

Los Angeles Times

 <p>The Orange Savings Account Open Now</p>	<p>3.00% APY No Fees. No Minimums.</p>	 <p>ING DIRECT Save your money* Member FDIC</p>
--	---	--

<http://www.latimes.com/news/opinion/la-oew-hicks-hutchinson13-2008aug13,0,4234709.story>
From the Los Angeles Times

Dust-Up

Seizing South L.A.

Joe R. Hicks says using eminent domain to benefit private developers is an abuse of government power. Earl Ofari Hutchinson says eminent domain, if exercised fairly, can be a useful tool to improve South L.A.'s economy.

August 13, 2008

Today's question: How extensively -- if at all -- should eminent domain be used to boost South L.A.'s economy? Previously, Hicks and Hutchinson debated police-minority relations and the quality of South L.A.'s political leadership.

Government reaching too far

Point: Joe R. Hicks

I am a self-described political conservative who has strong reservations about the intrusion of government on the lives of ordinary citizens and the resultant restrictions on individual liberty. Consequently, I do not favor the wholesale use of eminent domain to resurrect the economy of South Los Angeles.

My fears over the ability of government to abuse eminent domain increased considerably after the 2005 U.S. Supreme Court ruling in *Kelo vs. City of New London*, which upheld government's ability to seize private property for economic development purposes. Here, a small group of private-property owners challenged the ability of New London, Conn., to take their homes and businesses just to redevelop the land to generate higher tax revenues. They lost in another of the then-usual 5-4 decisions that frustrated conservatives prior to the appointments of Chief Justice John G. Roberts Jr. and Justice Samuel A. Alito Jr. to the Supreme Court.

Growing up as I did in South L.A., I recognize the desperate need to revitalize the economy of a part of the city to which I remain attached. As a youth, I can remember the Goodyear rubber plant that used to be there along with the General Motors assembly plant close by in South Gate. There was a steel mill in Huntington Park that used to employ hundreds of South L.A. residents, mostly men, who raised families and paid mortgages. As you have pointed out, Earl, since the riots that devastated South L.A. in 1965 and 1992, the economy of this area has languished. Prior to these two bloody episodes in L.A. history, shopping, banking and living was far easier than it is today for South L.A. residents. I'll leave the effects of illegal immigration on South L.A. to a future Hicks-Hutchinson Dust-Up.

The practice of eminent domain has been abused throughout history. When many of the nation's highways and railroads were built, landowners were sometimes told that their properties were condemned, given a few dollars and told to go to court if they wanted "just compensation." Eminent domain has also been utilized to "clear blighted areas," as was the case in Washington during the 1950s. The Supreme Court has upheld this use of eminent domain, and certainly the U.S. Constitution and most state constitutions allow government to take private property, with compensation, for a "public use." However, courts over the years have allowed cities and towns to stretch the definition to include economic-development projects on the principle that one private owner can create more jobs and tax revenue than another.

My fear is that this view of eminent domain can run rough-shod over poor people in places like South L.A. who have little access to the kind of legal representation needed to fight City Hall. I oppose the large-scale use of eminent domain in South L.A. as a redevelopment device. Let's just do the heavy lifting in that part of the city (clean out the gangs, allow increased competition that would force public schools to do their jobs and reduce crime and violence) to make it more business-friendly and allow market forces to determine the pace and scope of development.

Joe R. Hicks is vice president of Community Advocates Inc. and a KFI-AM (640) talk-show host. He is a former executive director of the Los Angeles City Human Relations Commission and the Southern Christian Leadership Conference.

Eminent domain done right

Counterpoint: Earl Ofari Hutchinson

Here's a surprise: I actually agree with you, Joe, that state and local governments can create much mischief with their rampant, unregulated and unaccountable use of eminent domain. They can trample on the rights of home and business owners in poor communities by arbitrarily snatching their property without approval and not paying fair compensation. They can badly butcher, mangle and distort the constitutional provision that requires eminent domain to be used solely for the "public good" by turning seized property into a giveaway to private developers. More often than not, there is no assurance, let alone accounting on the developer's part, that local government will benefit from increased tax revenues or that poor communities will be revitalized. The misuse of eminent domain deepens the suspicion on the part of the poor that government works to enrich corporations and developers at their expense.

The Supreme Court's *Kelo* ruling in 2005 did nothing to alleviate those fears. Nor did it do much to protect poor communities from those potential abuses.

Having said that, you and I part company, Joe. I am not a self-described conservative ideologue; I am a pragmatist. You say that eminent domain has little, if any, value for poor communities. Nothing could be further from the truth. Supreme Court Justice Anthony M. Kennedy made clear in his *Kelo* opinion that any exercise of eminent domain for economic development must have primarily a public purpose rather than a merely incidental one.

There are countless examples in which local and state governments have used eminent domain for the public good in poor neighborhoods by promoting small business development, creating jobs, building schools, improving transportation and providing affordable and senior citizen housing. The creative and fair use of eminent domain has been used to build moderate-income housing on Chicago's South Side and in Bedford-Stuyvesant in New York. Eminent domain enabled new schools to be built in West Philadelphia and helped create a mix of retail stores, low- to moderate-income housing and a light manufacturing center in Boston's Roxbury District. Civil rights leaders, community activists, business leaders, educators and housing and land-use planners have hailed such public-private partnerships for providing opportunity and hope in mostly poor black and Latino communities.

The implementation of new light-rail and redevelopment projects and the building of affordable housing could be torpedoed by a flat ban on the use of eminent domain. The key to making eminent domain work the right way is for government to demonstrate that it will really benefit the public. State and local governments must demonstrate that they will deal in good faith with the owners of property targeted for seizure prior to exercising eminent-domain power. They must provide a detailed cost-benefit analysis, a comprehensive land-use plan, public hearings with full community input and iron-clad safeguards that fair market value will be paid for any and all properties taken.

Joe, you are right: Protecting private property is important. But it's just as important that governments have all the tools they need to facilitate economic development in poor communities. Eminent domain is one of those tools. Even self-described conservatives shouldn't object to the legitimate public use of that tool.

Earl Ofari Hutchinson is an author and political analyst. His new book is "The Ethnic Presidency: How Race Decides the Race to the White House."

[<< Previous day](#) | [Main page](#) | [Next day >>](#)
[Day 1](#) | [Day 2](#) | [Day 3](#) | [Day 4](#) | [Day 5](#)

If you want other stories on this topic, search the Archives at latimes.com/archives.

TMSReprints

Article licensing and reprint options

Copyright 2008 Los Angeles Times | [Privacy Policy](#) | [Terms of Service](#)
[Home Delivery](#) | [Advertise](#) | [Archives](#) | [Contact](#) | [Site Map](#) | [Help](#)

partners:

