

Process Paper

Why We Chose this Topic

Eminent domain interested us because we plan to pursue careers in engineering. This topic fits the theme, Rights and Responsibilities in History, because the government has a responsibility to protect the rights of private property owners when eminent domain is applied.

Research

After conducting initial online research, we narrowed our topic to three cases: *United States v. 56,000 Acres of Land*, *Berman v. Parker* and *Poletown Neighborhood Council v. City of Detroit*. In-depth research included a two-day field trip to the National Archives of Atlanta with education specialist Joel Walker. After an orientation on handling archival documents and a tour of the facilities, we examined 17 boxes containing hundreds of archival documents on *United States v. 56,000 Acres of Land*. Upon Mr. Walker's recommendation, we interviewed Denise Kiernan, author of the book on that case, *The Girls of the Atomic City*. While in Atlanta, we conducted research at the Atlanta-Fulton Public Library, where we found books on TVA, the Manhattan Project, and eminent domain abuses. We interviewed William H. (Chip) Mellor, co-founder of the Institute of Justice, an organization of lawyers who defend eminent domain cases. His experience and knowledge provided background on the process of eminent domain. An interview with Dr. David Ramsey, constitutional law professor at the University of West Florida, helped us understand the relationship of eminent domain

with the Magna Carta and the Constitution; Dr. Ramsey loaned us a book on constitutional law and politics. Finally, we interviewed Probate Judge Norris in Monroe County, Alabama, learning about local eminent domain cases.

Design

We used the colors gray and black to represent the confusion surrounding the interpretation of the Fifth Amendment “taking clause” relating to the protection of private property rights. Red represents broken-hearted citizens who were forced to move away from their homes; gold signifies victories in eminent domain following the case, *Kelo v. New London*. The timeline houses tie into our topic’s focus of home/land ownership, and a scale weighs the theme Rights and Responsibility in History.

Importance in History

United States v. 56000 Acres of Land and other World War II and New Deal Era eminent domain cases were utilized to acquire over 20 million acres of land for government purposes, facilitating national defense and helping to bring the country out of the Great Depression through the building of roads, canals, bridges, and railroads. *Berman v. Parker (1954)* broadened the interpretation of the Fifth Amendment taking clause by giving government the right to transfer property from one private party to another as part of a redevelopment plan that serves a public purpose. Two cases, *Poletown Neighborhood Council v. City of Detroit (1981)* and *Kelo v. New London (2005)* reaffirmed the right of government to transfer land to private developers to raise tax revenues or create jobs. Eminent domain has sometimes been used to stimulate

economic growth and development while over-riding the responsibility of government to protect the rights of property owners.