
Little Pink House

Segment Length: 4:03 minutes

Lesson Description:

What does it mean to own something? Is your property yours? Can the government take your property—your house—for any reason it wants to? This segment looks at the Kelo case and the new movie, *Little Pink House*.

Concepts & Key Terms:

Eminent Domain – a power constitutionally granted to government to expropriate private property providing the owner receives “just compensation” and the taking is for “public use.”

Objectives:

Students will be able to:

- define the terms eminent domain and public use.
- explain the purpose of eminent domain.
- explain the restrictions on eminent domain as mandated by the Fifth Amendment.
- evaluate when or if the “greater good” outweighs individual property rights.
- hypothesize the unintended consequences of using eminent domain to transfer land from one private owner to another to increase tax revenue.

Preview Activity and Questions:

The Fifth Amendment to the United States Constitution states: No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Use Think, Pair, Share to have students explain and give examples of

- a) public use
- b) just compensation

OR

If the town in which you live used eminent domain to take your house to give the land to a developer to build a strip mall that would pay higher taxes and create jobs, would you

- a) agree that the town had the power to do this? Why / Why not?
- b) agree with this decision? Why / Why not?

OR

In groups of 3-4, develop a list of legitimate “public uses” for eminent domain.

Viewing Guide:

We recommend that teachers show the video segment twice: once to allow students to view the video and focus on the issues presented, and once to allow them time to complete the viewing guide. After they complete the viewing guide, allow students a few minutes to work in pairs sharing and verifying answers.

Answers to Viewing Guide

1. politicians
2. law
3. tax revenue
4. development

Little Pink House

Viewing Guide

Name _____

Date _____

Class _____

Teacher _____

Directions: As you watch the video, fill in the blanks with the correct words.

1. Eminent domain law has long allowed _____ to grab your property to build roads, railroad tracks, border walls.
2. The _____ does require the government to give you “fair value” for your property. But the bureaucrats decide what fair value is.
3. The one thing that all poor neighborhoods share is that they don’t produce much _____. If the court affirms the lower court’s decision, then you would put poor neighborhoods and working-class neighborhoods like Fort Trumbull in jeopardy.
4. Even today, 13 years later, there’s no _____. It’s just unused land. The politicians were wrong.

Now, take a few moments to reflect on the video and answer the questions below:

The Fifth Amendment of the United States Constitution includes a provision known as the “takings clause,” which states: “private property [shall not] be taken for public use, without just compensation.” Based on the video, do you think the Supreme Court decision was appropriate?

_____. Explain your answer: _____

Did any good come out of the decision in the Kelo case? _____. Explain: _____

Discussion and Analysis:

1. What does it mean to own something?
2. What is the difference between owning and renting your home?
3. Are private property rights important? Why?
4. According to the Constitution, under what conditions can government take people's property? Why are these restrictions important?
5. According to John Stossel, what are some accepted uses of eminent domain?
6. The Fifth Amendment to the United States Constitution states "nor shall private property be taken for public use, without just compensation." What is "public use"? What is "just compensation"? Why do you think that wording was used?
7. The term "fair value" is often used synonymously for "just compensation." But who decides what fair value is? Isn't the word "fair" subjective?
8. Why is the movie titled *Little Pink House*?
9. What was the Kelo case about?
10. Should a single person or a small group of people be able to stop redevelopment of a block or neighborhood? Why / Why not?
11. How did this ruling change the way government could apply eminent domain?
12. If a town can condemn and take a house to replace it with something that will generate more tax revenue, then can't all houses be condemned? Should this be a concern?
13. Do we really own our property if the government can take it simply deciding which private citizens get to use it?
14. Does it matter that Pfizer abandoned the project and never built the factory or created the jobs? Does it matter that the land was never developed? Does it matter what the government's intentions were? Or was the government's action wrong no matter what? Explain.
15. Did any good come out of the Supreme Court decision in the Kelo case?

Discuss These Lines from the Video:

1. Susette Kelo didn't want the money. She wanted to keep her home. But the government said no.
2. Say you had a Motel 6, and the city says well if we had a Ritz Carlton, we would have higher taxes. Now is that ok?
3. The one thing that all poor neighborhoods share is that they don't produce much tax revenue. If the court affirms the lower court's decision, then you would put poor neighborhoods, and working-class neighborhoods like Fort Trumbull, in jeopardy.

4. The decision alarmed people across America. Some states passed laws limiting their politicians right to grab your property.
5. The city said they had to tear the houses down because development would happen. Tax revenues, all kinds of cool new things. And yet, this is what they got: no motel or upscale housing, no conference center, no nothing.

Quotes for Discussion:

More quotes are available in the Quotes Activity at the end of this guide.

My name is Susette Kelo and the government stole my home. First, the municipal government of my hometown, New London, Connecticut, stole it. The state of Connecticut said it was legal for them to take it. Finally, the federal government said it was constitutional to steal not only my home but the homes of all my neighbors and, in fact, anyone's home for the purpose of economic development. And even though over 40 states have passed legislation offering some protection to home and business owners, don't think your property is safe, because it is not. – Susette Kelo

Eminent domain is an absolute necessity. Without it, you wouldn't have roads, you wouldn't have hospitals...you wouldn't have schools, you wouldn't have bridges. You need eminent domain. – Donald Trump

Something has gone seriously awry with this Court's interpretation of the Constitution. Though citizens are safe from the government in their homes, the homes themselves are not. – Justice Clarence Thomas

The specter of condemnation hangs over all property. 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

Activities:

1. Show the class the video, “Unintended Consequences: Eminent Domain.”
http://izzit.org/products/detail.php?video=eminent_domain&id=1
2. Have students complete the Exit Ticket (included at the end of this guide).
3. Distribute individual quotes from the Quotes Activity (included at the end of this guide) to groups of two or three students. Have the students discuss the meaning of the quote and write their explanation on the lines below it.
4. Read and summarize the article “Eminent injustice in New London” by Jeff Jacoby (included at the end of this guide). Then explain why he wrote: “Would your town's tax base grow if your home were bulldozed and replaced with a parking garage? If so, it may not be your home for long.”
5. Produce a “man-on-the-street” video in which you ask people what they know / think about eminent domain.

6. Research another example of the use of eminent domain and write a persuasive essay in which you evaluate how government balances its power and the well-being of society with an individual's rights and freedoms.
7. Judge Sandra O'Connor argued that Kelo eliminates "any distinction between private and public use of property—and thereby effectively delete[s] the words 'for public use' from the Takings Clause of the Fifth Amendment." Write a persuasive essay in which you agree or disagree with Justice O'Connor and explain why.
8. Read and summarize the Supreme Court's Kelo decision, including the opinion of the Court, the concurring opinion, and the dissent.

<https://caselaw.findlaw.com/us-supreme-court/545/469.html>

9. In the Kelo decision, which justices were in the majority opinion and which justices dissented? Who appointed each justice?
10. The Institute for Justice fought alongside Susette Kelo. What is the Institute for Justice and why did it help Susette Kelo and the other families in the case? In what other issues and cases has the Institute for Justice been involved?
11. How should we handle conflicts between society and individuals? Does "society" actually have rights, or is that just a way to think about the sum of everyone's individual rights?
12. Select one of the quotations below and explain what it means, whether you agree or disagree, and why.
 - A. "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."
 - B. "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."
 - C. "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."

Quotes Activity: Little Pink House

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

A: *One would expect that private property taken by eminent domain would become land available for public use such as parks and roads. Unfortunately, this decision creates a loophole for government to manipulate the definition of public use simply to generate greater tax revenue.* – Jim Ryun

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

B: *Now what liberty can there be where property is taken away without consent?* – Samuel Adams

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

C: *The system of private property is the most important guaranty of freedom, not only for those who own property, but scarcely less for those who do not.* – Friedrich August von Hayek

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

D: *A law that takes property from A and gives it to B. It is against all reason and justice, for a people to entrust a Legislature with such powers; and, therefore, it cannot be presumed that they have done it.* – Justice Samuel Chase

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

E: *In effect, the majority in Kelo v. New London held that the words “public use” in the Fifth Amendment...can mean wholly private use, so long as the government expects it to yield some incidental public benefit. Would your town's tax base grow if your home were bulldozed and replaced with a parking garage? If so, it may not be your home for long.* – Jeff Jacoby

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

F: *The consequences of today's decision are not difficult to predict, and promise to be harmful. So-called “urban renewal” programs provide some compensation for the properties they take, but no compensation is possible for the subjective value of these lands to the individuals displaced and the indignity inflicted by uprooting them from their homes.* – Justice Clarence Thomas

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

G: *What “eminent domain” laws mean in practice is that politicians have a right to seize your property and turn it over to someone else, in order to gain campaign contributions and win votes.* – Thomas Sowell

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

H: *Thus, if predicted (or even guaranteed) positive side-effects are enough to render transfer from one private party to another constitutional, then the words “for public use” do not realistically exclude any takings, and thus do not exert any constraint on the eminent domain power.* – Justice Sandra Day O’Connor

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

I: *Though the city could not take petitioners' land simply to confer a private benefit on a particular private party...the Court has defined that concept broadly, reflecting its longstanding policy of deference to legislative judgments as to what public needs justify the use of the takings power.* – Justice John Paul Stevens

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

J: *Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.*
– Justice Sandra Day O'Connor

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

K: *It's so I didn't say wonderful, I say eminent domain is something you need.... If I build a highway... and if something's in the way of the highway, you're going to have to do something with that.*
– Donald Trump

Names: _____ and _____

Read the quote below. Discuss the quote with your partner, and write your explanation, evaluation, or comment.

L: *For the Court to overturn a State eminent domain law, it would have to assume power not granted to it in the Constitution, which means it would be ignoring the Constitution's limits and thus, acting like an unlimited government. Which is a bad thing.*
– N. Stephan Kinsella

Eminent injustice in New London

by Jeff Jacoby, The Boston Globe, June 26, 2005

This article was written right after the Supreme Court decision in the Kelo case was announced.

<http://www.jeffjacoby.com/4446/eminent-injustice-in-new-london>

I REACHED Mike Cristofaro on Thursday afternoon, a few hours after the Supreme Court ruled that local governments can seize people's property by eminent domain and turn it over to private developers. The court's 5-4 decision was a defeat for seven New London, Conn., property owners, who have resisted the city's plan to demolish their homes to make way for offices, upscale condos, and a waterfront hotel. Mike's 79-year-old father, Pasquale Cristofaro, is one of those homeowners, and I wondered how he had taken the news.

"I haven't told my father yet," Mike said. "I don't know what to say. You want to help me break it to him?"

I first met the Cristofaros in July 2001. The homeowners' lawsuit against the city was going to trial, and I'd come to New London to talk to some of the plaintiffs and see their homes in the Fort Trumbull neighborhood for myself. As Mike and I walked to his parents' home on Goshen Street, he recalled how they had learned that the city intended to force them from their property. On the day before Thanksgiving, a sheriff's deputy had shown up at their front door with condemnation papers, and ordered them to be out by March. The news came as such a shock that Mike's mother Margerita began having heart palpitations and had to be taken to the hospital. (She passed away in 2003).



Susette Kelo stands before her home in New London, Conn. On Thursday, the Supreme Court ruled, 5-4, that Kelo and other homeowners cannot prevent government officials from seizing their homes via eminent domain and turning them over to private developers.

For 27 years, Pasquale had been a loyal city employee. But no one from the New London Development Corp. -- the agency charged with transforming the area into a fashionable complement to the big research headquarters Pfizer was building nearby -- ever came to talk with the Cristofaros about the city's interest in their property. No one from City Hall asked the elderly couple if there was anything that might make a relocation less traumatic. Like the other homeowners, they were told just one thing: Sell now, or be forced out.

"These people don't have no respect," Pasquale, who immigrated from Italy in 1962, told me that day. "You supposed to go like gentlemen -- make me a price, ask me a Yes or No. I love this house. I pay my bill, I pay the tax. And now they say I should get out? It's not right. It's not right."

No, it's not right. But five Supreme Court justices have just said it's constitutional.

In effect, the majority in *Kelo v. New London* held that the words "public use" in the Fifth Amendment -- "nor shall private property be taken for public use without just compensation" -- can mean wholly private use, so long as the government expects it to yield some incidental public benefit -- more tax revenue, new jobs, "maybe even aesthetic pleasure," as Justice Sandra Day O'Connor wrote in a dissent joined by Chief Justice William Rehnquist and justices Antonin Scalia and Clarence Thomas. Would your town's tax base grow if your home were bulldozed and replaced with a parking garage? If so, it may not be your home for long.

As a result of this evisceration of the Public Use Clause, "the specter of condemnation hangs over all property," the dissenters warn. "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."

In truth, though, it isn't all property that is at risk. If "public use" now means the government can evict a property owner so that a new owner can use the land to make more money, it is clear who will suffer most. "The fallout from this decision will not be random," O'Connor wrote sadly. "The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. . . . The government now has license to transfer property from those with fewer resources to those with more."

In a separate dissent, Thomas made the same point: "These losses will fall disproportionately on poor communities . . . the least politically powerful." Fifty years of eminent domain statistics drive home the fact that families uprooted by eminent domain tend to be nonwhite and/or nonwealthy. No wonder urban renewal came to known bitterly as "Negro removal."

"These five justices," Mike Cristofaro told me, "I hope someone looks at their property and says, 'You know, we could put that land to better use -- why don't we get the town to take it from them by eminent domain.' Then maybe they would understand what they're putting my father through."

That won't happen. It isn't the high and mighty on whom avaricious governments and developers prey. Justices John Paul Stevens, Steven Breyer, David Souter, Ruth Bader Ginsburg, and Anthony Kennedy are responsible for this execrable decision, which shreds what little was left of the principle that a man's home is his castle. But they'll never have to live with its consequences.

(Jeff Jacoby is a columnist for The Boston Globe).

Name _____

Admit One

I believe it would be acceptable for the government to acquire individuals' property for public use if / when:

Admit One

EXIT TICKET

Name _____

Admit One

I believe it would be acceptable for the government to acquire individuals' property for public use if / when:

Admit One

EXIT TICKET

Name _____

Admit One

I believe it would be acceptable for the government to acquire individuals' property for public use if / when:

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