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City of Ahab, Vineyard of Naboth Part 1 of 2

I seldom do political commentary, but in this case I will make an exception regarding New London, Conn., which I christen, “the City of Ahab.” I cannot but perceive some similarities between the biblical account of King Ahab and Jezebel’s confiscation of Naboth’s property (1 Kg. 21:1f) and the now infamous use of eminent domain by city officials of New London.

Traditional use of eminent domain [E.D.] generally entails such land usages as infrastructure, roads, railways, parks, utilities and such where the *public at large* has *use* of the property or its easements, which fall within the “takings clause” of the fifth amendment of the U.S. Constitution. Although some intended uses of E.D. within the city’s extensive and complex development plan did fall within traditional guidelines, much of it did not. In particular was the city’s condemning of well maintained private properties and homes to be ceded to other *private* owner-developers, for constructing of new *private* (not public) housing, where the general *public* would have neither access to *nor usage of*; it was for new *private* housing. This was the crux of the legal battle. The city anticipated increased tax revenues and other benefits. I fame this as, ‘Nicer homes for “nicer people” than those current “lesser deserving” home owners’. - How governmentally magnanimous (sarcasm mine). This however, does not mean that other aspects of the city’s development plan did not have merit.

In June 2005 the US Supreme Court upheld the city’s legal authority in the Kelo v. New London, 5-4 landmark and controversial decision. Yet, even Justice Stevens, writing the majority opinion, at least hinted that *state legislatures* are responsible for curtailing excessive use of E.D. Justice O’Conner, since retired, objected to the court’s decision, which effectively reinterpreted the Constitution’s words “public use” to mean “public benefit.” She held that the city’s use of E.D. to transfer property to another *private* owner for “common use” was unconstitutional. She wrote in one of the dissenting opinions, that local government “... cannot take their property for the *private* use of other [private] owners simply because the new owners may make more productive use of the property...then the [Constitution’s] words “for public use” do not realistically exclude *any* takings, and thus do not exert any constraint on the eminent domain power.”

Of course, the New London body politic decision is not identical to Ahab’s confiscation, for it did not resort to murder to gain control as did Jezebel, but it didn’t have to. – Lucky for Susette Kelo and the other New London “victims.” – OK, perhaps that is a bit overly cynical of the local government. - I... I... *almost* apologize.

In our final installment, we will discuss the strong, almost nationwide bipartisan reaction and backlash to this U.S. Supreme Court ruling.

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