



Title: Kelo v. City of New London

US Citation: 545 U.S. ____ (2005)

Docket: 04-108

Events: Decided - June 23, 2005
Argued - February 22, 2005

Facts: New London, a city in Connecticut, used its eminent domain authority to seize private property to sell to private developers. The city said developing the land would create jobs and increase tax revenues. Kelo Susette and others whose property was seized sued New London in state court. The property owners argued the city violated the Fifth Amendment's takings clause, which guaranteed the government will not take private property for public use without just compensation. Specifically the property owners argued taking private property to sell to private developers was not public use. The Connecticut Supreme Court ruled for New London.

Question Presented: Does a city violate the Fifth Amendment's takings clause if the city takes private property and sells it for private development, with the hopes the development will help the city's bad economy?

Conclusion: No. In a 5-4 opinion delivered by Justice John Paul Stevens, the majority held that the city's taking of private property to sell for private development qualified as a "public use" within the meaning of the takings clause. The city was not taking the land simply to benefit a certain group of private individuals, but was following an economic development plan. Such justifications for land takings, the majority argued, should be given deference. The takings here qualified as "public use" despite the fact that the land was not going to be used by the public. The Fifth Amendment did not require "literal" public use, the majority said, but the "broader and more natural interpretation of public use as 'public purpose.'"

Justice: [William H. Rehnquist](#)
[John Paul Stevens](#)
[Sandra Day O'Connor](#)
[Antonin Scalia](#)
[Anthony Kennedy](#)
[David H. Souter](#)
[Clarence Thomas](#)
[Ruth Bader Ginsburg](#)
[Stephen G. Breyer](#)

Advocates: [Scott G. Bullock](#) - argued the cause for the petitioner
[Wesley W. Horton](#) - argued the cause for the respondent

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