



February 4, 2019

Support the Private Property Rights Protection Act, H.R. 738

On behalf of FreedomWorks' activist community, I urge you to contact your representative and ask him or her to cosponsor Private Property Protection Act, H.R. 738. Introduced by Rep. Jim Sensenbrenner (R-Wis.), the Private Property Rights Protection Act would put strict limitations on the federal, state and local governments from exercising the power of eminent domain for economic development purposes.

The Fifth Amendment to the Constitution states "private property [shall not] be taken for public use, without just compensation." The original purpose of this amendment was to ensure that the government would not have the power to impede individuals' private property rights.

Throughout the course of the past several decades, coming to head in an unjust decision by the Supreme Court in *Kelo v. New London* (2005), federal courts gradually changed the definition of the term "public use" to mean "public purpose."

At issue in *Kelo* were the homes of Susette Kelo and some of her neighbors in New London's Fort Trumbull neighborhood. The city and state governments hoped to attract Pfizer by offering a tax abatement package of nearly \$80 million. New London wanted to revitalize the area to attract more businesses and used eminent domain to condemn the homes of Kelo and her neighbors. The condemnation notice of Kelo's home was served to her the day before Thanksgiving in 2000. In the end, Pfizer moved on, and the lot on which Kelo's home sat is now vacant. Put simply, though, what New London did was theft.

Sadly, in a 5 to 4 decision, the Supreme Court changed the definition of "public use" and gutted the protections provided under the Fifth Amendment. In his dissent, Justice Clarence Thomas wrote, "Allowing the government to take property solely for public purposes is bad enough, but extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities," which, he added, "are also the least politically powerful."

Some states have acted to address the *Kelo* decision -- either by constitutional amendment, by statute or both -- to ensure that private property rights were protected. Nearly 14 years after the judgment in *Kelo*, Congress, however, hasn't acted.

The Private Property Rights Protection Act would prohibit any state or any subdivision of the state that received federal economic development funds from using eminent domain for purposes of economic development for seven years after enactment. The prohibition applies to individuals or entities that are delegated with the power of eminent domain. If a state or subdivision of the state violates the prohibition, it will be denied federal economic development funds for two years.

The bill would prohibit the federal government from using eminent domain for economic development purposes. It would also provide private property owners with more rights for action should their property be taken in *Kelo*-style takings in conflict with the bill should it become law.

The cornerstone of liberty is the right to private property. Congress must act to undo the injustice of *Kelo*. For these reasons, I urge you to contact your representative and ask him or her to cosponsor the Private Property Protection Act, H.R. 738.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks