

UNINTENDED CONSEQUENCES

**UNINTENDED CONSEQUENCES:
Eminent Domain**

*Property
Rights
Under
Siege?*



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Unintended Consequences: Eminent Domain **Teacher's Guide**

This Teacher's Guide includes the following:

- **Suggested Lesson Plan**
 - **Worksheet**
 - **Discussion Questions**
 - **Quiz**
 - **Enrichment Activities**
 - **Reference**
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These materials may be used in a variety of ways. For maximum benefit, we suggest the following lesson plan progression:

- Ask students what they know about eminent domain.
- Distribute copies of the **Worksheet** for students to use as a note-taking guide during the video.
- Watch the video, pausing if needed to facilitate understanding and note-taking.
- Review and discuss **Worksheet** answers.
- Use **Discussion Questions** to spark class discussion, or assign these questions as homework.
- Replay the video as preparation for the **Quiz**.
- Administer the **Quiz** and grade in class using **Quiz Answers** as a guide.
- Assign selected **Enrichment Activities** as class work, homework, or extra credit.

Name: _____

Date: _____

Unintended Consequences: Eminent Domain **Worksheet – Page 1**

1. According to the film, why was the Constitution written?

2. What did the Founders believe about property rights?

3. What is eminent domain?

4. Which of our founding documents grants the power of eminent domain to government?

5. Does eminent domain give government the power to take your property even if you don't want to sell?

6. According to the Constitution, which two conditions must be met for the government to exercise eminent domain?

7. How has "public use" traditionally been defined? Give examples.

8. Since the Supreme Court ruled in favor of a Washington, D.C. urban renewal project in 1954, how has eminent domain been used in a dramatically different way?

9. Who is Bruce Broadwater? Why is he in favor of using eminent domain for redevelopment?

Worksheet – Page 2

10. What are journalist Steven Greenhut's views about "just compensation"?

11. What does the city of Arcadia, CA want to do with the property belonging to the owner of Rod's Grill?

12. What has been the most important and controversial eminent domain case in United States history? Who won? Was it a unanimous decision?

13. What was the impact of the Supreme Court's decision in the 2005 eminent domain case?

14. What has happened at the state level in response to the 2005 Supreme Court ruling?

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Worksheet Answers

1. The Constitution was written to protect individual rights from government power.
2. The Founders believed property rights to be one of the most important individual rights.
3. Eminent Domain is the concept of government taking private property for public use.
4. Fifth Amendment to the Constitution grants the power of eminent domain to government.
5. Yes, eminent domain gives government the power to take your property even if you don't want to sell.
6. The two conditions which must be met for the government to exercise eminent domain are:
1) Must be for public use 2) Owners must be paid just compensation
7. Some examples of "public use" are schools, roads, hospitals, reservoirs, and police departments.
8. Since the 1954 Supreme Court ruling, eminent domain has been used to transfer property from one private owner to another private owner.
9. Bruce Broadwater is the City Councilman and former Mayor of Garden Grove, CA. He believes the city is responsible for maintaining housing stock and eminent domain is a good tool for redevelopment. Developers bring higher tax revenue to the city.
10. Steven Greenhut believes that owners often do not receive just compensation when governments exercise eminent domain.
11. The city of Arcadia, CA wants to make Rod's Grill property into a parking lot for a car dealer to increase tax revenue.
12. The most important and controversial eminent domain case in U.S. history was *Kelo vs. New London, CT*. New London won. No, the decision was 5 to 4.
13. The Supreme Court's decision in the 2005 eminent domain case resulted in a dramatic increase in the use of eminent domain for economic development.
14. Concerned citizens have spoken out in response to the 2005 Supreme Court ruling. At least 30 states have placed new limits on eminent domain use.

Name: _____

Date: _____

Unintended Consequences: Eminent Domain **Quiz**

True or false? If false, correct the statement to make it true.

1. The Constitution protects individual rights from government power.
2. The Founders did not consider property rights to be important.
3. Eminent domain gives government the power to take your property under certain conditions, even if you don't want to sell.
4. In 2005, the Supreme Court voted unanimously in favor of government using eminent domain for economic development.
5. Today, eminent domain is being used to force some private owners to turn over their property to other private owners.

Answer in a few words.

6. Which part of the Constitution spells out the exception/limitation on private property rights known as eminent domain?
7. According to the eminent domain clause of the Constitution, what two conditions must be met for government to exercise its power of eminent domain?
8. Give three examples from the video of the types of projects eminent domain was traditionally limited to until the 1950's.
9. What has been the most important and controversial eminent domain case in United States history?
10. Using eminent domain for economic development means government takes property from _____ and gives it to _____.

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Quiz Answers

1. True
2. False (Remove the word *not*. The Founders considered property rights to be very important.)
3. True
4. False (Replace *unanimously* with *5 to 4* or *in a split decision*.)
5. True
6. The Fifth Amendment
7. 1) Must be for public use 2) Owners must be paid just compensation
8. Three of the following: 1) schools 2) roads 3) hospitals 4) reservoir 5) police department
9. *Kelo vs. New London, CT*
10. One private owner; another private owner

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Discussion Questions

1. Since the terms “public use” and “just compensation” are not defined in the Constitution, how has their meaning been determined?
2. How did the 1954 Supreme Court ruling depart from the traditional interpretation of eminent domain? Is home ownership more secure or less secure under the new interpretation? Explain.
3. How are projects such as schools and roads fundamentally different than the economic development projects highlighted in the video? What is the essential difference?
4. Prior to 1954, how did developers acquire a desirable piece of property? Given the current interpretation of eminent domain, how else might the developer acquire the property? What is the impact of the new interpretation on property owners? On developers?
5. What does “economic development for the good of the community” mean if some people are hurt and some are helped by it? What is to prevent politicians from taking property in the name of economic development in order to enhance political contributions from large developers?
6. Why does the journalist, Steven Greenhut, oppose taking property from one private owner and giving it to another private owner? Is he against improving bad neighborhoods?
7. In New London, CT, one hundred property owners agreed to sell to the developers, and only a few refused. Is it fair for a minority to be able to block a new development?
8. Why did the *Kelo* case spark a huge debate about the importance of property rights? What was the case about? Who won? What has been the impact of the Court’s decision upon the use of eminent domain to transfer private property from one owner to another private owner?
9. Why was *Kelo* a victory for city planners? Why do many people think the *Kelo* decision gave government too much power?
10. According to Justice John Paul Stevens, writing in the majority opinion in *Kelo*, “...that plan...serves a public purpose...” What public purpose did it serve? Is “public purpose” in this sense the same as “public use” as traditionally understood?
11. Who should make decisions about how property is used, the people who own the property, or the government?
12. According to Bruce Broadwater, “There are people who think that property has more rights than human beings.” What does he mean by this? Does the concept of property rights mean that property has rights? Is there a conflict between property rights and human rights?

Unintended Consequences: Eminent Domain **Enrichment Activities**

Debate/Essay Topics

Divide into groups and debate one of the propositions below. Or, use these as additional essay topics. Students should provide evidence and reasoning to support their views.

1. The Founders made a mistake when they granted government the right of eminent domain.
2. Government should never intervene on behalf of private interests.
3. “There are people who think that property has more rights than human beings.”
4. If eminent domain can be used for any public purpose, then all property is at risk, especially property owned by poor people without political influence.

Essay Topics

1. “This is America. This is a country with free enterprise. You have all the rights to own your property, your own home, your own business. You have the right to build your American dream.”
2. “The use of eminent domain is a delicate tool, but it is a tool and it helps keep a community clean; it helps keep a community vibrant. It’s a good tool and, definitely, I don’t think it should be taken away.”
3. “You don’t take stuff that doesn’t belong to you. And that’s the way I was raised. That’s the way I raised my children, and that’s the way most people think...These are our homes.”

Research Report

Find out what the law is regarding eminent domain in your state and whether it has recently changed.

Unintended Consequences: Eminent Domain **Reference**

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

--Eminent Domain clause of the Fifth Amendment to the United States Constitution

“The city has carefully formulated an economic development plan that it believes will provide appreciable benefits to the community, including—but by no means limited to—new jobs and increased tax revenue...Because that plan unquestionably serves a public purpose, the takings challenged here satisfy the public use requirement of the Fifth Amendment.”

--Justice John Paul Stevens, majority opinion of the Supreme Court, *Kelo vs. New London, CT*

“Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded...nothing is to prevent the state from replacing any Motel 6 with a Ritz Carlton, any home with a shopping mall, or any farm with a factory.”

--Justice Sandra Day O’Connor, dissenting opinion of the Supreme Court, *Kelo vs. New London, CT*



We are very interested to learn how you use our material. Please share your experiences or lesson plan ideas by emailing us at ***info@izzit.org***.



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