



## **The Natural Right of Private Property: The Proper Use of Eminent Domain**

*By Bill Norton & Karen Lees*

He slammed his fist on the table in frustration and anger as he told the story of losing his house and business to eminent domain. His wife was startled as the dishes bounced on the jostled table and tears welled up. They felt violated, robbed, abandoned and fearful. “How can this happen in America?” they ask themselves in a daze of disbelief.

Last week's Language of Liberty article was about eminent domain. A practice that is all too often abused by all levels of government. However, eminent domain does have a proper use under the Constitution.

As an educational organization, the Center for Self Governance seeks to teach citizens not only how to recognize government abuses, but to identify solutions and the proper boundaries of governmental jurisdictions.

The kitchen table story above has occurred over and over again as tens of thousands of citizens have had their homes and businesses condemned or seized, and handed over to private developers. With the taking of their property, they have also lost a portion of their lives and liberty; the life and liberty spent to obtain the property in their “pursuit of happiness”.

If, as an individual, any one of us took property from our neighbor and gave to another neighbor, we would be tried for theft and incarcerated. If our entire neighborhood voted to take a neighbor’s property and give it to another, the thieves would also pay the same penalty. We do not have the right to individually or collectively take from one individual to give to another.

If we are to operate under the premise that government derives its authority from the people, the government does not have the right to take from one to give to another. We cannot give that which we do not own. This is blatant theft. Of course, it is not legal, regardless of what the courts say.

The abuse of eminent domain violates fundamental natural law, alienates from the unalienable right to property, and creates an environment in which the two citizens or entities do not have equal protection under the law.

The protection of these three principles: natural law, unalienable rights, and equal protection, are all above the opinion of any court and are why governments are

instituted in the first place. The created can never overrule the principles of its' creation. In this case, the creator being We the People.

Amendment V of the Constitution states that no individual shall “be deprived of life, liberty, or property without due process of law.” The individual must be in violation of law and must be afforded a trial before that property can be taken.

If a city condemns a property and seizes it, calling it due process, does that same logic hold true to a life as well? Can government administratively take a life? If government can violate one natural right, it opens the door to violate all the others.

The Constitution continues, “nor shall private property be taken for public use, without just compensation.” There is no constitutional authority to take property for anything other than public use, such as roads. Under that one and only condition, just compensation must be made. If the property is sold or given to a private entity, it is not a proper use of eminent domain.

In the 2005 Kelo v New London ruling the Supreme Court said that taking from one private citizen and giving to another under the guise of “economic development” is “public use.” No property is safe with this logic. Following the court’s thinking, any home can be taken to build a bigger one or any business can be taken in favor of another business, at a bureaucrat’s whim.

Thankfully, more than 40 states rushed to pass strong eminent domain restrictions in the wake of the Kelo decision.

We are a nation of laws, not the whims of men.

Our form of government is specifically designed to protect individual rights, but these rights will be protected only if *We the People* enforce the boundaries that our Constitution has drawn around government.

The “Language of Liberty” series is a collaborative effort of the Center for Self Governance (CSG) Administrative Team. The authors include administrative staff, selected students, and guest columnists. They may be contacted at [info@tncsg.org](mailto:info@tncsg.org) To learn more, go to CenterForSelfGovernance.com.

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