

Fifth Amendment to the U.S. Constitution (1791)

“... nor shall private property
be taken for public use,
without just compensation.”

Select U.S. Eminent Domain Laws and Court Rulings

Berman vs. Parker, 348 U.S. 26 (1954)

The U.S. Supreme Court ruled that taking private property (and paying just compensation) to remove blight served a public purpose and met the requirements of the Fifth Amendment. This was true even though the seized property was sold to private interests and would not necessarily have a wide use by the public.

Hawaii Housing Authority vs. Midkiff, 467 U.S. 229 (1984)

The U.S. Supreme Court ruled that a state could use eminent domain to take land from private landowners and allocate it to others. The case was based on the state of Hawaii's complaint that a vast majority of the privately held land in Hawaii was in the hands of a few landowners, thus limiting competition in land and property markets. *Berman vs. Parker* served as precedent for the ruling.

Kelo vs. New London, 545 U. S. ____ (2005)

The U.S. Supreme Court ruled that eminent domain could be used to take land from one private landowner and give it to another for the sake of economic development. *Berman vs. Parker* and *Hawaii Housing Authority vs. Midkiff* served as precedent for the ruling. Critics of the *Kelo* ruling argue that the court misinterpreted the Fifth Amendment by further broadening “public use” to mean “public purpose.”

Berman vs. Parker, 348 U.S. 26 (1954)

