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Eminent Domain

I've had several comments on the issue of eminent domain by voters interested in my campaign. I hope that this message will clarify my position on this issue in your minds.

In June of 2005 our nation's Supreme Court upheld an eminent domain case by a 5 to 4 ruling involving the transfer of private property from one individual to another private entity. This case set a new precedent that local governments may force property owners to sell out and make way for private economic development when officials decide it would benefit the public, even if the property is not blighted and the new project's success is not guaranteed. Most states found this unsettling and began working on legislation in their own states to keep this behavior at bay.

Most of us understand the precedent and need for eminent domain in the construction of dams, highway systems, to protect well fields and for buildings required for important public works infrastructure. Whereas the need for this type of eminent domain benefited the public at large, these cases always involved direct public works and almost always the transfer of private property to public entities. Reasonable compensation was afforded in these cases and any harm caused was minor and more than offset by the benefit to the public at large.

The recent Supreme Court decision has now opened the door for a much looser interpretation of the term "public use". By now saying that a private owner's land, which is underdeveloped, can be forcibly ordered to be sold to another private entity solely due to the premise that development will increase the tax base is un-American. This premise flies in the face of the right to own private property of both physical and intellectual nature as guaranteed by the United States Constitution. Our nation's founding fathers were believers in natural law, which at its roots promotes private property ownership. This concept is one of the linchpins for our law and way of life and must be protected.

As a U.S. Senator I will fight to keep the use of eminent domain to a minimum. I also will work to clarify laws to stop the court ordered private property transfers to other private entities. All eminent domain cases should have clearly evident public interests in mind, provide fair compensation and not apply simply for the purpose of general development and increased tax base.

Eric Deaton