

KELO V. CITY OF NEW LONDON

“PETITIONER SUSETTE KELO HAS LIVED IN THE FORT TRUMBULL AREA SINCE 1997. SHE HAS MADE EXTENSIVE IMPROVEMENTS TO HER HOUSE, WHICH SHE PRIZES FOR ITS WATER VIEW.”

KELO V. CITY OF NEW LONDON, 545 U.S. 469 (2005) (STEVENS, J.)



Susette Kelo with a "Not For Sale" sign on her little pink house, formerly located at 8 East Street in New London, CT.

Susette Kelo lived in a modest pink cottage in the city of New London, Connecticut. All she wanted was to be left alone, to enjoy her home's idiosyncratic hue and water view. But the City Council had other plans. Anticipating the nearby construction of a major pharmaceutical research facility, it approved a redevelopment plan for the Fort Trumbull area: marinas, a Coast Guard museum, commercial shops and restaurants, all intended to revitalize the city and improve the local economy. Of course the existing structures would have to be demolished first. Susette's property was to be used for office space, or maybe for parking. She, however, did not want to be paid off; money is no substitute for a home. So Susette sued.

The Supreme Court concluded that the city could use its power of eminent domain to perform a forced-sale of Susette's property. The Fifth Amendment authorizes the government to take private property "for public use" and, for a majority of the Court speaking through Justice John Paul Stevens, economic development approved by local democratic bodies evinces enough of a public purpose to satisfy that broad standard. Four Justices disagreed, seeing the city's redevelopment plan as a way to take land from one private party in favor of a preferred other. A far cry from taking private property for a fire station, or for railroad tracks, or even to clean up a blighted neighborhood, and a dangerous precedent to set.



Demolition of homes taken by Eminent Domain in New London.



Before Kelo's home was demolished, it was deconstructed, rebuilt, and transformed into a museum.

The aftermath of the dispute? Well, the city eventually agreed to move Susette's home, intact, to another neighborhood. Popular outrage against the Supreme Court's decision sparked dozens of states to cut back on their own eminent domain powers by enacting legislative reforms. Meanwhile, back in New London, the much vaunted pharmaceutical facility closed its doors in 2009, and Susette's property is now a vacant lot (pictured to the right). Whether any public purpose has truly been served by this affair remains an open question.



Photographs courtesy of Krissy Keys, Institute for Justice