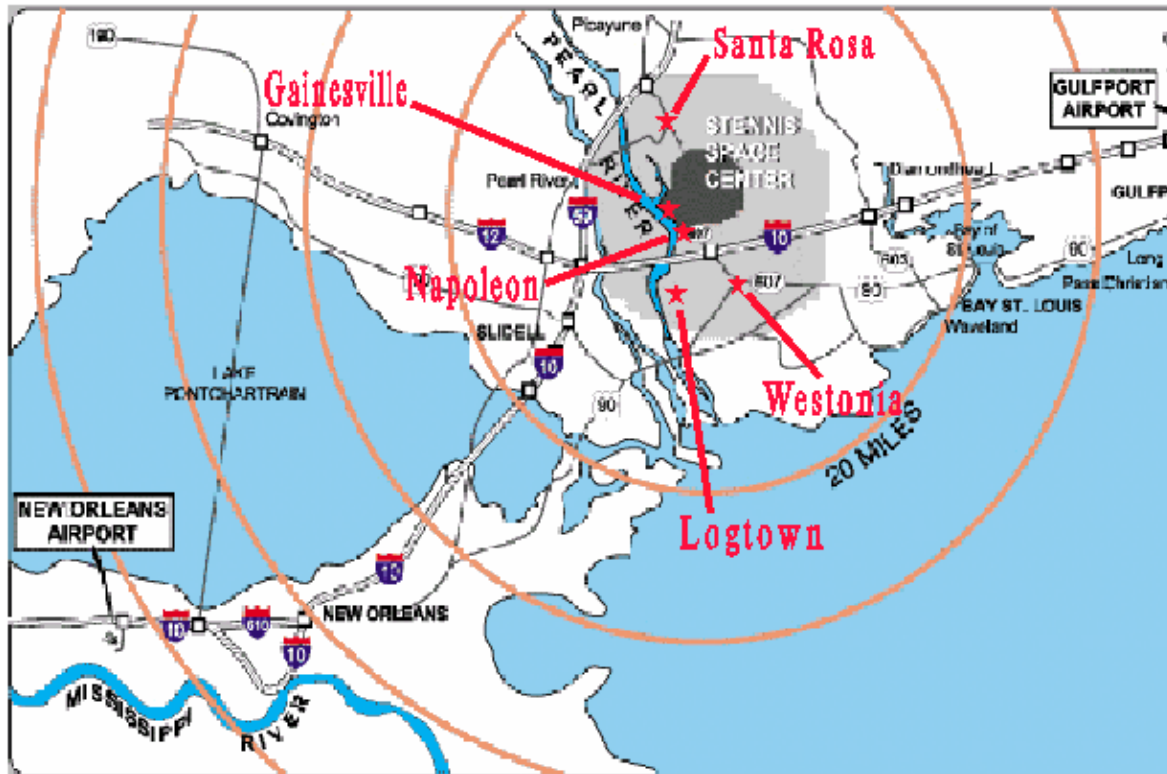
do for the center city, has been painted as akin to opposing motherhood and apple pie” (qtd. in Ownby: 110).

Scott Bullock, an Institute for Justice attorney, believes eminent domain abuse is occurring and states it “violates the sanctity of private property rights” (interview). He thinks it is the responsibility of individuals, businesses, and government to refuse to participate in attempts to condemn one individual’s property and give it to another (Bullock interview). Leon Lopez believes individuals should take the responsibility to challenge government each time it attempts to use eminent domain for private profit (interview). Also, Luretta Laue says citizens should be aware of what can happen, stating, “I didn’t know how things worked. My home was mine. This was America, and they couldn’t come in and take your home like that.”

There is now hope for more responsible use of eminent domain. In 1999, Andy McElhany, a Colorado state senator, was successful in introducing laws that make it harder for municipalities to use blight as a reason to condemn property (Gurwitt 28-29). Additionally, there is hope for a change in the way courts view the use of eminent domain. Recently, a California court (Goldstein and Rikon) as well as the State Supreme Courts of Connecticut, Illinois, and Mississippi have handed down rulings which prevent the abuse of eminent domain power (Bullock “Liberty”). The Supreme Court of Illinois, in fact, held that “revenue expansion alone does not justify” condemnation or confiscation of property (qtd. in Shlaes). Additionally, Colorado is currently developing legislation to prevent governments from proposing a preposterously low sum of compensation when condemning private property. This law will state, “[. . .] in the event a property owner receives compensation from a court in an amount that exceeds the government’s offer by thirty percent or more, the government must then pay the property owner’s legal expenses” (McElhany). As demonstrated through these recent cases of litigation and legislation, there is now promise that eminent domain abuse will be curtailed.

In conclusion, eminent domain has, over time, moved from an exercise of use to one of abuse as demonstrated in the examples of Stennis Space Center, Poletown, and Hurst; however, there is hope this cycle will be reversed, and government will use its power of eminent domain responsibly, as the founders intended. The forefathers recognized the importance of the right to own property and believed it is government's responsibility to protect this right, as reflected in the words of James Madison, "Government is instituted no less for protection of the property, than of the persons of individuals [. . .]. The rights of property are committed into the same hands with the personal rights" (Hamilton, Jay, and Madison 357). Public officials are taking the opportunity history provides to learn from the past and are heeding the words of John Adams, "The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence" (Adams 9).

### Appendix A: Map of Cities Destroyed to Build Testing Facility



Shown above (noted in red) are the five cities (Microsoft) which were destroyed to make way for the construction of the John C. Stennis Space Center (Herring 2), formerly known as the Mississippi Testing Facility (Herring 38). The darkly-shaded area denotes the testing site which consists of 13,800 acres, and the lightly-shaded area marks the acoustic buffer zone, comprising 125,071 acres (Herring 13). The orange lines represent the distance the sound from the rocket firings travel (“John Map”).

## Appendix B: Letter to Stennis

# Landowner Complains

## Letters

Route 1, Picayune, Mississippi  
May 24, 1962

Senator John Stennis  
Congress of the United States  
Washington, D. C.

Dear Sir:

Relative to land acquisition by U. S. Army Corps of Engineers for the NASA in the buffer zone of the test site in Hancock County, Mississippi, I applied for an

early appraisal and negotiation on my property holdings in the area. My request was honored, my appraisal was recently completed, and yesterday, May 23, I had my first conference with the negotiators.

What is being paid to the property owners in the fee area is being published in the local papers. I have a number of neighbors in the fee area whose dwelling houses and other property I am familiar with and who are glad to talk about the deals they have concluded with the government. It is general public knowledge that there is considerable

variation in the appraisals, some being just, some over-valued, and other so low as to result in financial catastrophe to the owners.

Returning to my personal problem, I own 300 acres, 200 of which are in excellent improved pasture, and 100 in timberland. All of the land is fenced and cross fenced. I have two good artesian wells. There are three dwelling houses on my property, two barns, two dairy barns, and sheds to make a total of 12 buildings.

The offer made me yesterday by the Corps of Engineers' negotiator for all of my buildings (which they will destroy), the improvements, and for the perpetual easement that the government is forcing me to accept on the land was in the amount of \$37,500. This offer to me is ridiculous and absurd. According to the scale of values that has been established in the adjacent fee area, the three dwelling that I have should come close to \$37,500. Certainly all of my buildings and improvements should appraise well over that amount, which would leave them paying me nothing for the easement on my land. I ask that you please bear in mind that this land is practically of no value to us after all buildings are destroyed and we are forced to move away.

Having owned my place for nine years and having been raised in the country on a farm, you may assured that I have some practical knowledge of farm values and building costs. My own personal evaluation of my place, which I know to be fair and honest, is as follows:

Total value of buildings	\$35,125.00
200 acres improve pasture land at \$250 per acre	50,000.00
100 acres of timberland at \$100 per acre	10,000.00
1 artesian well	2,000.00
1 artesian well	1,500.00
Total value	98,625.00

Now let me assure you that I do not expect to get rich and get more than I should for my property. All that I am asking is a fair deal. I do not ask for my appraisal as listed above, but I certainly do ask for a figure closer to my stated value than the offer of \$37,500.00 the government has made me.

I respectfully remind you that if the scale of value that is being established in the buffer zone with the negotiator's offer to me setting the precedent is followed throughout the area, a great number of these good people who own small properties and have never been in more than average financial condition are facing complete ruin.

We beg of you to look closely into this situation down here and give us all the help that is within your power.

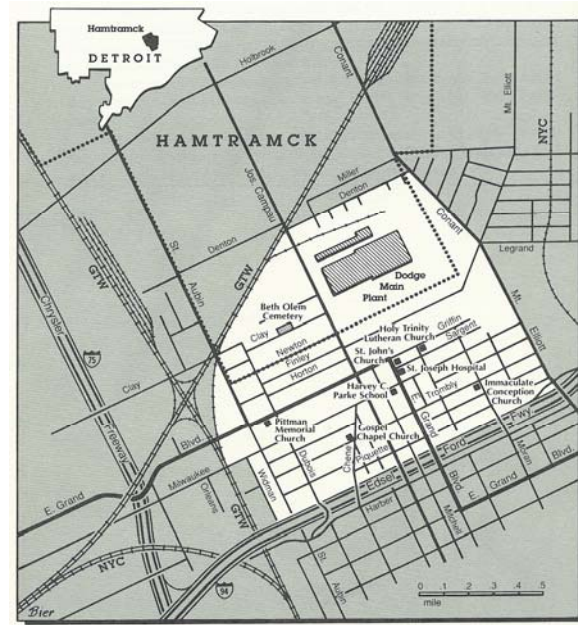
Sincerely yours,  
J. F. Fargason, M. D.

CC: Senator Eastland  
Congressman Colmer

Dr. Fargason invites the general public to come out and inspect his place to determined for themselves the value of his land in Flat Top Community.

The above letter is reflective of many of the residents' concerns regarding fair compensation for their property. In this letter, the writer complains that not only are appraisals inconsistent, but most are extremely undervalued. He voices concern that many residents, particularly those who are struggling financially, will be completely ruined if forced to accept this type of compensation (Fargason 3).

### Appendix C: Street (A) and Aerial (B) Maps of Poletown



A



B

Figure A is a street map of Poletown. The lighter area is the property taken to build the General Motors Cadillac plant (Wylie Poletown 1). Figure B is an aerial view of Poletown. The Poletown community encompasses all of the homes below the line (Interstate 94) that moves diagonally across the upper part of Figure B. The large building in the center of the picture is Immaculate Conception Church, headquarters for the group that resisted GM's project (Wylie Poletown 5). Both maps show the extent of the people affected and the property taken by the acquisition.





## WORKS CITED

### Primary Sources

Adams, Charles Francis, ed. The Works of John Adams, Second President of the United States. Vol. 6. Boston: Charles C. Little and James Brown, 1851.

From this source, I learned that John Adams strongly supported property rights and believed that freedom could not exist without them.

Anderson, Kendall. "Hurst Accused of Altering Road Plan." Dallas Morning News 26 June 1997: G1+.

This source was helpful because I learned that the city of Hurst believed the construction of access roads on the residents' property was one justification for the use of eminent domain. I also learned that the city hired a land surveyor to design the road which would access the mall. In a deposition, the surveyor admitted he altered the path of the thoroughfare because city administrators declared they wanted the road to cut through specific properties identified by an X on the map. The surveyor said he was unaware the marks represented condemned properties and did not inquire as to why officials wanted to move the road. The surveyor said the first road design with which he worked did not impact the condemned properties, but the updated plan cut through all but two of the properties. This article was important to my understanding of eminent domain abuse because, by reading this, I realized that a city can alter circumstances to obtain its desired outcome. This led me to further understand that this type of action only encourages and opens the door to further potential eminent domain abuse.

Anthony, Ted. "How the Republic Takes Private Property." How the Republic Takes Private Property 1 Feb. 1998. 5 Sept. 2002 <<http://www.worldfreeinternet.net/news/nws79.htm>>.

From this article, I learned the opposing viewpoints from both the Senior Vice President of Simon DeBartolo Group and the president of the United Homeowners Association regarding the Hurst case. These opinions were interesting because they were made during the time the ten homeowners were opposing the city concerning the condemnation of their property. In addition to this, I also learned that American society is changing. It is moving from a society of production to one of consumption.

Bailey, Ronald. "Moon Race Blots Out a Town." Life 25 Sept. 1964: 21.

From this source, I learned that out of the four towns acquired for the buffer zone, Logtown was the most shaken. The news came as a tremendous shock to the people. I was able to gain an understanding of the residents' feelings by reading their words.

“City of Hurst.” City of Hurst Interactive Maps 21 Jan. 2003 <<http://maps.ci.hurst.tx.us/scripts/esrimap.dll?Name=Hurst&Cmd=Map&MapType=True&Left=2366201.26821049&Bottom=6983417.074667718&Right=2369961.68487716&Top=6987583.74134385&Aerial=on97&zonefill=shaded&RadiusSum.x=0&found.x=0&found.y=0&selectpt.x=0&select.y=0&MapScale=1000&Label=&time=55864.3.htm>>.

From this 1997 map, I saw the location of the Richland Park East neighborhood in relation to the North East Mall. This map was helpful because I was able to use it in the appendix.

Dockery, Carol. Telephone interview. 21 Feb. 2003.

Conducting this interview with a former Poletown resident was very helpful because I heard a first-hand account of what happened there. I learned the residents were not against GM building a plant or providing jobs but believed GM did not need to take the entire neighborhood. Mrs. Dockery said GM wanted to be close to the railroads and freeways and was unwilling to compromise. She also said most of the media gave biased reports and were influenced by the city. She stated that the residents did not receive fair compensation and that the city officials often lied to them. I learned that many people would have been willing to move if they had been adequately compensated and dealt with honestly. She said eminent domain abuse is something from which a person will never recover. She felt her rights were violated and said the most difficult thing was the feeling of helplessness. She believes there was nothing the residents could have done to stop the city from destroying their neighborhood.

Fargason, J. F. Letter. Hancock County Eagle 24 May 1962: 3.

This letter to the editor was very helpful because I was able to read the concerns one resident voiced about being unjustly compensated for his property. This letter was also helpful because I was able to use it in the appendix.

Fitzgerald, John Warner. Interview with Roger F. Lane. Interviews with Michigan Supreme Court Justices. 8 Oct. 1990. 10 Mar. 2003 <<http://lib0131.lib.msu.edu/dmc/court/public/all/Fitzgerald/ASQ.html>>.

This oral history transcript was interesting because Justice Fitzgerald further explained the reason he dissented to the Court's ruling. I also learned that the State Supreme Court handed down a ruling on this case ten days after hearing it. Fitzgerald said decisions are rarely made that quickly, but the Court was influenced by the fact that demolition had been halted until a decision was made, and time was of the essence in this case. This source, although not cited in my paper, was important to my understanding of factors that contributed to the abuse of eminent domain power in the Poletown case. I realized that the Court, which ideally should be objective and impartial, allowed itself to be influenced by the conditions surrounding the case.



Fortner, Ellen. "Hurst Mall Lawsuit Ends in \$3 Million Settlement." Star-Telegram.com/Local News 28 June 2000. 5 Sept. 2002 <<http://www.startelegram.com/news/doc/1047/1:NE42/1:NE420628100.html>>.

From this source, I learned that the city of Hurst believed it needed residential property in order to expand North East Mall. I also learned how much the 117 owners collectively received for their property when they sold it to the city.

Garlow, Charles. Telephone interview. 12 Feb. 2003.

This interview was very helpful because Mr. Garlow was a member of Ralph Nader's Poletown Support Team. From this interview, I learned the Nader team was called the "fearsome foursome." I also learned what the team did to curb the GM project. They educated the residents who were against GM, and they took action against GM. The team drew media attention through demonstrations and press conferences, and they did analyses and paperwork. I also learned that the residents and the team were up against heavy odds that were not in their favor. Garlow said there was little support outside Poletown, and the media was the last piece of support they had left.

Gurwitt, Rob. "Land Grab." Governing Jan. 2001: 26-29.

From this article, I learned how city governments are increasingly using eminent domain. I read viewpoints from both sides regarding the use of eminent domain. I learned about two legislators' efforts to reform the use of eminent domain. Bill Robinson of Pennsylvania suggested changes in eminent domain laws that would prevent the government from obtaining one individual's property and handing it over to another. The bill would also provide a more exact meaning of blight. Robinson, a former city council member, once supported the exercise of eminent domain to clear blighted areas for redevelopment but has changed his position. Robinson said this practice does not work, and the government is placing itself in a bad situation. I also learned that Andy McElhany, the other legislator, also introduced a bill in the Colorado Senate making it harder to use blight in condemning property. Property could previously be declared blighted if just one of eight conditions existed, such as deteriorating buildings, insufficient street design, and dirty or dangerous surroundings. This bill requires that half of the eight circumstances must exist before the property can be considered blighted and then condemned.

Hamilton, Alexander, John Jay, and James Madison. The Federalist. Bicentennial ed. Washington-New York: Robert B. Luce, 1976.

From a portion of this book, I learned that James Madison believed government was created for both the protection of property and individual rights and that property rights are just as important as individual rights.

Herring, Mack R. Way Station to Space. United States: Government Printing Office, 1997.

This source was written by a man who, in 1961-1962, was working for NASA in Alabama and then transferred to the Mississippi Testing Facility in 1963. Because he

was aware of events concerning the development of the center, this source was extremely helpful. I learned how the property for the testing facility was acquired and which towns were affected. I also learned the number of acres involved and the value of this land.

“Homeowners Suing Hurst in Mall Seizure.” Homeowners Suing Hurst in Mall Seizure 13 Apr. 1997. 2 Sept. 2002 <<http://lubbockonline.com/news/041497/homeowne.htm>>.

This article was helpful because I learned that the city of Hurst believed the expected increase in tax revenue resulting from the mall expansion met the public use requirement in its exercise of eminent domain.

John C. Stennis Space Center. Personal Visit. 17 Nov. 2002.

This visit was very helpful because I was able to personally see the land comprising the buffer zone and test site. Inside the visitors’ center, I saw photos of the towns which were destroyed as well as pictures of many of the residents. I watched a historical video about the creation of the space center, and I saw the names of the 2202 landowners who were forced to give up their property.

Kellar, Beulah. Telephone interview. 8 Feb. 2003.

Conducting this interview with a former Santa Rosa resident was very helpful because I heard a first-hand account of what happened there. She explained how the people in the area reacted to the news. She said her family was not interested in moving because her children were fifth generation residents of that area. Kellar said most residents were not fairly compensated and, due to speculation, had to pay inflated prices for land when they moved. She said there was a large discrepancy in the amounts offered for property.

Kelly, James. “The Last Days of Poletown.” Time 30 Mar. 1981: 29.

From this article, I learned about the history of Poletown. I also learned that the neighborhood was primarily made up of senior adults and Polish-Americans. Finally, I learned that the city of Detroit claimed the GM plant had to be built in Poletown because it was the only place that fulfilled all of GM’s requirements.

Kelso, Robert N. “Property Owners Contest U.S. Test Site Appraisals.” New Orleans States Item 14 July 1962: 1+.

This article was helpful because I learned that more than 500 property owners felt they were not being justly compensated and believed they would be financially ruined. I also learned that even though it would be impossible for people to farm or raise livestock in the buffer zone, they still had to pay taxes on that land. This article was also helpful because I saw pictures of the inside and the outside of some homes as well as some of the people involved.

Laue, Luretta. Telephone interview. 6 Dec. 2002.

This interview was critical to my understanding of the expanded use of the public use phrase as it was exercised in Hurst, Texas. From this former resident of Hurst, I heard a personal account of what happened. I also learned the reasons Mrs. Laue felt it was necessary to take a stand against the city and mall developers, and she shared her thoughts about being forced to leave her home. She also explained the reasons she believed the power of eminent domain was abused. Mrs. Laue feels it is very important to share her experience with others and hopes that by doing so, more people will become aware of what can happen.

Lee, Arthur. An Appeal to the Justice and Interests of the People of Great Britain, in the Present Disputes with America. London: J. Almon, 1774. University Microfilms: American Cultural Series (1974): reel 15, no. 183.

From this book, I learned about Arthur Lee's view on the importance of the right to property. He emphasized that a person's property is his own, and no one has the authority to take it away from him without his permission. Doing so, he believed, is robbery and dissolves the differentiation between freedom and slavery.

Lopez, Leon. Letter to David Toney. 25 Jan. 2003.

In this letter, Mr. Lopez, through written word and through markings on an aerial map, explained the location of Richland Park East in relation to the North East Mall. He also sent a detailed plot map of the neighborhood which showed each owner's lot by name. On this map, he highlighted the lots belonging to the ten property owners who fought the city. This letter was helpful because I was able to see the area that was impacted, and I was able to use this information in the appendix.

Lopez, Leon. Telephone interview. 19 Dec. 2002.

This interview was extremely helpful because it gave me a first-hand account of what happened to the residents of Richland Park East in Hurst, Texas. I learned that Mr. Lopez believed just compensation was not being offered and that the power of eminent domain was abused. Mr. Lopez also shared his feelings about the taking as well as his beliefs regarding the responsibility involved with the practice of eminent domain.

Madison, James. "Property." The National Gazette 29 March 1792: 174-175.

From this article, I learned about James Madison's views on property rights and the government's responsibility to protect these rights.

Mansnerus, Laura. "The Mall's Expanding-and You're Evicted: New Reasons Why Cities Seize Property." U.S. News and World Report 15 Sept. 1997: 43-44.

From this article, I learned about the new law Hurst used to take the people's homes. This article was also interesting because it presented other cases involving the abuse of eminent domain.

Matkin, William R. Telephone interview. 8 Feb. 2003.

Conducting this interview with a former Corps of Engineers land acquisition agent was very helpful because I heard a first-hand account of the process used in acquiring the land to make way for the Mississippi Testing Facility, currently known as the John C. Stennis Space Center. I learned that, first, they verified that the government's information about land parcels was correct. Next, the Corps of Engineers hired non-governmental appraisers to make evaluations, and then government appraisers determined if the evaluations were a fair price. After that, negotiators offered a fair price for the land. If a settlement was not reached, the case was passed to the district attorney, who then took it to trial. I learned that the price of the land was determined by where the property was, what was on the property, and similar sales in the area. Matkin said many of the residents were able to reach a payment agreement, but many residents also went to trial for settlement. The last two years of his assignment were spent in court. Finally, I learned that emotional stress was the most difficult aspect of moving for the majority of residents because many were born and raised in that area and had deep roots there. The land acquisition was forcing them to move and settle in a different area from that to which they were accustomed.

McElhany, Andy. "Re: Eminent Domain." E-mail to David Toney. 30 Dec. 2002.

From this interview, I learned that Senator McElhany believes abuse occurs when the government offers property owners a very low price, realizing that the owner will experience great financial hardship because he will have to pay legal fees and court costs in order to receive adequate compensation. The government anticipates that the owner will accept its offer to avoid further hardships. I also learned about the new Colorado eminent domain reform legislation. Finally, I learned that McElhany believes the largest contributing factor to eminent domain abuse is government's unquenchable desire for increased tax revenue.

Moran, Scott. Telephone interview. 20 Dec. 2002.

This interview was very helpful because Mr. Moran was one of the attorneys who represented the ten property owners of Hurst. I learned about his viewpoints from a legal standpoint. He explained the importance of eminent domain while emphasizing the potential for abuse when it is misused. I learned that Texas State Senator Sibley from Waco introduced the law which Hurst utilized to take the homeowners' property. He was head of Economic Development in the Texas Senate at the time. He said this law was never meant to be used as the city of Hurst used it but was meant to turn unproductive property into productive property. Finally, I learned what Mr. Moran believes is the responsibility of everyone concerning the use of eminent domain.

Packer, Jennifer. "Settlement Allows Mall Expansion, to the Sorrow of Residents." Dallas Morning News 2 July 2000: S1+.

From this source, I learned the city of Hurst first initiated plans to acquire residential property for a mall expansion in 1996. I also learned about the out-of-court settlement between the city and the ten residents who sued the city.

Paul, Ellen Frankel. Property Rights and Eminent Domain. New Jersey: Transaction: 1988.

From this book, I learned that as a result of widening the definition of public use, the public use phrase can no longer protect against endless takings. I also learned the potential impact of eminent domain on its victims. Additionally, I learned the reason Poletown residents believed the taking was not a public use. Finally, I read the words of State Supreme Court Justice John Fitzgerald concerning his disagreement with the Court's decision ruling in favor of General Motors.

Poe, Edgar. "Saturn Static Test Site to Be in Pearl River Area." Times-Picayune [New Orleans] 26 Oct. 1961, early ed.: A1+.

From this article, I learned how many families were living in the testing site and buffer zone.

Poletown Lives! Dir. George C. Corsetti. Writ. Jeanie Wylie. Videocassette. The Information Factory, 1983.

From this documentary, I learned that Detroit, in 1980, used a quick-take law to rapidly acquire the Poletown neighborhood. I also heard the chairman of General Motors say that the main priority of the company was to make as much profit as possible. I heard the Poletown Neighborhood Council's urgent requests for a meeting with the chairman of GM to discuss the situation. This video was extremely helpful because I saw interviews conducted with the residents, community leaders, and Ralph Nader, and I got a sense of how the people felt.

Reosti, Ronald. Telephone interview. 10 Mar. 2003.

This interview was helpful because Mr. Reosti was the attorney who represented the Poletown Neighborhood Council in its legal fight against the city of Detroit. Mr. Reosti stated the reason he believed the Poletown case violated the Constitution. I learned that there are two different ways the Poletown case is viewed. First, private corporations, in an attempt to avoid paying market value for a desired property, are inclined to use city and state governments as their real estate agents. On the other hand, some tend to look at the Poletown case as an exception. Because Detroit was in such serious financial trouble and so many people were without jobs, there was a lot of public support for the city's actions. The courts expanded the definition of eminent domain in an attempt to solve the unemployment problem. Finally, I learned about a case that occurred in Michigan in 1987 in which similar issues were raised, but the Court refused to apply the Poletown ruling in that case.

Richburg, Keith. "Polish Resistance, Detroit-Style." Washington Post 1 June 1981, final ed.: A1+.

This article was helpful because I learned how many houses were destroyed in the condemnation of Poletown. This article was also interesting because the author recognized that the Poletown case could have a far-reaching effect, both legally and ethically, concerning the government's authority to acquire private property for corporate

use in its desire to obtain economic benefits. This article reiterated the Poletown residents' complaints about unfair compensation. I also learned that Father Karasiewicz, who was the priest at Immaculate Conception Church in Poletown, believed that residents were being forced out of their homes by a corrupt law, corrupt judges, and a dishonest city. Finally, the author questioned how far city governments should go in their attempt to entice businesses to return to the city.

Ryan, James L. Interview with Roger F. Lane. Interviews with Michigan Supreme Court Justices. 13 Nov.1990. 10 Mar. 2003 <<http://lib0131.lib.msu.edu/dmc/court/public/all/Ryan/ASU.html>>.

This oral history transcript was interesting because Justice Ryan further explained the reason he dissented to the Court's ruling. He also discussed the successful public relations campaign on the part of General Motors, saying that to argue against this taking was viewed as a breach of loyalty to the city. Finally, it was interesting that Justice Ryan first viewed the Poletown plant from a high-rise office building window in 1989 and was shocked to see a vast concrete parking lot surrounding the plant that appeared almost empty. Ryan remembered that one argument presented in the case was that GM would employ 6,000 people. After investigating, he discovered that only 2300 people worked at the plant, and that number was dropping. This article, although not cited in my paper, was important in several ways. First, it helped me understand the extent to which a large and wealthy corporation, such as General Motors, can have so much power and influence. By reading this oral history transcript, I realized that this power and influence even extended to the judicial system, and the Court relented to the pressure and intimidation tactics of a large, powerful corporation. I was able to understand how this contributed to the abuse of eminent domain power which occurred in the Poletown case. Secondly, Justice Ryan's observations regarding the low employment numbers at the GM plant further confirmed to me that this taking was an abuse of eminent domain power. The city claimed that the taking of Poletown was a public use because 6,000 jobs would be provided, but the facts Justice Ryan uncovered proved this was not true.

Safire, William. "Poletown Wrecker's Ball." New York Times 30 Apr. 1981, late city ed.: A31.

From this source, I learned that Detroit city officials claimed the GM plant would bring in 6,000 jobs to the city. This editorial was also interesting because it strongly argued for the right of property. This author believes that, regardless of the potential benefits, government has no authority to acquire private property for private use.

Seal, Leo W., Jr. Telephone interview. 13 Feb. 2003.

Conducting this interview with a Hancock County resident was very helpful because I heard a first-hand account of what happened there. From Seal's account, I learned that Senator Stennis came to Logtown and held a meeting, which Seal's father organized and Seal attended, calling on the residents' sense of national pride. Stennis also explained how the project would bring tremendous economic benefits. I also learned that there were two types of appraisers: conservative and liberal. If a resident was lucky enough to get a liberal appraiser, then he obtained a higher price for his land than what his neighbor

might have received if his property were evaluated by a conservative appraiser. The same thing happened in court concerning decisions by judges.

“Senator John C. Stennis Warns Landowners: ‘Watch For Speculators.’” Rural Electric News [Jackson] Dec. 1961: 9.

This article was helpful because I learned that Senator Stennis warned the residents of Mississippi and Louisiana to be cautious of potential speculators while assuring them that they would be fairly compensated by the government. I also read a portion of Stennis’ speech to the residents in which he acknowledged their sacrifice in relation to how it would be viewed in the future.

“Senator Stennis Interested in Test Zone Prices.” Picayune Item 24 May 1962. Stennis Space Center Historical Records Collection at Stennis Space Center, MS.

This article was helpful because I learned that Senator Stennis was concerned about the compensation offered to people for their property and was open to any complaints from the residents regarding this. I also learned that if Stennis had owned property in the test or buffer zone, he would not have accepted the first offer given him unless he felt it was acceptable, and he encouraged people not to accept offers they felt were unfair.

Starkman, Dean. “Condemnation Is Used to Hand One Business Property of Another.” Wall Street Journal 2 Dec.1998, eastern ed.: A1+.

From this article, I learned the reason many city and state governments have expanded the use of eminent domain. This article was interesting because it discussed several instances of this expanded use of eminent domain, some of which were occurring when the article was written.

“Ten Residents Under Siege by Proposal for Big Mall.” New York Times 18 May 1997, late city ed: A16.

From this source, I learned the residential property which the city of Hurst condemned for the expansion of North East Mall was called Richland Park East. I learned the city wanted this property because the 127 homes in the neighborhood were blocking plans by the city and the mall owners to expand the mall. I also learned the city of Hurst believed the mall development met the public use requirement since it would provide economic profits. This article was also interesting because it presented the views of several law experts regarding the role of government and the position of the courts in relation to the condemnation of the homes in Hurst, Texas.

“Texas Judge Clears Way for Expansion of Mall.” New York Times 24 May 1997, late city ed.: A9.

From this newspaper article, I learned that the Hurst case was probably the first in which a city took homes for a mall project. I also learned that the homeowners were not able to save their homes before a settlement could be reached since a judge ruled that the homes could be destroyed.

“Top NASA Appraiser Being Sent Here.” Hancock County Eagle 7 June 1962: 1.

This article was helpful because I learned that Hancock county residents were very concerned about property assessment values. I also learned that a high-ranking Corps of Engineers appraiser was sent to Hancock County, Mississippi due to complaints voiced by homeowners regarding just compensation. Stennis encouraged government appraisers to initially offer, at the minimum, the appraisal value of the land.

Walter, Joan. “Poletown: Its Spirit Fades as Neighborhood Dies.” Detroit News 15 Mar. 1981: A1+.

This article was helpful because I learned that Ralph Nader supported the efforts of the Poletown Neighborhood Council to fight the taking, and I learned Nader’s viewpoint about the situation. He believed Coleman Young wanted Poletown demolished as soon as possible so any attempts to save the neighborhood would be futile. Nader also believed that Detroit and GM planned to demolish everything first and then demand approval.

What’s Good for General Motors. Dir. Kent Garrett. Writ. by Marlene Sanders. Videocassette. CBS, 1981.

From this video, I learned that General Motors was planning to build four new sites to replace outdated facilities, and Poletown was one of those sites. I learned how much land GM was requiring for the new plant site. I also learned that GM was promising to provide 3,000 jobs if the economic climate was favorable. Additionally, I learned about the mayor’s viewpoints on the subject. This video was extremely helpful because I was able to see the neighborhood, listen to interviews conducted with the residents as well as the mayor and other city officials, and see pictures of the neighborhood during its destruction.

Wylie, Jeanie. “A Neighborhood Dies So GM Can Live.” Village Voice [New York] 8 July 1981: 1+

This article was helpful because I learned about GM’s proposal to the city. I also learned that GM used the same tactics to acquire land in other cities, threatening each time to build elsewhere if GM did not get what it wanted. I learned that Detroit’s planning commission had several major concerns regarding GM’s plans, and one such concern was the fact that the city of Detroit would not break even for 270 years because GM paid reduced property taxes each year as a result of tax abatements.

Wylie, Jeanie. Poletown Community Betrayed. Chicago: University of Illinois Press, 1990.

This author’s input was very helpful because she was knowledgeable of the events that occurred in Poletown in the early 1980s. Wylie attended the Poletown Neighborhood Council meetings and chose to remain present throughout the resistance. She was present the night the police overtook Immaculate Conception Church, and she later witnessed the demolition of the neighborhood. While she was in Poletown, she wrote articles, printed in three major publications, about the Poletown situation. Wylie’s detailed account of



what happened to the people of Poletown in their struggle to save their neighborhood was very useful. In addition, I learned more about the Michigan 1980 Uniform Condemnation Act and the quick-take clause included in this law. I also learned about the reason the Poletown Neighborhood Council went to court to try to save their neighborhood, and I read the words of State Supreme Court Justice James L. Ryan concerning his disagreement with the Court's decision ruling in favor of General Motors. Finally, from this source, I was able to find the names of several people whom I interviewed.

## Secondary Sources

Anthony, Ted. "Eminent Domain Under the Republic: Individuals Not Allowed to Stand in the Way of Progress." Editorial. Eminent Domain: Individuals Are Last.... 1 Feb. 1998. 2 Sept. 2002 <<http://www.worldfreeinternet.net/news/nws80.htm>>.

From this source, I learned that great controversy occurred in the late 1800s between landowners and the railroad companies when the railroad practiced eminent domain. I learned that the government viewed this as a public benefit, however.

Bechara, Dennis. "Eminent Domain and the Rule of Law." The Freeman May 1985: 273-282.

From this source, I learned that in England, eminent domain had two forms. The Crown had the right to use personal property in places where it was undeniable that the royal family had authority--for example, in the case of national security or public safety. Parliament was allowed to procure private property, however, only after providing just compensation. I also learned that eminent domain was not a great issue in the US during the 18th and 19th centuries because so much land was available. I learned that before the US government first established the authority of eminent domain in 1876, each state would condemn property and later shift ownership to the federal government. I learned that as transportation improved, the states used eminent domain to allow further avenues of transportation to be built. Finally, I learned the reason the Michigan courts ruled in favor of General Motors and against Poletown.

Berliner, Dana. "Government Theft: The Top 10 Abuses of Eminent Domain." Castle Coalition Mar. 2002. 7 Sept. 2002 <[http://www.castlecoalition.org/top\\_10\\_abuses/top\\_10\\_report.pdf](http://www.castlecoalition.org/top_10_abuses/top_10_report.pdf)>.

From this publication, I learned the number of recorded abuses of eminent domain which occurred during the past five years. I also read a brief summary about the events that occurred in Hurst, Texas as well as abuses in other states.

Blumner, Robyn E. "Fighting Government Land Grabs." Editorial. St. Petersburg Times 30 June 2002. 28 Jan. 2003 <<http://pqasb.pqarchiver.com/sptimes/doc/13285650.html?MAC=d2a946e7497adf09d1841...>>.

From this article, I learned the types of things that have constituted public use over the last 150 years. I also read about recent cases where cities have taken personal property for private use. I learned that in areas of Illinois, condemnation was actually for sale, and interested parties could obtain a condemnation packet for \$2500 in addition to a commission fee varying from one-sixth to one-tenth of the purchase figure.

Bullock, Scott. "Liberty and Law." Four in a Row! IJ Enjoys Four Victories against Eminent Domain Abuse May 2002. 19 May 2003 <[http://www.ij.org/publications/liberty/2002/11\\_3\\_02\\_a.asp](http://www.ij.org/publications/liberty/2002/11_3_02_a.asp)>.

From this article, I learned that the State Supreme Courts of Connecticut, Illinois, and

Mississippi recently handed down decisions preventing the abuse of eminent domain. In February 2002, the State Supreme Court of Connecticut ruled against Bridgeport's efforts to exercise eminent domain to acquire a yacht club that was almost one hundred years old. The city wanted to take the club's property and attempt to sell it to an independent developer for unstipulated future use. Also, in March 2002, a Superior Court Judge in New London, Connecticut ruled against the city's attempt to condemn and destroy homes and then sell the property to developers. Additionally, in April 2002, the State Supreme Court of Illinois halted the government's effort to exercise eminent domain to seize the land of a privately-owned business and hand it over to the business located on an adjacent property. Such a taking would boost the earnings of the neighboring business and, in turn, increase the amount of money the city would receive from tax benefits. Finally, in early 2001, Mississippi began the process to condemn the land of a family so it could give the property to Nissan for the construction of a new truck factory. An extended family resides in over ten houses located on this property. The Supreme Court of Mississippi stopped all condemnation action until the case could be decided. In April 2002, Mississippi completely changed its position. Following the family's refusal to accept a settlement, the state said the company would alter its plant design so the family could retain their property and houses. The State also decided to cancel eminent domain proceedings against the family. This article was important because it shows that there is hope for a change in the way courts view the use of eminent domain.

Bullock, Scott. "Re: Eighth Grader Interested in Eminent Domain." E-mail to David Toney. 7 Jan. 2003.

This interview was helpful because Mr. Bullock, an attorney who specializes in eminent domain abuse, has worked with many people who have experienced abuse of the takings clause. I learned about his views concerning free enterprise and the use of eminent domain as well as the responsibility of individuals, business, and government concerning this practice.

Ely, James W., Jr. "'That Due Satisfaction May Be Made: The Fifth Amendment and The Origins of the Compensation Principle.'" American Journal of Legal History 36.1 (1992): 1-18.

From this article, I learned how eminent domain was used after the American Revolution. I also learned that the Fifth Amendment created extra protection for property owners and prevented private owners from bearing most of the costs of public policy.

"Eminent Domain." Black's Law Dictionary. 7<sup>th</sup> ed. 1999.

From this book, I learned the definition of eminent domain.

"Eminent Domain." West's Encyclopedia of American Law. 1998 ed.

From this encyclopedia article, I learned that the Fourteenth Amendment extended just compensation to the states.

Feinman, Jay M. Law 101. New York: Oxford, 2000.

From reading a portion of this book, I learned the number of businesses and churches which would be destroyed as well as the number of individuals who would be displaced from Poletown for the construction of the General Motors plant.

Goldstein, M. Robert, and Michael Rikon. "Bulldozers at Your Doorstep." Goldstein, Goldstein, Rikon and Gottlieb, P.C. 27 Feb. 2003 <<http://www.ggrgpc.com/pubs/bulldozers.html>>.

From this article, I learned about a 2001 California court ruling which prevented eminent domain abuse from occurring. I learned that the city of Lancaster, California, through its redevelopment agency, attempted to take the property of a small retailer, the 99 Cents Only Store, and hand it over to Costco, a giant retailer located on an adjacent property. The court ruled against the plan, stating that this was an obvious desire to take the property of one private entity and hand it over to another. This article was important because it shows that there is hope for a change in the way courts view the use of eminent domain.

Halperin, Alex. "Condemning (For) Private Businesses." Gotham Gazette 4 Mar. 2002. 12 Sept. 2002 <<http://www.gothamgazette.com/iotw/condemned/>>.

From this article, I learned that a precedent was set for widening the meaning of public use as a result of the court decisions made in both Berman v. Parker and Poletown. This article was also interesting because it presented opposite viewpoints of the current use of eminent domain.

Hyde, Rep. Henry. Forfeiting Our Property Rights. Washington D.C.: Cato Institute, 1995.

From reading a portion of this book, I learned about the founding father's beliefs regarding the connection between property rights and freedom.

"John C. Stennis Space Center Map." Center of Higher Learning 15 Jan. 2003. <<http://www.chl.state.ms.us/places.htm>>.

From this map, I learned where the Stennis Space Center is located and how far the buffer zone extends. This map was helpful because I was able to use it in the appendix.

Lively, Donald E. Landmark Supreme Court Cases. Westport, Connecticut: Greenwood, 1999.

From this source, I learned the meaning of the Fifth Amendment.

Microsoft Streets and Trips 2001. CD-ROM. Redmond: Microsoft, 1998.

From this CD-ROM, I learned the exact location of the towns before the Stennis Space Center was built. This source was helpful because I was able to use this information in the appendix.

Ownby, Lee. "Beyond Eminent Domain." The Freeman Mar. 1990: 108-110.

This article was helpful because it explained how the public can be affected by the widening definition of eminent domain. It also presented opposing viewpoints regarding the current use of eminent domain.

Pombo, Richard, and Joseph Farah. This Land Is Our Land. New York: St. Martin's, 1996.

From this book, I learned what several important men in history had to say about property rights. I also learned the concept of eminent domain was not created by the founding fathers. In addition, I learned how the Third, Fourth, Fifth, Ninth, Tenth, and Fourteenth Amendments to the Constitution apply to eminent domain and how all levels of government can use this power. Finally, I learned how property rights are a fabric of American culture.

Schwartz, Bernard. The Fourteenth Amendment. New York: New York University, 1970.

From reading a portion of this book, I learned that the Magna Carta had a great influence on the founding fathers when they wrote the Constitution. I also learned that the purpose of the Fourteenth Amendment was to ensure that the national government protected the people of a state from their own state government.

Shlaes, Amity. "JWR Insight." Editorial. Jewish World Review 26 June 2002. 12 Sept. 2002  
<<http://www.jewishworldreview.com/cols/shlaes062602.asp>>.

From this source, I learned that Berman v. Parker (1954) allowed developers to take the property of families and property owners in southwest Washington for urban renewal because they would be removing the slums. I also learned the definition of public use has expanded over the past forty to fifty years. Finally, I found a quote from the Illinois Supreme Court ruling regarding the exercise of eminent domain.

Stuart, Reginald. "The New Black Power of Coleman Young." New York Times Magazine 16 Dec. 1979: D102+.

This article, although not cited in my paper, was critical to my understanding of Detroit's mayor, Coleman Young. Learning about his past, his personality, his beliefs, and his character helped me better understand the actions he took and the decisions he made. Concerning Young's past, I learned that he was not looked upon favorably by unions and employers when he was looking for a job. When he became a state senator in 1963, however, attitudes toward him seemed to change. He won almost any point he brought up, and if he did not, he forced the antagonist into inaction. Young had earned an impressive record by the time he resigned from the state senate. I learned that Coleman Young's theme in life was to create political coalitions that would improve and defend African-Americans specifically and help all of society. I also learned that critics said his major flaw was that he did not care enough about the local communities and was too friendly with business, providing it with too many enticements to remain in the city.

Terkel, Studs. American Dreams: Lost and Found. New York: Pantheon, 1980.

This book included an interview with Mayor Coleman Young of Detroit. There were two interesting points in this interview which was conducted the same year Young announced plans to destroy Poletown, declaring it was blighted. First, it was interesting that Young stated that the Polish residents of Detroit were the lowest on the ladder. Also interesting was Young's statements that he knew how valuable community was to the Polish people and that the homes in the Poletown area were old but well-maintained. This source, although not cited in my paper, was important because it specifically gave me an understanding of Mayor Coleman Young's attitude toward the people of Poletown. This, in turn, helped me understand how his attitude influenced the decisions he made concerning that community.

"U.S. Constitution: Fifth Amendment." FindLaw Constitutional Law Center 2 January 2003 <<http://supreme.lp.findlaw.com/constitution/amendment05/14.html>>.

From this source, I learned that the US government first established its authority of eminent domain in 1876 in the case of Kohl v. US. In this case, the Court supported the belief that eminent domain was a necessity for the federal government to exist.

"What Is Eminent Domain?" Eminent Domain 5 Sept. 2002 <<http://www.mobar.org/pamphlet/emindom.htm>>.

From this source, I learned the meanings of the different terms used in the exercise of eminent domain, and I learned about the many steps involved in the eminent domain process. This source, although not cited in my paper, was important because it provided me with an understanding of how the eminent domain process works, and I had to understand the process in order to be able to recognize the difference between the use and abuse of eminent domain.

Yandle, Bruce, ed. Land Rights. Lanham: Rowman and Littlefield, 1995.

From reading a portion of this book, I was able to read sections of the Magna Carta, and I learned how closely the words of the Magna Carta resemble those of the Constitution. I learned the Magna Carta was based on common law which was believed to be the only way to safeguard property. Finally, I learned that the belief in England at that time was that property rights originated from society and were then transferred to the government.