

Annotated Bibliography Primary Sources

"AROUND THE NATION: Court Rules for Detroit On Razing for G.M. Plant." *New York Times* 14 Mar. 1981: n. pg. Print.

This article was used in our research to broaden our prospective of the public's view in conjunction with the *Poletown Neighborhood Council v. City of Detroit*. The Poletown Neighborhood Council was able to delay the destruction of the neighborhood (upon request to the court) for the new Hamtramck Cadillac Assembly Plant until the Michigan Supreme Court made its historic ruling on the constitutionality of the case.

"Auto Plant vs. Neighborhood: Poletown Remembered." *The Detroit News Photo Gallery*. The Detroit News, n.d. Web. 27 Feb. 2014.

This article allowed us to see pictures and descriptions of the people in the General Motors plant, as well as where it was located. The article included numerous pictures of furious protesters who had taken to the streets to express their opinion. Many of the pictures depicted buildings destroyed for the sake of General Motor, including one thousand three hundred homes, one hundred and forty businesses, six churches, and a hospital. We used two of the Detroit News photographs, illustrating the attitude of the people, on the left panel of our board entitled Public Benefit *Poletown Neighborhood Council v. City of Detroit*.

"*Berman v. Parker*." *LII / Legal Information Institute*. n.p., n.d. Web. 13 Jan. 2014. <<http://www.law.cornell.edu/supremecourt/text/348/26>>.

Involving a blighted area of Washington, D.C., this case considered the federal government's eminent domain power under the Fifth Amendment's taking clause. The *Berman v. Parker* case syllabus states that it is not for the court to define police power as it relates to eminent domain, for it cannot be defined. The Court ruled that the government could transfer property from one private party to another as part of a redevelopment plan that serves a public purpose. The information represented in this source shows us the reasoning behind the court's decision, as shown on our board by the quote by Mr. Mellor.

***Berman vs. Parker* 348 U.S. 26 (1954). 22. The Supreme Court of the United States of America. Oct Term. 1954. University of Maryland Law Library. Web. 18 Nov. 2013.<<http://www.law.umaryland.edu/marshall/specialcollections/sobeloff/bermanbrief.pdf>>.**

We used quotes from the *Berman v. Parker* brief in the middle section of our board to show the ‘blight’ in the graph entitled Homes in Redevelopment Area B and to explain the District of Columbia Act. The questions posed in the brief are as follows: Can the government or an agency transfer property from a private property owner to a corporation or a different property owner? Can a clinically safe property in a blighted area be taken for the purpose of redevelopment? The Supreme Court’s answer to these questions is “yes.” There is nothing in the Fifth Amendment Taking Clause that prevents the District of Columbia or any other governmental organization from beautifying their city. The government believed that the redevelopment of the area would eliminate the source of blight if the government were forced to piecemeal properties.

"Bill of Rights." National Archives and Records Administration. 25 Sept. 1789 Web. 27 Feb. 2014. <http://www.archives.gov/exhibits/charters/bill_of_rights_zoom_1.html>.

We used this image of the Bill of Rights of the United States Constitution on the middle section of our board as a background for the quote of the Fifth Amendment Taking Clause. This is the article on which eminent domain in the U.S. is based. The Fifth Amendment includes the just compensation clause, which states that fair market value must be awarded to the owner of the property when property is taken by the government.

Blackstone, William. "Property: William Blackstone, Commentaries 1:134-35, 140-41." The University of Chicago, 2000. Web. 28 Mar. 2014.

In this primary source William Blackstone, an influential naturalist, wrote *Commentaries on Laws of England* that would become the Magna Carta. On property rights, he discussed the importance of paying “just compensation” when the government takes property through eminent domain. He was concerned with taking another man’s land for building infrastructure because he valued the rights of the person over the greater good of the community. Under the title “Origin,” on the left side of our board, we used William Blackstone’s quote to indicate that the idea of eminent domain came from England to the United States.

Bukowczyk, John J. "The Decline and Fall of a Detroit Neighborhood: Poletown vs. G.M. and the City of Detroit." *Washington and Lee Law Review*. N.p., 1984. Web. 3 Jan. 2014. <<http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=2113&context=wlulr>>.

After World War II, the City of Detroit began to decline. Poletown, a Polish neighborhood, was hit hard by job loss as the Dodge Main Plant continued to reduce its operations and slowly moved its plant to the suburbs where rents were cheap, and the land was open and flat. Other companies also moved out of town taking much of the population with them. This deindustrialization set the historical context for *Poletown Neighborhood Council vs. City of Detroit*. When GM offered to build a new plant on the land, the only thing Detroit could reasonably do was to say "Yes." Included in this publication is a diagram of the area, indicating important landmarks and showing the area's rich resources. We included this information in a citation of a picture of the area located on the right panel of our board to show why the location was chosen for the new GM assembly plant.

Cameron Development Co. v. United States, 145 F.2d 209 (1944), Circuit Court of Appeals, Fifth Circuit., 7 November 1944. Rep. no. 10997. N.p., n.d. Print.

In the case *Cameron Development Co. v. United States*, the power of eminent domain was used to take pastureland to construct an airport. When shell marl was discovered and mined, the market value of the land increased making the prearranged compensation no longer fair. In court, the judge ruled against Cameron Development Co. saying that it was "just compensation" at the time of the taking. This article allowed us to see cases on the just compensation clause.

Douglas, Justice William. *Berman v. Parker* 348 U.S. 26 (1954). Rep. No. 348 U.S. 26-28 U.S.C. § 1253 at 1-6 (1954). The Supreme Court of the United States of America. 1954. *University of Maryland Law Library*. Web. 18 Nov. 2013. <<http://www.law.umaryland.edu/marshall/specialcollections/sobeloff/bermanopinion.pdf>>.

Berman v. Parker Opinion, as delivered by Supreme Court Justice William Douglas, describes the condition of the area in question, Area B, as the first redevelopment project undertaken by District of Columbia Redevelopment Act of 1945. The opinion also defined the words "blight" and "slum" to mean "detrimental to the safety, health, morals, or welfare of the inhabitants..." This is important because this ruling allows the court to determine if an area, such as Area B, is unsuitable to the point where redevelopment is necessary. We used this Opinion by Justice Douglas to understand what the Supreme Court Justices were thinking as they decided on *Berman v. Parker*.

Hawaii Housing Authority Et Al. v. Midkiff Et Al. 467 U.S. 229 (1984)

http://scholar.google.com/scholar_case. Supreme Court of United States. 30 May 1984. Print.

Hawaii housing authority exercised the use of eminent domain in a different sense. Seventy-two private citizens owned 47% of Hawaii, and 49% of the land was owned by the government – both state national and federal. Once this was discovered, the government promoted a mammoth project of distributing the 47% to leasers on the land, thus breaking up the land monopoly. This case ruling echoed *Berman v. Parker* theology of transferring a property from a private person to another private person.

"Kelo et. al. v. City of New London et. al. Supreme Court of United States." Google Scholar. Google, 23 June 2005. Web. 4 Dec. 2013.

<http://scholar.google.com/scholar_case?case=1101424605047973909&q=Kelo v. New London&hl=en&as_sdt=206&as_vis=1>.

We used this Supreme Court Opinion to understand the judges' point of view in *Kelo v. City of New London*. In this case, the city approved a development plan to build a new Pfizer plant, which was expected to create more than 1,000 jobs in New London, Connecticut; the project would increase tax and other revenues and revitalize an economically distressed city waterfront and downtown. The city wanted to buy land from unwilling owners but did not plan to open the land to the general public. The judges had to rule on the question of "public use" of the condemned land.

Magna Carta. Digital image. National Archives and Records Administration, n.d. Web. 29 May 2014.

We used this image of the Magna Carta on our board with the section entitled "Origin" to show where eminent domain was first recognized. The Magna Carta was a building block for eminent domain in the United States. It secured individual property rights though the Fifth Amendment taking clause that insures just compensation for the owners and public use, against the government's power to take private property.

O'Connor, Justice Sandra Day. "Supreme Court of the United States, Susette Kelo, et. al., Petitioners v. New London, Connecticut, et. al. On Writ of Certiorari to the Supreme Court of Connecticut." *KELO V. NEW LONDON (04-108)* 545 U.S. 469 (2005) 268 Conn. 1, 843 A. 2d 500, Affirmed. Cornell University Law School, 23 June 2005. Web. 12 Jan. 2014. <<http://www.law.cornell.edu/supct/pdf/04-108P.ZD>>.

In *Kelo v. New London*, Justice O'Connor rejects the idea set by *Berman v. Parker* that redevelopment is considered a public use. However, she is not suggesting overturning *Berman*, just defining what *Berman* has implied. Justice O'Connor addresses the reality of eminent domain, for no small business, church or house is safe when, government can choose to exercise eminent domain to build something better on that land. This time it is a factory; next time it might be an amusement park. We used Justice O'Connor's dissent to further clarify the workings of eminent domain and the *Kelo v. New London* case, which we included in the lower right hand corner of our board.

"Poletown General Motors Plant, Detroit, Mich.; BL004030." *Bentley Image Bank, Bentley Historical Library*. University of Michigan, n.d. Web. 11 Mar. 2014. <<http://quod.lib.umich.edu/cgi/i/image/image>>.

The picture of the General Motors Hamtramck Cadillac Assembly Plant is displayed on the top right side of our board. The photograph gives us a bird's eye view the Hamtramck plant in 1986, five years after the *Poletown Neighborhood Council v. Detroit*. We used this picture on our board to show the size of the plant and the resources (railroads and highways) around the plant with the Detroit skyline in the background.

"*Poletown Neighborhood Council v. City of Detroit Defendants-Appellees' Brief*." *Michigan Legal Collection*. N.p., n.d. Web. 26 Mar. 2014. <<http://cdm9006.cdmhost.com/cdm/ref/collection/p16110coll2/id/101238>>.

We used this Brief of Appellees to better understand the argument of the appellees in the *Poletown Neighborhood Council v City of Detroit* case. One question was raised regarding the Poletown neighborhood which originally was home to Polish immigrants who settled in this region to work at auto plants: Should the cultural, social, and historical institutions in the Poletown neighborhood be protected by the Michigan Environmental Protections Act? However, the court ruled that the Michigan EPA did not protect those institutions.

***Poletown Neighborhood Council v. City of Detroit*, 410 Mich. 616.**

<http://scholar.google.com/scholar_case?case=10677990641940457475&q=poletown+neighborhood+council+v.+detroit&hl=en&as_sdt=206&as_vis=1629>. Michigan Supreme Court. 1981.

The main question in this ruling is: Is it acceptable for the government to take land by use of eminent domain and then transfer the land over to a private entity to promote jobs and taxes through the development of industry and commerce? The court went back to previous decisions in which the court had said “public use changes with changing conditions of society,” and in the end, the court ruled that this project followed the requirements of eminent domain as specified by the Fifth Amendment. We used the information in the dissenting opinion by Justice Ryan to better understand both sides of the *Poletown Neighborhood Council v. City of Detroit* case.

"Sample of Original Documents of the Atomic Energy Commission at NARA in Atlanta." *National Archives and Records Administration*. National Archives and Records Administration, n.d. Web. 16 Feb. 2014.

<<http://www.archives.gov/atlanta/secret-city-symposium/document-samples.html>>.

Declassified articles pertaining to the military city of Oak Ridge, Tennessee, are shown in this website of the National Archives at Atlanta. One article in particular mentions an unknown product called “X-49,” most likely the enriched uranium manufactured at Oak Ridge at the time the plant was called U. S. Clinton Engineer Works. The more than 56,000 acres for this plant were acquired through eminent domain to allow the few milligrams of “X-49” to be delivered to J. R. Oppenheimer. At that time Mr. Oppenheimer and a group of scientists were working on creating the atomic bomb that would help end World War II.

Stimson, Henry. "Hiroshima: The Henry Stimson Diary and Papers (part 1- Dec. 31, 1944 - April 11, 1945)." *Was It Necessary?* Ed. Doug Long. N.p., n.d. Web. 27 Mar. 2014. <<http://www.doug-long.com/stimson.htm>>.

The Secretary of War at the time of the Manhattan Project, Henry Stimson, visited Oak Ridge to see how enriched uranium was produced and to observe the progress in the building of the city. In this diary entry, he wrote how impressed he was with both the scientific advancement and the development of the fifth largest city in the state of Tennessee. He concluded that success of the projects was at 99% at that time. We used these documents to better understand Henry Stimson’s view of Oak Ridge.

"The Press at Fault!" *New York Times*, 14 Mar. 1853. Web. 28 Jan. 2014.
 <<http://query.nytimes.com/mem/archive-free/pdf?res=FA0910FC3F5C1A7493C6A81788D85F478584F9>>.

Eminent domain goes way back in history. This newspaper article is one such example. A dispute between the log men and the lumbermen over the use of the river caused the Legislature at Harrisburg, Pennsylvania, to consider the use of eminent domain. However, the *Republican* (the area's only newspaper) suggested that compromise could "be at hand." We used this article from the *New York Times* to show that eminent domain was used commonly in America in the 1800's.

The Pyles Homestead. 1933. Photograph. National Archives at Atlanta, National Archives and Records Administration.

This is a photograph of the Pyles homestead that was directly affected by the Tennessee Valley Authority. TVA was a program created by the Roosevelt commission to stop flooding in certain areas and create jobs during the Great Depression. The dams that the TVA planned to build would create a large lake and submerge many low-lying homesteads. When people wouldn't sell their land, the TVA was forced to use eminent domain to acquire the land. We used this picture on the left hand side of our board to show the destruction to people's lives caused by eminent domain.

***United States v. 56,000 Acres of Land*, Case No. 429. Civil Case Files. Eastern District of Tennessee. Records of the U.S. District Courts, Record Group 21. National Archives at Atlanta, National Archives and Records Administration.**

United States v. 56,000 Areas of Land court case was conducted from November of 1942 until September of 1946 and is contained in 17 boxes at the National Archives. The case involved taking land from farmers and residents of the nearby towns in Anderson County, Tennessee to then build three plants and a city that made enriched uranium to construct the first atomic bomb. Below are individual documents from this case that were used in developing our understanding and interpretation of eminent domain as used for traditional public use.

Answer of Lorian Freels, Thelma Freels, Edna Freels and Tom Grubb. 1 July 1943. The answer of the Freels family and Mr. Grubb states that they protest the compensation amount of \$3,200 for their tract of land as inadequate. They believed that because of the improvements to their property, an ascertainment is needed. Many replies to the court indicated that landowners felt cheated by the government.

Letter to Mr. J. W. McCoy. 4 June 1943. Civil Action Number 429 Tract Number G-644 Declaration 24. Since it was 1942, the 1943 taxes were not yet due, landowner Mr. J. W. McCoy raised the question of why money from his compensation had been withheld for taxes. Lee A. Beeler, Clerk of the Court replied that the court was holding the money until the question of whether or not it is legal to hold funds for taxes when the owner has not lived on the land the whole year. This showed how complicated eminent domain could be.

Order Appointing Ad Litem Margaret Leath Hutchinson Tract D-312. 22 Dec. 1942. At the time of the taking, McKinley Leath was enlisted in the United States military; the court appointed him an attorney. The Soldier's and Sailor's Civil Relief Act states that the court must provide an attorney if a military member is deployed and a legal case arises. This illustrates the variety of property owners and the diverse situations that can arise when taking such a large area of land as in the case of *United States v. 56,000 Acres of Land*.

Order of Reference. 22 Aug. 1943. The court had ordered that just compensation for Tract A-59, which had already been determined as fifty dollars, was to be paid in a joint check, after taxes, to the owners and others holding interests in the property, namely the Powell family, Mongers, and Katie Soward. Taxes were nine dollars and four cents leaving a total of forty-one dollars and ninety-six cents. However, these thirteen people could not agree on the distribution. The court was forced to split the money, coming out to a little more than three dollars per person.

Verdict of the Jury as To Hester Turpin et. ux. Tract No. I-818. 6 Oct. 1942. The jury for the case concerning the 64 acres of land more commonly referred to as tract number I-818 has been appointed. Owner, Hester Turpin, has acquired the attorney firm of White and Leonard and Ladd and Carson to assist in obtaining the fair market value of the land in question. The most interesting part of this document is the list of names it contains, some of which are found on the juries of other land tract cases, such as William T. Pierce.

Van Fleet, Alanson A. *The Tennessee Valley Authority*. New York: Chelsea House, 1987. Print.

The Tennessee Valley Authority was established in 1933, during the Great Depression. One TVA project was the building of the Norris Dam, which created desperately needed jobs. This dam not only made electricity, but it also controlled flooding which was a big problem at the time. Later on, during *United States v. 56,000 Areas of Land*, this dam produced electricity for the Manhattan Project, which took more electricity than New York City.

**"*Wayne County v. Hathcock*, 684 NW 2d 765 - Mich: Supreme Court 2004." *Google Scholar*. Google, 30 July 2004. Web. 12 Dec. 2014.
<[http://scholar.google.com/scholar_case?case=15751434092848828894&q=wayne county v. hathcock&hl=en&as_sdt=206&as_vis=1](http://scholar.google.com/scholar_case?case=15751434092848828894&q=wayne%20county%20v.%20hathcock&hl=en&as_sdt=206&as_vis=1)>.**

The Pinnacle project, addressed in this case, began when the Michigan airport built a new jet terminal and related buildings. The project raised a noise concern for the nearby neighborhood. Thus, the city decided to buy up the neighborhood through voluntary sales and acquired most of land needed. Nineteen landowners, however, refused to sell, prompting the case, *Wayne County v. Hathcock*. This Opinion of the Court by Justice Young states the facts of the case and the process in which the county acquired land. *Wayne County v. Hathcock* demonstrated the reversal of *Poletown Neighborhood Council v. City of Detroit*, which we depicted in our timeline.

Secondary Sources

Atlanta-Fulton Public Library. Research Field Trip. Atlanta-Fulton Public Library. 11 Dec. 2013.

Due to our rural location, we traveled to Atlanta to obtain more diversified sources for our research. While in the Atlanta-Fulton Public Library, we found books on TVA (Tennessee Valley Authority), the nuclear bomb/the Manhattan Project, and eminent domain abuses. These books proved to be valuable to our research.

"Bard Act." *The New York Preservation Archive Project*. The New York Preservation Archive Project, 2010. Web. 21 Aug. 2013. <<http://www.nypap.org/content/bard-act>>.

The Bard Act, America's architects, city planners and Bard himself were inspired with the Columbia Exposition of the 1893 World Fair presenting the idea of protecting buildings and civic beauty. Eventually, this led Bard to draft the Bard Act (also known as the General City Law, § 20, new subd. 25-a), which set out to protect the aesthetics of New York City. He drafted the first outline as early as 1913 but it wasn't till 1956, 40 years later, that New York accepted it. This push for it, 40 years later was most likely because of the threats to various New York historic buildings, namely Pennsylvania Station and Grand Central terminal that the Bard Act would protect. This act gave us an idea on how eminent domain can be used for other proposes.

"*Berman v. Parker*." *Oyez*. IIT Chicago-Kent College of Law, n.d. Web. 21 Aug. 2013. <http://www.oyez.org/cases/1950-1959/1954/1954_22>.

This case resulted from the District of Columbia Redevelopment Act of 1945, whose purpose was to sanitize and beautify the capitol. Mr. Berman owned a department store in an area that was blighted and slated for redevelopment by use of eminent domain. He protested on the basis of the Fifth Amendment Takings Clause. The decision was a unanimous opinion issued by Justice William Douglas in the Court of Chief Justice Earl Warren. This information about the United States Supreme Court Justices aided us in finding a picture of them to use on our board.

***Berman v Parker* 348 U. N.p., n.d. Web. 21 Aug. 2013.**

<<http://aalto.arch.ksu.edu/jwkplan/images/berman.htm>>.

One of the major stepping-stones to eminent domain as we know it was Capital Redevelopment. The purpose of this act was to redevelop blighted areas as well as remove factors causing the blight. To decide how and when to accomplish this act, there was a board made up of five members, often referred to as the Agency. This source gave us information about the Agency, which helped us to understand the Parker side of the case.

"Bill of Rights Is Finally Ratified." *This Day in History*. A&E Television Networks, 1996-2014. Web. 13 Mar. 2014. <<http://www.history.com/this-day-in-history/bill-of-rights-is-finally-ratified>>.

On December 15, 1791, Virginia became the 10th state of the current 14 states to ratify the Bill of Rights. The document includes the Fifth Amendment taking clause which prevents the government from taking private property without just compensation or for non-public use. We used this information to provide an accurate date for our Fifth Amendment timeline house and to understand the history of the taking clause.

"Brown v. Board of Education of Topeka." *Brown v Board of Education of Topeka*. N.p., n.d. Web. 10 Mar. 2014. <<http://law2.umkc.edu/faculty/projects/ftrials/brownvboard/APRIL1955conference.html>>.

We used this photograph (under the section Public Use, *Berman vs. Parker*) to show our viewers who was deciding on this landmark case. Taken after the Berman case, this photograph depicts the Supreme Court Justices who ruled unanimously in *Berman v. Parker* as well as in the famous *Brown v. Board of Education*, with Justice William O. Douglas serving as Chief Justice.

Bullock, Scott. "Susette Kelo's Little Pink House Finds a New Foundation." *Institute for Justice*. n.p., June 2008. Web. 10 Mar. 2014. <<http://www.ij.org/susette-kelos-little-pink-house-finds-a-new-foundation-2>>.

This article discusses a three-day event which was held to commemorate the anniversary of *Kelo vs. New London*. In the 5 to 4 U.S. Supreme Court decision, Susette Kelo and her neighbors lost a fight against the use of eminent domain in the taking of their property to use the land for a pharmaceutical plant. Though Kelo lost the case, her house was moved from the Fort Trumbell neighborhood to a new foundation. On our board under the subtitle "Conclusion," we included a picture of the Kelo house at its new location.

Clark, Carol. "Albert S. Bard And the Origin of Historic Preservation in New York State." *Widener Law Review*. N.p., n.d. Web. 29 Aug. 2013. <http://www.nypap.org/sites/default/files/10_clark.pdf>.

Before the District of Columbia Redevelopment Act, a lawyer in New York was also thinking of aesthetics in neighborhoods. Albert S. Bard focused on making a law that would preserve New York's historical landmarks. The law eventually was passed as New York City's Landmarks Law. The District of Columbia Redevelopment Act focused on removing blighted areas by the use of area redevelopment. Both laws, however, used eminent domain as the source of their power for land takings. After reading this source, we were able to focus on the significant impact in history of the District of Columbia Redevelopment Act.

Corsetti, George. "Poletown Revisited." *CounterPunch: Tells the Facts, Names the Names*. N.p., 18-20 Sept. 2004. Web. 13 Jan. 2014. [Http://www.counterpunch.org/2004/09/18/poletown-revisited/](http://www.counterpunch.org/2004/09/18/poletown-revisited/)>.

This newspaper article reflects on Poletown Neighborhood Council vs. City of Detroit, allowing us to see how the case, with the help of Ralph Nader and four other lawyers, made it to the Michigan Supreme Court. This group set up three phone lines in the basement of a church to help whoever was left in the neighborhood fight for their homes. They worked every day for 12 hours, writing letters and sealing envelopes. After attracting national attention, the case was heard by the Michigan Supreme Court.

"*County of Wayne v. Hathcock* | The Institute for Justice." *The Institute for Justice*. N.p., n.d. Web. 13 Mar. 2014. <<http://www.ij.org/michigan-supreme-court-halts-eminant-domain-for-qeconomic-developmentq-court-states-poletown-was-qerroneousq-ij-amicus-2>>.

The decision of *County of Wayne vs. Hathcock* overturned *Poletown Neighborhood Council v. Detroit*, the first case in which a court upheld a taking of land solely for redevelopment to increase tax revenue. In other words, the government did not claim that the redevelopment was to remove blight. This article thus reaffirmed the importance of *Poletown Neighborhood Council v. City of Detroit*, which we included on the right panel of our board.

Dalton, Daniel P. "A History of Eminent Domain." *Public Corporation Law Quarterly* 3 (2006): 1+. *State Bar of Michigan*. Web. 5 Sept. 2013.
 <<http://www.michbar.org/publiccorp/pdfs/fall06.pdf>>.

Hugo Grotius (1583–1645) is the jurist who is responsible for the term “eminent domain.” Eminent domain has been long established as a government power all the way back to the Magna Carta, which also limited the use of eminent domain. This article indicated that in the Revolutionary War days, eminent domain was justified often by saying the owner hadn’t “completed the requirements of the land grant.” When establishing the Fifth Amendment in early America, our country’s founders wanted to expand the Magna Carta limitations of eminent domain by requiring ‘just compensation.’

"Environment and Natural Resources Division : History of the Federal Use of Eminent Domain." *The United States Department of Justice*. The United States Department of Justice, Nov. 2010. Web. 29 Oct. 2013.
 <http://www.justice.gov/enrd/History_of_the_Federal_Use_of_Eminent_Domain.html>.

Many parks have been developed though eminent domain Land Acquisition Section, such as the Rock Creek Park in the Washington, D.C. area. These parks were mainly established during the traditional era of eminent domain - where land was used for utilities, transportation, etc., and later on during the New Deal. World War II ushered in a new time of eminent domain. The Land Division became “the biggest real estate office of any time or any place,” as stated by the Assistant Attorney General. The Lands Division was involved in acquiring over 20 million acres through the use of eminent domain. This forum from the United States Department of Justice explains the eras of eminent domain and some of the cases in them. This source greatly assisted us in developing our timeline.

"FG 107 (District of Columbia Redevelopment Land Agency)." *Nixon Presidential Library and Museum*. N.p., n.d. Web. 18 Nov. 2013.
 <<http://www.nixonlibrary.gov/forresearchers/find/textual/central/subject/FG107.php>>.

This Nixon Presidential Library website showed us how the ruling on *Berman vs. Parker* affected the District of Columbia. The District of Columbia Redevelopment Act established a District of Columbia Redevelopment Land Agency to process the takings and the redevelopment. Within the Agency, the Relocation Assistance Office supported the families and corporations whose properties had been taken as a result of eminent domain. There were nine areas in the District of Columbia that had been planed by this agency for redevelopment: “Three in Southwest, Northeast No. 1, Northwest No. 1, Columbia Plaza, Shaw, Downtown, and the Fort Lincoln Project.”

Gonzales, Doreen. *The Manhattan Project and the Atomic Bomb*. New Jersey: Enslow, 2000. Print.

Fueled by enriched uranium processed in Oak Ridge and assembled in what today is the Los Alamos National Laboratory, the atomic bomb had the force of 20,000 tons of TNT. Dropped on Hiroshima and Nagasaki, Japan, the atomic bomb helped bring an end to World War II. Oak Ridge and the Manhattan Engineering District were built at a cost of 1.8 billion dollars. This book helped us understand how eminent domain was used in the building of Oak Ridge, Tennessee.

"Graphite Reactor." *Oak Ridge National Laboratory*. N.p., n.d. Web. 12 Mar. 2014. <<http://www.ornl.gov/ornl/news/communications/graphite-reactor>>.

Oak Ridge was built by the taking of land through eminent domain and was used to make uranium to fuel a nuclear bomb as well as to make limited amounts of plutonium. After the plutonium process had been pioneered through graphite reactors in Oak Ridge, production would be taken over at a plant in Hanford, Washington. This source allowed us to understand the plant X-10 and aided us in deciding which plants we wanted to showcase on our board.

Greenhut, Steven. *Abuse of Power: How the Government Misuses Eminent Domain*. Santa Ana, CA: Seven Locks, 2004. Print.

According to the author, redevelopment through eminent domain is used to gain more tax revenue in the form of property and sales. For example, *County of Wayne v. Hathcock* used eminent domain to build a 1,300-acre business park. Often, cities finance these projects by taking out floating loans (all the taxes that are collected in a certain area go toward the loan) that are rarely paid off. We were able to understand how city governments were attempting to use eminent domain to strengthen their city income through tax revenues. Unfortunately, the tax revenue generated through these redevelopments only would go to pay back their floating loans, thus defeating the purpose of attempting to gain more tax revenue.

Greenhut, Steven. "Greenhut on the GG Theft of Homes." *The El Toro Chronicles*. N.p., n.d. Web. 14 Jan. 2014. <<http://www.occonnect.com/eltoro/archive02/arch.cgi?noframes;read=34292>>.

In this newspaper article, Mr. Greenhut translated a "bureaucratese" letter to the residents of Garden Grove. He explained to the community the truth of the new redevelopment program. The theme park proposal using eminent domain was then rejected by the city council after the newspaper publicity, demonstrating that the public is becoming concerned about eminent domain abuse and is working against it.

Greenhut, Steven. Personal E-mail interview. 10 Jan. 2014.

Journalist and author of *Abuse of Power: How the Government Misuses Eminent Domain*, Steven Greenhut emailed us answers to our questions about the impact of *Kelo v. New London*. According to Mr. Greenhut, the media has begun publishing instances of eminent domain abuse. This has often caught the attention of the public and in many cases shut down redevelopment projects using eminent domain. In one such case, Mr. Greenhut published an article discussing a city's plan to raze a neighborhood and hand the land over to a theme park developer. The public became aware and protested until the city backed down and cancelled the project.

Greenhut, Steven. "Redevelopment Ghosts Haunt New Year." *U-T San Diego*. N.p., 1 Jan. 2014. Web. 14 Jan. 2014.
 <<http://www.utsandiego.com/news/2014/Jan/01/redevelopment-ghosts-haunt-new-year/>>.

In 2011, Mr. Jerry Brown (governor of California) shut down the state's redevelopment agencies. This newspaper article, written by Mr. Greenhut, describes the push for more restricted use of eminent domain. The United States Supreme Court affirmed this move by changing a law that would have allowed the agencies to exist in a different form. Through the years, there have been many attempts to bring back pro-redevelopment laws (SB-1 for example).

"History of Eminent Domain and Its Abuse." *Castle Coalition*. Institute of Justice, 2002-2014. Web. 19 Nov. 2013.
 <http://www.castlecoalition.org/index.php?option=com_content&id=512>.

This timeline displays the downward slope of eminent domain, from true public use to public benefit. The tide began to turn as the same court that ruled on the famous *Poletown* decision reversed their decision in *County of Wayne v. Hathcock*. The deal was sealed, however, in *Kelo v. New London* as the U. S. Supreme Court ruled that private development is considered a public use under the Fifth Amendment. This source and the information on the history of eminent domain helped us design our own timeline.

Jones, Stephen J. “Note: Trumping Eminent Domain Law: An Argument for Strict Scrutiny Analysis Under the Public Use Requirement of the Fifth Amendment. *LexisNexis® Litigation Essentials*. N.p., 2000. Web. 21 Aug. 2013. <<https://litigation.essentials.lexisnexis.com/webcd/app?action=DocumentDisplay>>.

This article discussed John Locke, a great philosopher during the time of the Constitution, citing Locke’s thoughts on natural rights and eminent domain. According to the author, Locke valued the idea that no person has the power to take the property or the life of someone else. William Blackstone also believed that the right of property is the most important right of all. We can conclude from quotes by Locke and Blackstone that, even in the early years of America, property rights were held sacred. This source was a tremendous help in building the “Origin” section of our board, showing the founders’ point of view on eminent domain.

***Kelo v. City of New London*. The Oyez Project at IIT Chicago-Kent College of Law. 20 August 2013. <http://www.oyez.org/cases/2000-2009/2004/2004_04_108>.**

On this website, we found a photo of the judges of the Supreme Court at the time of *Kelo vs. City of New London*. We also found a summary of the court’s decision of the case. Additionally, we found a quote by Supreme Court Justice Sandra O’Connor in her dissent; we used the quote under the title “Conclusion” on our board. The quote expresses the main idea of the case: Is it considered “Public Use” for a city to take private property by eminent domain, and then sell that property to private redevelopers in hopes of improving the economy? The court’s conclusion was that by indicating “Public Use,” eminent domain could now be defined as “Public Purpose,” and this interpretation, according to the court, would not violate the Fifth Amendment Taking Clause.

Kiernan, Denise. Personal E-mail interview. 9 Jan. 2013.

Author of the bestselling book *Girls of the Atomic City*, Mrs. Kiernan described to us how Oak Ridge, Tennessee, and the various plants in the area were established in the early 1940s. The purpose of the plants was to make enriched uranium for the nuclear bomb, which was built to end the war. We used a quote from Ms. Kiernan in the section of our board entitled the *United States vs. 56,000 Acres of Land*. In the same section of the board, we included another quote from Mrs. Kiernan, illustrating the resistance of the people. In building Oak Ridge, the U. S. government used eminent domain to take land in the surrounding area, including the towns Wheat, Elza, Robertsville, and Scarborough,

Lashly, Jacob M. "41 A.B.A. J. 501 (1955) Case of Berman v. Parker: Public Housing and Urban Redevelopment, The." *HeinOnline*. N.p., June 1955. Web. 21 Aug. 2013.
 <<http://heinonline.org/HOL/LandingPage?handle=hein.journals/abaj41&div=153&id=&page=>>>.

This magazine article gives the context of the case, *Berman v. Parker*. The media outlets, instead of putting the case in the spotlight, let it pass over “quietly like Fourth of July in a foreign country.” Nevertheless, eminent domain was used to take property in downtown Washington, D.C., destroying not only Frank’s Department Store, but also a retail hardware store. The ruling of the Supreme Court in the *Berman v. Parker* case reaffirmed the constitutionality of the District of Columbia Redevelopment Act (allowing the government to remove other non-blighted buildings). In reading this article, we became more familiar with the *Berman* side of the case.

Lavine, Amy. “Atlantic Yards Report: The Seminal Berman v. Parker Case: "precedent without Context," and Leading Dangerously to Cases like Kelo and Goldstein.” *Atlantic Yards*. n.d. Web. 28 Jan. 2014.
 <<http://atlanticyardsreport.blogspot.com/2010/09/seminal-berman-v-parker-case-precedent.html>>.

This article by Amy Lavin, a staff attorney at the Government Law Center in Albany, New York, gave us valuable information regarding *Berman v. Parker* and related cases which caused a decline in the protection from eminent domain abuse. Included in this site is a picture that shows the department store that Berman owned in a blighted area of Washington, D.C. We used this picture on our board to depict the place which was the subject of the Berman case.

Littleton, Sarah. "Revolution, Reaction and Reform — Transformation of the Community of Wheat, Part 3." Ed. D. Ray Smith. *Oak Ridger*, 27 Aug. 2013. Web. 26 Feb. 2014.
 <www.oakridger.com/article/20130827/NEWS/130829903?template=printart>.

This article helped us to understand how eminent domain was used in the area surrounding Oak Ridge, Tennessee. Littleton discusses the notification and relocation of residents during the taking of land through eminent domain in Wheat County. Also covered in the paper is information on Oak Ridge, Tennessee, a central part of the eminent domain case, *U.S. v. 56,000 Acres of Land*. Littleton includes a quote from the Magill Family; we used the quote on the left side of the board to illustrate how some families were willing to leave their homes for the sake of their country.

Littleton, Sarah. "Y-12: Oak Ridge Treasure — National Resource /A Brief Overview of Some Historical Details of the City of Oak Ridge, Part 2." *Gate House*. Ed. D. Ray Smith. N.p., 3 July 2013. Web. 27 Jan. 2014. <<http://www.oakridger.com/article/20130703/NEWS/130709977/0/food?template=printart>>.

This article tells the history of the selection of the Oak Ridge site. General Leslie Groves had just been promoted over the Manhattan Project. Immediately, he went about selecting a site for what would be known as the Kingston Demolition Range. In order to be less obvious, the name was later changed to Clinton Engineer Works after the nearby town of Clinton. This site explained to us the reason behind the change of the name of the plant; we included that information on our board in a quote by Mrs. Kiernan under the section, *United States v. 56,000 Areas of Land*.

Mellor, William H. (Chip) and Robert A. Levy. "Eminent Domain for Private Use." *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom*. Robert A. Levy. New York: Penguin Group, 2008. 155-68. Print.

In landmark rulings, the United States Supreme Court changed the Fifth Amendment interpretation of eminent domain and the term “blighted.” Though the United States Supreme Court does not have a definition of the term “blighted,” in this book, Mr. Mellor defines “blighted” as a home with less than two full bathrooms, an area that is no longer “functionally” important, or even an area that doesn’t generate enough tax revenue. This book helped us understand several important Supreme Court cases covered by our project and their impact on eminent domain.

Mellor, William H. (Chip). Personal Email Interview. 8 Jan. 2014.

William Mellor is the co-founder of the Institute of Justice, an organization that frequently takes eminent domain cases. He is the co-author of the book, *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom*. This book, along with most of his articles published on the Institute of Justice website, and the quotes we used on the middle and right panel of our board illustrate the impact of *Berman v. Parker*, *Poletown Neighborhood Council v. City of Detroit* and *Kelo v. New London*. In our email interview with Mr. Mellor, he answered fourteen of our questions. An interesting response was that every major poll after *Kelo* indicates that 90% of the people interviewed today are strongly against eminent domain when it is used for redevelopment.

Michigan Bar Journal. "Poletown Neighborhood Council v Detroit." *Private Property and Public Use*. Michigan Supreme Court Historical Society, Mar. 2009. Web. 3 Feb. 2014. <http://www.micourthistory.org/wp-content/uploads/verdict_pdf/poletown/MSC_Mar_Poletown.pdf>.

This paper in the Michigan Bar Journal shows the declining state of Detroit in the 1980's. It opened our eyes to the pros and cons of the recommendations to prevent this decline, and we learned about the case, *Poletown Neighborhood Council v. City of Detroit*. This article included pictures of the Hamtramck Assembly Plant in Detroit as well as the rows of homes in Poletown with one of the many church steeples in the background.

National Archives and Records Administration at Atlanta. Research Field Trip. 9 and 10 Dec. 2013.

On our research field trip to the National Archives of Atlanta, we investigated 17 case boxes containing hundreds of documents on the case *United States v. 56,000 Acres of Land*, as well as many photographs of the area taken by Hines Wickles. We spoke to several archivists regarding our research. We also received an orientation and tour of the facilities by education specialist Joel Walker. He explained to us about handling archival material. We used white gloves when handling photographs to prevent oils on our hands from damaging the photographs. Mr. Walker recommended that we contact Denise Kiernan, author of the book, *Girls of the Atomic City*.

Nessy, Messy. "Inside America's Secret Atomic City." *Messy Nessy Chic*. N.p., 14 Nov. 2013. Web. 13 Mar. 2014. <<http://www.messynessychic.com/2013/11/14/a-trip-down-memory-lane-to-americas-secret-atomic-city/>>.

This website shows some of the history and life in the secret city of Oak Ridge. Built by eminent domain, some log cabin houses were left from the previous owners, but most were cleared away for the three plants, K-25, S-50, and Y-12, and for the city itself. The city contained the largest bus system in the United States, mostly busing people to work at the respective plants. The operation used more electricity than New York City, mostly generated by a dam built by the TVA. This was one reason why the location in Anderson County, Tennessee was chosen, as explained by this source.

**O'Brien, David M. "Economic Rights and American Capitalism Part C."
*Constitutional Law and Politics: Struggles for Power and Governmental
 Accountability*. Eighth ed. Vol. One. S.l.: W W Norton, 2011. 1070-098. Print.**

This book on Constitutional Law, borrowed from our interviewee Dr. David Ramsey, a professor at the University of West Florida, provides excerpts from the Supreme Court Justices on the case *Kelo v. New London*. Justice Sandra O'Connor, in her dissenting opinion on the Kelo case, quotes Alexander Hamilton to describe one of the government's great responsibilities of protecting the rights of property. This source further affirms how eminent domain fits in this year's topic, Rights and Responsibility in History and provided a helpful view of the cases in our project.

**"Oral Arguments in the Michigan Supreme Court." Michigan Supreme Court, n.d.
 Web. 3 Dec. 2013. <<http://courts.mi.gov/education/learning-center/curriculum-resources/Documents/OralArgumentGuide.pdf>>.**

Wayne County v. Hathcock, the case that overturned *Poletown Neighborhood Council v. Detroit*, was over a commercial, industrial, and hotel development located near the bustling Detroit Airport and would contain 1,300 acres. This was named the Pinnacle Aeropark project. After 98 percent of the land had been purchased, only 19 landowners stubbornly refused all offers. Receiving national media attention, the case finally broke the record of eminent domain when it ruled that the city could not take the last 2 percent of the land needed through eminent domain. We used this source in our research about *Wayne County v. Hathcock*.

***Poletown Neighborhood Council v. City of Detroit*,. "410 Mich. 616, 304 N.W.2d 455
 (Mich. 1981)." N.p., n.d. Web. 11 Mar. 2014.
 <<https://www.michbar.org/programs/milestone/PDF/poletown.pdf>>**

We included a quote from this source on the left side of the board under the title *Poletown Neighborhood Council vs. City of Detroit*; the quote helped us explain the historical context of the event. Detroit, as well as the whole state of Michigan, was in a declining state where jobs were going elsewhere, thereby taking the population with the jobs. In an attempt to compensate for the plants that General Motors was closing on the city's south side, the mayor lobbied for a new plant to be built in a mostly Polish neighborhood called Poletown.

Power, Professor Garrett. "Judge Simon E. Sobeloff, 1894-1973." *University of Maryland Francis King Carey School of Law*. University of Maryland, n.d. Web. 18 Nov. 2013. <<http://www.law.umaryland.edu/marshall/specialcollections/sobeloff/berman.html>>.

Solicitor General Simon E. Sobeloff believed in the constitutionality of *Berman v. Parker*. He promoted “a decent home for every American family,” proposing to accomplish this through the removal of blighted or slum homes and areas. Sobeloff believed that the Fifth Amendment taking clause gave the government the right to use its police powers to take land for public interest. This article helped us understand both sides of the eminent domain issue.

Precious Metal Scale Artifact. N.d. Bahrain.

On our board in the Public Purpose *Berman v. Parker* panel, we used this scale to represent the scales of justice, which signifies the weighing the people’s private property rights versus the government’s responsibility. We have represented the responsibility tray weighing more to show how, through *Berman v. Parker*, the Supreme Court has changed the Fifth Amendment interpretation to value healthy cities over the people’s rights. This replica of a scale (originally used for weighing gold) was purchased by Steven Puchner, our father, while serving in the US Navy in Bahrain.

Ramsey, Dr. David. Personal Interview. 22 May 2014.

In our personal interview with Dr. Ramsey, a law professor at the University of West Florida, we learned more about the origin of eminent domain as laid out in the Magna Carta. Dr. Ramsey, a published scholar of Constitutional law, also helped us understand how the interpretation of eminent domain has changed as a result of several important U.S. Supreme Court cases. We were able to borrow from Dr. Ramsey a book on the topic of Constitutional law. This was one of most important interviews.

Searcy, Jay. "My Nuclear Childhood." *Manhattan Project Heritage Preservation Association*. N.p., n.d. Web. 26 Feb. 2014. <http://www.mphpa.org/classic/OR/OR_Story_1.htm>.

This is an autobiography written by Jay Searcy, a child who grew up in Oak Ridge, Tennessee. Because the employees at Oak Ridge were required to take a pledge of secrecy in order to be employed, they take the history of the area to their graves, thereby keeping their word. Children, however, did not take that pledge; because of this, we can finally hear the many untold stories of how the ‘taken’ farmland surrounding Oak Ridge was turned into a secret manufacturing plant to produce enriched uranium. This account of Searcy’s life in Oak Ridge gave us many valuable details on how the city was run, its housing, schools, and other amenities when the land was taken through eminent domain.

Stein, R. Conrad. *The Manhattan Project*. Chicago: Childrens Press, 1993. Print.

This book aided us in understanding more clearly the four sites used in making the atomic bomb: Oakridge, Tennessee; Pajarito Plateau at Los Alamos, New Mexico; Hanford, Washington; and Alamagordo, New Mexico. The Oak Ridge plant was enriching uranium from U-238 to U-235 to fuel the bomb. Eminent Domain was utilized as a way to acquire the land for this endeavor. Hanford made a different type of fuel, plutonium. At the Pajarito Plateau, scientists were figuring out how to assemble and design the bomb. Finally Alamagordo, also known as Ground Zero, was the testing site of the nuclear bomb, "Trinity."

Tabler, Dave. "Wheat, TN Disappears at the Hands of the Manhattan Project." *Appalachian History Stories, Quotes and Anecdotes*. N.p., 4 Apr. 2013. Web. 25 Jan. 2014. <<http://www.appalachianhistory.net/2013/04/wheat-tn-disappears-at-the-hands-of-the-manhattan-project.html>>.

In this source, Mrs. Moneymaker tells her story of the government taking her house in Tennessee. Because she was pregnant, she told the government official about a law she made up off of the top of her head that stated that a pregnant woman couldn't be removed from her home. Surprisingly, this law actually existed. Many other families weren't as lucky, and some had to find a new home within a week. This story inspired us to include on the right panel of our board a telegram informing residents of Area One to move out in eleven days.

U.S. Geological Survey. *Oak Ridge Tennessee*. N.p.: Google, n.d. Web. 14 Apr. 2014.

The three plants that make up Oak Ridge are K-25, Y-12, and X-10. As shown on this map, the plants are located a good distance apart for security reasons. We used a photo of plants K-25 and Y-12 on our board to illustrate the two plants, which made enriched uranium.