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## REVIEW & OUTLOOK

### **Don't *Kelo* My House**

February 28, 2006; Page A16

Believe it or not, the Supreme Court's decision in *Kelo v. City of New London* may yet unite red and blue America in at least one common cause. The 5-4 ruling, handed down last June, gives government more or less unlimited power to seize private property.

The latest blowback comes from South Dakota, whose Governor this month signed a law prohibiting the state from using its power of "eminent domain" to take private property for private economic development. No exceptions. No loopholes. The bill passed by unanimous vote in the state senate and 67-1 in the house.

Two-thirds of Americans own their own homes, which is perhaps one reason few seem to share the view of the five Justices who ruled that New London, Connecticut, was justified in evicting homeowners so that private developers could put up a hotel and condominiums that would bring in more tax revenue. Some elites on the political left endorsed the ruling. But the overwhelming, immediate reaction on both the grassroots left and right was: How do I keep the government's hands off my house?

It didn't take long for the political response to get rolling. The sponsors of the South Dakota law said they started work the next day. At the time of the *Kelo* ruling at least nine states already had outlawed the use of eminent domain to evict homeowners for private development. Nearly every other state has since come up with some sort of anti-*Kelo* effort via legislation, a constitutional amendment or citizen initiative.

In Michigan, the legislature decided not to leave so important an issue to the vagaries of future legislatures and approved an amendment to the state constitution outlawing the taking of private property for private use. The vote was 106-0 in the house and 31-6 in the senate; it goes to the voters in November. Constitutional amendments are also moving forward in Georgia, New Hampshire, Florida, Oklahoma, South Carolina and Alabama.

Initiatives are under way in Colorado, Missouri, California, Arizona, Nevada and Montana. In Washington, D.C., the U.S. House of Representatives passed a bill in November that would withhold economic development aid for two years from state

or local governments that use private economic development as a rationale for eminent domain. The Senate will soon take up somewhat less sweeping legislation.

In his majority opinion in *Kelo*, Justice John Paul Stevens wrote, "Nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power." It's good to see voters taking the Justice at his word and throwing the Supreme Court a brushback pitch.

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