



# Property and the Supreme Court

## Scenario One:

1. My name is Bob Dale, and I work for the government of Ventura, California. We're very proud of our beaches. As more people move here, more people want to experience them. It's started to get very crowded on the beaches. We've made a rule now that when people want to put new buildings on the beach, they will have to put public walkways on their land. We believe this will reduce the crowds.
2. My name is Mr. Nollan. My wife and I have a small house on our Ventura beachfront property. It is rather old, and we want to tear it down and build a new three-bedroom house like others in the area. We asked the city for a building permit, but we were told we would not be allowed to build unless we let the government build a public walkway through our land so people can walk across it. We don't want to do this, and we believe it's an unconstitutional demand.
3. Dale: We believe that a walkway would serve a legitimate public purpose, especially since the Nollan's land is surrounded by public beach on all sides. We made a rule that these walkways are needed for new construction, so I don't know what they're complaining about. The government is not taking their land; we're just asking that they let people walk through part of it. If they don't like it, then they don't have to build a new house.
4. Nollan: They can't restrict the use of our land this way without paying us for it.

## Scenario Two:

1. My name is Thomas Lee Causby. Years ago, my wife Tinnie and I bought some land in North Carolina. It was the perfect place for us to raise our chickens until Army planes started taking off from the nearby airport. Now we can't raise chickens because of all the airplane noise. I believe we're entitled to just compensation from the government, since the government is causing the noise.
2. I am Rachel Ash, and I represent North Carolina. I don't believe the Causbys are entitled to compensation from the government. The government didn't take their land. Besides, the Causbys knew that the land was close to the airport when they bought the land.
3. Causby: We knew it was close to an airport, but only a few commercial flights and crop dusters took off from there. It was many years after we bought the land that the Army started using the airport. Their planes constantly fly right over us. The noise keeps us awake and we lost 150 chickens because the noise scares them and causes them to fly into the walls of the barn and die. Even though the government didn't physically "take" our land, we think we are entitled to just compensation.
4. Ash: I don't know why Mr. Causby is complaining; he and his wife still own all the land that they did before. The government hasn't "taken" anything.

## Scenario Three:

1. My name is Suzette Kelo. About seven years ago I bought a Victorian home in Connecticut. I spent seven years repairing my house, and I really love it here. The city doesn't have the best economy, but the area around my home is in good shape. I just found out that the city wants to take my land so that the area can be re-energized.
2. My name is Jason Helm, and I am on the New London City Council. We plan to take Ms. Kelo's land by eminent domain and give it to a private developer. The development will create hundreds of jobs, new housing, and \$680,000 in new tax revenue for the city. All these things will benefit the community and therefore amount to "public use."
3. Kelo: I think this is an unconstitutional taking because the Fifth Amendment says that property can only be taken "for public use." This means something like a library or a highway—something the public will actually use. I am fighting this because I believe it is an unconstitutional infringement on my property rights. Fourteen of my neighbors are joining me.
4. Helm: The residents of New London can certainly "use" the additional money that will be brought in to the economy by the new development. I believe this taking is constitutional because it will benefit the city.