Dear Neighbor,

John Adams once said: "The moment the idea is admitted into society that property is not sacred, anarchy and tyranny commence. Property must be secure or liberty cannot exist." I've always believed that it is important to look at the words of our country's Founding Fathers when complex issues arise in government and in society.

When the United States Supreme Court ruled last summer that eminent domain laws could be used for economic development purposes, I could not help but think about Adams' quote. The narrow 5-4 vote, which was directly related to the City of New London's venture to redevelop the Fort Trumbull area through private interests, continues to send shockwaves throughout Connecticut and the entire nation.

Fortunately, the Court has given each state the ability to determine the uses of eminent domain, thus the General Assembly can enact legislation that protects the property rights of Connecticut residents.

If you have further questions please contact me at 1-800-842-1421. I look forward to hearing from you!

Sincerely,

State Senator
28th District

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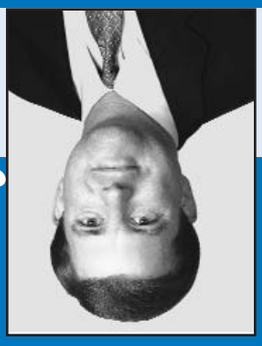

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EMINENT DOMAIN CONTROVERSY

The Supreme Court Ruling

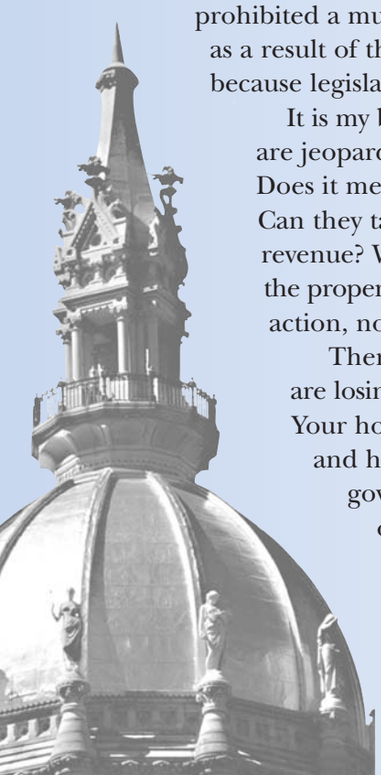
On June 23, 2005 the United States Supreme Court ruled that local governments could seize a person's home or business in order to make way for private economic development. The ruling seemed to catch just about everyone off guard. Concerned residents, many of whom were not shy about voicing their displeasure, reacted by inundating radio talk show lines and submitting letters to newspapers questioning how the nation's highest court could come up with such an injudicious decision. That's because most people believe that one of the most basic rights our Constitution bestows is the idea that individuals have the ability to buy and own property without fear of the government taking it from them.

Like most Americans, I view eminent domain as one of those necessary evils. Every once in a while, in very rare circumstances, we would grudgingly accept the taking of a home through eminent domain for a new road, bridge or school, if engineers determined that the project had to be in that particular place. But the Supreme Court decision basically changes what we have traditionally come to know as eminent domain by allowing any municipality to seize homes for just about any purpose, as long as it is for what the government calls "the public good."

In essence, the Court is saying that a town can take a person's home and give it to someone who is richer because they can afford to pay more in taxes. In her dissent, outgoing Justice Sandra Day O'Conner stated, "All private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded." That's exactly what is happening in the New London case. There are properties owned by wealthier residents nearby, but that's not what the city chose to take. The city wants to take individual homes away from people, and turn that property over to private developers so it can recoup more in property tax revenue.

Legislative Action

What has gotten somewhat lost in this controversy is the fact that the Court's ruling is not binding, and gives the power to enact stricter rules regarding eminent domain to the states. To date, 11 states have already taken action to define what constitutes eminent domain. Connecticut needs to do the same. In 2005, the legislature had the opportunity to enact legislation that would have prohibited the seizure of homes for economic development. In fact, just days after the Supreme Court decision, Republicans in the Senate offered legislation that would have prohibited a municipality from taking residential property through eminent domain if that property, as a result of the project, were to be privately owned or controlled. Unfortunately, the measure failed because legislative leaders wanted to take more time to "study" the issue.



It is my belief that without legislative action the rights of every single homeowner in Connecticut are jeopardized. What's more, it brings us to the question of what is meant by "the public good?" Does it mean that any city or town can just start taking older homes because they don't look nice? Can they take homes in prime locations because a new development would generate the most tax revenue? What about homes in poorer neighborhoods – can a city or town just take homes because the property won't cost the town very much? That is why this is an emergency that requires immediate action, not more study.

There are some who support the Supreme Court's ruling and believe that the people who are losing their homes will get a fair price, but there are some things more important than money. Your home is more than a building; it's where you raise your family. It's where your memories and hopes reside. We all want what is best for our communities, and while I understand local government leaders wanting to improve neighborhoods, the right of homeownership is one of the most important and precious rights we have granted to us under the Constitution and we must protect that right.

Along with Governor M. Jodi Rell, I have been vocal in calling for a Special Session to protect innocent homeowners from private economic development ventures. With the regular Session set to begin in February, it is my belief that an issue of such importance deserves action prior to the start of the 2006 Session.