**Kelo v New London**

Facts of the case: 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. Susette Kelo 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: 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?

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.'"

1. Explain Justice John Paul Stevens’ opinion in your own words.
2. What is the argument of the property owners?
3. What would the property be used for by New London, Connecticut?

**Barron v Baltimore**

Facts of the case: John Barron was co-owner of a profitable wharf in the harbor of Baltimore. As the city developed and expanded, large amounts of sand accumulated in the harbor, depriving Barron of the deep waters which had been the key to his successful business. He sued the city to recover a portion of his financial losses.

Question: Does the Fifth Amendment deny the states as well as the national government the right to take private property for public use without justly compensating the property's owner?

Conclusion : DECISION FOR MAYOR OF BALTIMORE; DISMISSAL - OTHER BY JOHN MARSHALL. The provisions of the first eight amendments applied only to the national government, not to the states. No. The Court announced its decision in this case without even hearing the arguments of the City of Baltimore. Writing for the unanimous Court, Chief Justice Marshall found that the limitations on government articulated in the Fifth Amendment were specifically intended to limit the powers of the national government. Citing the intent of the framers and the development of the Bill of Rights as an exclusive check on the government in Washington D.C., Marshall argued that the Supreme Court had no jurisdiction in this case since the Fifth Amendment was not applicable to the states.

Questions:

1. Do Barron and Kelo use the same argument?
2. What are the similarities between the cases?
3. How would you feel if you were Barron or Kelo?
4. What are the differences in the cases?

Write 2 paragraphs comparing the actions of the Supreme Court in Kelo v New London and Barron v Baltimore.