The Grasping Hand Kelo V City Of New London And T

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Law's Allure Gordon Silverstein 2009-02-09 Law's Allure explains how, when, and why America's reliance on legal rules and judicial decisions shapes, constrains, saves, and sometimes even kills politics.

Judicial Politics in Polarized Times Thomas M. Keck 2014-12-03 In this era of polarized politics, three stories about judges have emerged. When describing their own work, judges often say that they are neutral legal umpires. When describing opposing judges, partisan political actors regularly denounce them for undermining democratic values and imposing their own preferences. Scholars have long told a third story, in which judges are political actors who spend more time conforming to rather than challenging the democratic will. Drawing on a sweeping survey of litigation regarding abortion, affirmative action, gay rights, and gun rights during the Clinton, Bush, and Obama eras, Keck argues that each of these stories captures part of the significance of courts in polarized times, but that each, standing alone, is more misleading than helpful. In polarized America, advocates on both the left and the right engage in litigation more-or-less constantly to achieve their ends. But, Keck shows, neither side has consistently won, or consistently lost. Instead, judges have responded to this unending litigation, at different times and in different ways, as umpires, as activist tyrants, and as followers of whoever won the last election. For example, federal courts are indeed polarized on partisan lines, but across all four issues, this polarization is less extreme on the courts than it is in Congress. As for the undemocratic judge story, here too Keck s findings are hardly black and white. While some decisions can be characterized as thwarting the popular will, there are just as many in which the judges and the public seem to be pushing in the same direction. Ultimately Keck concludes that the time to fear courts is not when they start protecting rights, but when they start protecting only or mostly those rights favored by Republicans (or by Democrats). Keck s rigorous analysis of these judicial controversies is sure to engender interest both inside and outside the academy and be hailed as a landmark study of judicial review."

Wretched Refuse? Alex Nowrasteh 2020-12-17 An empirical investigation into the impact of immigration on institutions and prosperity.

The Ruling Class Angelo Codevilla 2010 Introduces the bipartisan political elites who run America and maintain that they know what is best for regular Americans.

Learning to Love Form 1040 Lawrence Zelenak 2013-03-29 No one likes paying taxes, much less the process of filing tax returns. For years, would-be reformers have advocated replacing the return-based mass income tax with a flat tax, federal sales tax, or some combination thereof. Congress itself has commissioned studies on the feasibility of a system of exact withholding. But might the much-maligned return-based taxation method serve an important yet overlooked civic purpose? In Learning to Love Form 1040, Lawrence Zelenak argues that filing taxes can strengthen fiscal citizenship by prompting taxpayers to reflect on the contract they have with their government and the value—or perceived lack of value—they receive in exchange for their money. Zelenak traces the mass income tax to its origins as a means for raising revenue during World War II. Even then, debates raged over the merits of consumption-based versus income taxation, as well as whether taxes should be withheld from payroll or paid at the time of filing. The result is the income tax system we have today—a system whose maddening complexity, intended to accommodate citizens in widely different circumstances, threatens to outweigh any civic

benefits. If sitcoms and political cartoons are any indication, public understanding of the income tax is badly in need of a corrective. Zelenak clears up some of the most common misconceptions and closes with suggestions for how the current system could be substantially simplified to better serve its civic purpose.

Wives Not Slaves Kirsten Sword 2021-04-15 Wives not Slaves begins with the story of John and Eunice Davis, a colonial American couple who, in 1762, advertised their marital difficulties in the New Hampshire Gazette—a more common practice for the time and place than contemporary readers might think. John Davis began the exchange after Eunice left him, with a notice resembling the ads about runaway slaves and servants that were a common feature of eighteenth-century newspapers. John warned neighbors against "entertaining her or harbouring her. . . or giving her credit." Eunice defiantly replied, "If I am your wife, I am not your slave." With this pointed but problematic analogy, Eunice connected her individual challenge to her husband's authority with the broader critiques of patriarchal power found in the politics, religion, and literature of the British Atlantic world. Kirsten Sword's richly researched history reconstructs the stories of wives who fled their husbands between the mid-seventeenth and early nineteenth centuries, comparing their plight with that of other runaway dependents. Wives not Slaves explores the links between local justice, the emerging press, and transatlantic political debates about marriage, slavery and imperial power. Sword traces the relationship between the distress of ordinary households, domestic unrest, and political unrest, shedding new light on the social changes imagined by eighteenth-century revolutionaries, and on the politics that determined which patriarchal forms and customs the new American nation would—and would not—abolish.

American Constitutional Law, Volume II Ralph A. Rossum 2018-05-15 American Constitutional Law, Volume II provides a comprehensive account of the nation's defining document, examining how its provisions were originally understood by those who drafted and ratified it, and how they have since been interpreted by the Supreme Court, Congress, the President, lower federal courts, and state judiciaries. Clear and accessible chapter introductions and a careful balance between classic and recent cases provide students with a sense of how the law has been understood and construed over the years. The Tenth Edition has been fully revised to include twelve new cases, including key decisions Obergefell v. Hodges, Burwell v. Hobby Lobby Stores, Shelby County v. Holder, Horne v. Department of Agriculture, and Riley v. California. A revamped and expanded companion website offers access to even more additional cases, an archive of primary documents, and links to online resources, making this text essential for any constitutional law course.

The Economic Theory of Eminent Domain Thomas J. Miceli 2011-06-20 Surveys the contributions that economic theory has made to the often contentious debate over the government's use of its power of eminent domain, as prescribed by the Fifth Amendment. It addresses such questions as: when should the government be allowed to take private property without the owner's consent? Does it depend on how the land will be used? Also, what amount of compensation is the landowner entitled to receive (if any)? The recent case of Kelo v. New London (2005) revitalized the debate, but it was only the latest skirmish in the ongoing struggle between advocates of strong governmental powers to acquire private property in the public interest and private property rights advocates. Written for a general audience, the book advances a coherent theory that views eminent domain within the context of the government's proper role in an economic system whose primary objective is to achieve efficient land use.

Interpreting State Constitutions James A. Gardner 2005 Interpreting State Constitutions examines and proposes a solution to a problem central to contemporary debates over the enforcement of civil liberties: how courts, government officials, and lawyers should go about interpreting the constitutions of the American states. With the Supreme Court's retreat from the aggressive protection of individual rights, state courts have begun to interpret state constitutions to provide broader protection of liberties. This development has reversed the polarity of constitutional politics, as liberals advocate unimpeded state power while conservatives lobby for state subordination to a constitutional law controlled centrally by the Supreme Court. James A. Gardner here lays out the first fully developed theory of subnational constitutional interpretation. He argues that states are integral components of a national system of overlapping and mutually checking authority and that the purpose of this system is to protect liberty and defend against federal domination. The resulting account provides valuable prescriptive advice to state courts, showing them how to fulfill their responsibilities to the federal system in a way that strengthens American constitutional discourse.

Property David Dana 2002 This law school study aid contains the history and cases related to the Takings

Clause of the United States Constitution. The authors bring their long-time teaching experience to this important area.

The Oxford Handbook of the New Private Law Andrew S. Gold 2020-11-06 "This book discusses developments in scholarship dedicated to reinvigorating the study of the broad domain of private law. This field, which embraces the traditional common law subjects-property, contracts, and torts-as well as adjacent, more statutory areas, such as intellectual property and commercial law, also includes important subjects that have been neglected in the United States but are beginning to make a comeback. The book particularly focuses on the New Private Law, an approach that aims to bring a new outlook to the study of private law by moving beyond reductively instrumentalist policy evaluation and narrow, rule-by-rule, doctrine-by-doctrine analysis, so as to consider and capture how private law's various features fit and work together, as well as the normative underpinnings of these larger structures. This movement is resuscitating the notion of private law itself in United States and has brought an interdisciplinary perspective to the more traditional, doctrinal approach prevalent in Commonwealth countries. The book embraces a broad range of perspectives to private law-including philosophical, economic, historical, and psychological- yet it offers a unifying theme of seriousness about the structure and content of private law."--

Regulation Versus Litigation Daniel P. Kessler 2011-02 The efficacy of various political institutions is the subject of intense debate between proponents of broad legislative standards enforced through litigation and those who prefer regulation by administrative agencies. This book explores the trade-offs between litigation and regulation, the circumstances in which one approach may outperform the other, and the principles that affect the choice between addressing particular economic activities with one system or the other. Combining theoretical analysis with empirical investigation in a range of industries, including public health, financial markets, medical care, and workplace safety, Regulation versus Litigation sheds light on the costs and benefits of two important instruments of economic policy.

Mediating Religion and Government Kevin R. den Dulk 2014-11-19 The study of religion and politics is a strongly behavioral sub-discipline, and within the American context, scholars place tremendous emphasis on its influence on political attitudes and behaviors, resultuing in a better understanding of religion's ability to shape voting patterns, party affiliation, and views of public policy.

Little Pink House Jeff Benedict 2009-01-26 SOON TO BE A MOTION PICTURE STARRING CATHERINE KEENER "Catherine Keener nails the combination of anger, grace, and attitude that made Susette Kelo a nationally known crusader." -- Deadline Hollywood Suzette Kelo was just trying to rebuild her life when she purchased a falling down Victorian house perched on the waterfront in New London, CT. The house wasn't particularly fancy, but with lots of hard work Suzette was able to turn it into a home that was important to her, a home that represented her new found independence. Little did she know that the City of New London, desperate to revive its flailing economy, wanted to raze her house and the others like it that sat along the waterfront in order to win a lucrative Pfizer pharmaceutical contract that would bring new business into the city. Kelo and fourteen neighbors flat out refused to sell, so the city decided to exercise its power of eminent domain to condemn their homes, launching one of the most extraordinary legal cases of our time, a case that ultimately reached the United States Supreme Court. In Little Pink House, award-winning investigative journalist Jeff Benedict takes us behind the scenes of this case -- indeed, Suzette Kelo speaks for the first time about all the details of this inspirational true story as one woman led the charge to take on corporate America to save her home. Praise for the book: "Passionate...a page-turner with conscience." -- Publishers Weekly

Free to Move Ilya Somin 2020 How foot voting outperforms ballot box voting -- Foot voting and federalism -- Foot voting and international migration -- Foot voting in the private sector -- Foot voting and self-determination -- Problems and keyhole solutions -- The foot voting constitution -- Implications for international law and global governance -- Conclusion : prospects for a foot voting future.

Eminent Domain Iljoong Kim 2017-04-03 The taking of private property for development projects has caused controversy in many nations, where it has often been used to benefit powerful interests at the expense of the general public. This edited collection is the first to use a common framework to analyze the law and economics of eminent domain around the world. The authors show that seemingly disparate nations face a common set of

problems in seeking to regulate the condemnation of private property by the state. They include the tendency to forcibly displace the poor and politically weak for the benefit of those with greater influence, disputes over compensation, and resort to condemnation in cases where it destroys more economic value than it creates. With contributions from leading scholars in the fields of property law and economics, the book offers a comparative perspective and considers a wide range of possible solutions to these problems.

The Living Constitution David A. Strauss 2010-05-19 Supreme Court Justice Antonin Scalia once remarked that the theory of an evolving, "living" Constitution effectively "rendered the Constitution useless." He wanted a "dead Constitution," he joked, arguing it must be interpreted as the framers originally understood it. In The Living Constitution, leading constitutional scholar David Strauss forcefully argues against the claims of Scalia, Clarence Thomas, Robert Bork, and other "originalists," explaining in clear, jargon-free English how the Constitution can sensibly evolve, without falling into the anything-goes flexibility caricatured by opponents. The living Constitution is not an out-of-touch liberal theory, Strauss further shows, but a mainstream tradition of American jurisprudence--a common-law approach to the Constitution, rooted in the written document but also based on precedent. Each generation has contributed precedents that guide and confine judicial rulings, yet allow us to meet the demands of today, not force us to follow the commands of the long-dead Founders. Strauss explores how judicial decisions adapted the Constitution's text (and contradicted original intent) to produce some of our most profound accomplishments: the end of racial segregation, the expansion of women's rights, and the freedom of speech. By contrast, originalism suffers from fatal flaws: the impossibility of truly divining original intent, the difficulty of adapting eighteenth-century understandings to the modern world, and the pointlessness of chaining ourselves to decisions made centuries ago. David Strauss is one of our leading authorities on Constitutional law--one with practical knowledge as well, having served as Assistant Solicitor General of the United States and argued eighteen cases before the United States Supreme Court. Now he offers a profound new understanding of how the Constitution can remain vital to life in the twenty-first century.

Democracy and Political Ignorance Ilya Somin 2013-10-02 One of the biggest problems with modern democracy is that most of the public is usually ignorant of politics and government. Often, many people understand that their votes are unlikely to change the outcome of an election and don't see the point in learning much about politics. This may be rational, but it creates a nation of people with little political knowledge and little ability to objectively evaluate what they do know. In Democracy and Political Ignorance, Ilya Somin mines the depths of ignorance in America and reveals the extent to which it is a major problem for democracy. Somin weighs various options for solving this problem, arguing that political ignorance is best mitigated and its effects lessened by decentralizing and limiting government. Somin provocatively argues that people make better decisions when they choose what to purchase in the market or which state or local government to live under, than when they vote at the ballot box, because they have stronger incentives to acquire relevant information and to use it wisely.

Compulsory Property Acquisition for Urban Densification Glen Searle 2018-06-14 Densification has been a central method of achieving smart, sustainable cities across the world. This book explores international examples of the property rights tensions involved in attempting to develop denser, more sustainable cities through compulsory acquisition of property. The case studies from Europe, North America, eastern Asia and Australia show how well, or not, property rights have been recognised in each country. Chapters explore the significance of local legal frameworks and institutions in accommodating property rights in the densification process. In particular, the case studies address the following issues and more: Whether compulsory acquisition to increase densification is justified in practice and in theory The specific public benefits given for compulsory acquisition The role the development industry plays in facilitating, encouraging or promoting compulsory acquisition What compensation or offsets are offered for acquisition, and how are they funded? Is there a local or national history of compulsory property acquisition by government for a range of purposes? Is compulsory acquisition restricted to certain types or locations of densification? Where existing housing is acquired, are there obligations to provide alternative housing arrangements? The central aim of the book is to summarize international experiences of the extent to which property rights have or have not been protected in the use of compulsory property acquisition to achieve sustainable cities via urban densification. It is essential reading for all those interested in planning law, property rights, environmental law, urban studies, sustainable urban development and land use policy.

The Guardian of Every Other Right James W. Ely 2008 This book considers the interplay of law, ideology, politics and economic change in shaping constitutional thought, and provides a historical perspective on the contemporary

debate about property rights. The third edition has been completely revised and updated.

Property Rights and Eminent Domain Ellen Frankel Paul 2017-09-29 In a country built on the institution of private property, property-owner rights have been under attack. By arguing that private property is a fundamental liberty whose protection deserves the highest priority, Ellen Frankel Paul challenges one of the dominant trends of the past half century: the erosion of property rights via zoning and land use restrictions, carried on by government exercising its "police power" or promoting "the public interest." Paul begins by examining the arguments of environmentalists in support of land-use legislation, and explores a few particularly troubling examples of the exercise of eminent domain and police powers. She traces the philosophical arguments for the two powers as well as their tortuous judicial history, the meaning of property rights and investigates how previous thinkers have defended these rights is detailed, and Paul suggests a more adequate defense for them. In the concluding portion of the book, the very legitimacy of eminent domain is questioned and the author offers recommendations for its reform. This analysis is wide in scope and makes creative use of historical, legal, economic, and philosophic methodologies. It not only gives an account of the present power regulations on land, but also provides an exhaustive history of the development of the law in these two areas and of the philosophical ideas of the thinkers who helped shape this process. This book is distinctive because it places a theory of the just acquisition of property at the heart of the answer to the question of the extent to which governments can rightfully exercise the powers of eminent domain and police. "Amazingly, in a country built on the institution of private property, the right to property in land has been under increasing assault, and has seldom been defended. Paul's book--by arguing that private property is a fundamental liberty whose protection deserves the highest priority--is a major step toward filling the void."--Robert Hessen, Stanford University

Unleashing Capitalism Russell S. Sobel 2007 This volume of original research contains specific policy reform proposals for promoting prosperity in West Virginia. The authors present the case for why state policy should focus more heavily on promoting long-run economic growth. The authors review the scientific evidence on which policies best promote growth and conclude that a policy climate consistent with capitalism, or 'economic freedom,' is the best way to accomplish growth and higher living standards. These policies work because they result in increased capital formation, higher labor productivity, and reduced levels of wasteful rent-seeking and lobbying activity. This volume concludes with a set of specific growth-oriented policy reforms that address the broad spectrum from tax policy to legal reform to the security of private property rights. We hope that readers of this volume will come away with a better understanding of capitalism's true potential to generate long-run economic progress

Eminent Domain Iljoong Kim 2017 A collection of essays that examines the use and abuse of eminent domain across the world

The Worlds Cause Lawyers Make Austin Sarat 2005 The Worlds Cause Lawyers Make examines the connections between lawyers and causes, the settings in which cause lawyers practice, and the ways they marshal social capital and make strategic decisions.

The Permission Society Timothy Sandefur 2016-09-13 Throughout history, kings and emperors have promised "freedoms" to their people. Yet these freedoms were really only permissions handed down from on high. The American Revolution inaugurated a new vision: people have basic rights to life, liberty, and the pursuit of happiness, and government must ask permission from them. Sadly, today's increasingly bureaucratic society is beginning to turn back the clock and to transform America into a nation where our freedoms—the right to speak freely, to earn a living, to own a gun, to use private property, even the right to take medicine to save one's own life—are again treated as privileges the government may grant or withhold at will. Timothy Sandefur examines the history of the distinction between rights and privileges that played such an important role in the American experiment, and how we can fight to retain our freedoms against the growing power of government. Illustrated with dozens of real-life examples—including many cases he litigated himself—Sandefur shows how treating freedoms as government-created privileges undermines our Constitution and betrays the basic principles of human dignity.

The Corporate Contract in Changing Times Steven Davidoff Solomon 2019-03-08 Over the past few decades, significant changes have occurred across capital markets. Shareholder activists have become more prominent, institutional investors have begun to wield more power, and intermediaries like investment advisory firms have

greatly increased their influence. These changes to the economic environment in which corporations operate have outpaced changes in basic corporate law and left corporations uncertain of how to respond to the new dynamics and adhere to their fiduciary duties to stockholders. With The Corporate Contract in Changing Times, Steven Davidoff Solomon and Randall Stuart Thomas bring together leading corporate law scholars, judges, and lawyers from top corporate law firms to explore what needs to change and what has prevented reform thus far. Among the topics addressed are how the law could be adapted to the reality that activist hedge funds pose a more serious threat to corporations than the hostile takeovers and how statutory laws, such as the rules governing appraisal rights, could be reviewed in the wake of appraisal arbitrage. Together, the contributors surface promising paths forward for future corporate law and public policy.

Strangers in Our Midst David Miller 2016-05-09 How should democracies respond to the millions who want to settle in their societies? David Miller's analysis reframes immigration as a question of political philosophy. Acknowledging the impact on host countries, he defends the right of states to control their borders and decide the future size, shape, and cultural make-up of their populations.

A Conspiracy Against Obamacare R. Barnett 2013-11-12 The Affordable Care Act debate was one of the most important and most public examinations of the Constitution in our history. At the forefront of that debate were the bloggers of the Volokh Conspiracy who, from before the law was even passed, engaged in a spirited, erudite, and accessible discussion of the legal issues involved in the case.

Markets Not Capitalism Gary Chartier 2011 Individualist anarchists believe in mutual exchange, not economic privilege. They believe in freed markets rather than capitalism. They defend a distinctive response to the challenges of ending global capitalism and achieving social justice - they wish to eliminate the political privileges that prop up capitalists. These essays explore the gap between radically freed markets and the capitalist-controlled markets that prevail today. The contributors argue that structural poverty can be abolished by liberating market exchange from state capitalist privilege.

The United States of Anonymous Jeff Kosseff 2022-03-15 In The United States of Anonymous, Jeff Kosseff explores how the right to anonymity has shaped American values, politics, business, security, and discourse, particularly as technology has enabled people to separate their identities from their communications. Legal and political debates surrounding online privacy often focus on the Fourth Amendment's protection against unreasonable searches and seizures, overlooking the history and future of an equally powerful privacy right: the First Amendment's protection of anonymity. The United States of Anonymous features extensive and engaging interviews with people involved in the highest profile anonymity cases, as well as with those who have benefited from, and been harmed by, anonymous communications. Through these interviews, Kosseff explores how courts have protected anonymity for decades and, likewise, how law and technology have allowed individuals to control how much, if any, identifying information is associated with their communications. From blocking laws that prevent Ku Klux Klan members from wearing masks to restraining Alabama officials from forcing the NAACP to disclose its membership lists, and to refusing companies' requests to unmask online critics, courts have recognized that anonymity is a vital part of our free speech protections. The United States of Anonymous weighs the tradeoffs between the right to hide identity and the harms of anonymity, concluding that we must maintain a strong, if not absolute, right to anonymous speech.

51 Imperfect Solutions Judge Jeffrey S. Sutton 2018-05-07 When we think of constitutional law, we invariably think of the United States Supreme Court and the federal court system. Yet much of our constitutional law is not made at the federal level. In 51 Imperfect Solutions, U.S. Court of Appeals Judge Jeffrey S. Sutton argues that American Constitutional Law should account for the role of the state courts and state constitutions, together with the federal courts and the federal constitution, in protecting individual liberties. The book tells four stories that arise in four different areas of constitutional law: equal protection; criminal procedure; privacy; and free speech and free exercise of religion. Traditional accounts of these bedrock debates about the relationship of the individual to the state focus on decisions of the United States Supreme Court. But these explanations tell just part of the story. The book corrects this omission by looking at each issue-and some others as well-through the lens of many constitutions, not one constitution; of many courts, not one court; and of all American judges, not federal or state judges. Taken together, the stories reveal a remarkably complex, nuanced, ever-changing federalist system, one that ought to make lawyers and litigants pause before reflexively assuming

that the United States Supreme Court alone has all of the answers to the most vexing constitutional questions. If there is a central conviction of the book, it's that an underappreciation of state constitutional law has hurt state and federal law and has undermined the appropriate balance between state and federal courts in protecting individual liberty. In trying to correct this imbalance, the book also offers several ideas for reform.

The Bill of Rights in Modern America David J. Bodenhamer 2022-04-05 As the 2020s began, protestors filled the streets, politicians clashed over how to respond to a global pandemic, and new scrutiny was placed on what rights US citizens should be afforded. Newly revised and expanded to address immigration, gay rights, privacy rights, affirmative action, and more, The Bill of Rights in Modern America provides clear insights into the issues currently shaping the United States. Essays explore the law and history behind contentious debates over such topics as gun rights, limits on the powers of law enforcement, the death penalty, abortion, and states' rights. Accessible and easy to read, the discerning research offered in The Bill of Rights in Modern America will help inform critical discussions for years to come.

The Supreme Court Economic Review Ilya Somin 2010-02 Supreme Court Economic Review is an interdisciplinary journal that seeks to provide a forum for scholarship in law and economics, public choice, and constitutional political economy. Its approach is wide-ranging, and contributions employ explicit or implicit economic reasoning for the analysis of legal issues, with special attention to Supreme Court decisions and questions of judicial process and institutional design.

Property Thomas W. Merrill 2012 This revised casebook is designed for a building blockProperty course that serves as a student's foundation for the rest of law school and beyond. Avoiding the typical hodge-podge of issues, the book presents the material in an integrated way, starting with the central role of exclusive in rem rights in property and systematically developing elaborations, exceptions, and counterfoils to this idea, using vivid cases old and new. Timely issues in intellectual property, mortgages, and regulatory takings, as well as traditional topics like equity and restitution, are given expansive treatment. The emphasis throughout is on fundamental principles and policy questions.

Democracy and Political Ignorance Ilya Somin 2016-06-15 One of the biggest problems with modern democracy is that most of the public is usually ignorant of politics and government. Many people understand that their votes are unlikely to change the outcome of an election and don't see the point in learning much about politics. This creates a nation of people with little political knowledge and little ability to objectively evaluate what they do know. The second edition of Democracy and Political Ignorance fully updates its analysis to include new and vital discussions on the implications of the "Big Sort" for politics, the link between political ignorance and the disproportionate political influence of the wealthy, assessment of proposed new strategies for increasing political knowledge, and up-to-date survey data on political ignorance during recent elections. Ilya Somin mines the depths of the current state of ignorance in America and reveals it as a major problem for democracy. He weighs various options for solving this problem, provocatively arguing that political ignorance is best mitigated and its effects lessened by decentralizing and limiting government. People make better decisions when they have stronger incentives to acquire relevant information—and to use it wisely.

The Grasping Hand Ilya Somin 2016-11-29 In 2005, the Supreme Court ruled that the city of New London, Connecticut, could condemn fifteen residential properties in order to transfer them to a new private owner. Although the Fifth Amendment only permits the taking of private property for "public use," the Court ruled that the transfer of condemned land to private parties for "economic development" is permitted by the Constitution—even if the government cannot prove that the expected development will ever actually happen. The Court's decision in Kelo v. City of New London empowered the grasping hand of the state at the expense of the invisible hand of the market. In this detailed study of one of the most controversial Supreme Court cases in modern times, Ilya Somin argues that Kelo was a grave error. Economic development and "blight" condemnations are unconstitutional under both originalist and most "living constitution" theories of legal interpretation. They also victimize the poor and the politically weak for the benefit of powerful interest groups and often destroy more economic value than they create. Kelo itself exemplifies these patterns. The residents targeted for condemnation lacked the influence needed to combat the formidable government and corporate interests arrayed against them. Moreover, the city's poorly conceived development plan ultimately failed: the condemned land lies empty to this day, occupied only by feral cats. The Supreme Court's unpopular ruling triggered an unprecedented political

reaction, with forty-five states passing new laws intended to limit the use of eminent domain. But many of the new laws impose few or no genuine constraints on takings. The Kelo backlash led to significant progress, but not nearly as much as it may have seemed. Despite its outcome, the closely divided 5-4 ruling shattered what many believed to be a consensus that virtually any condemnation qualifies as a public use under the Fifth Amendment. It also showed that there is widespread public opposition to eminent domain abuse. With controversy over takings sure to continue, The Grasping Hand offers the first book-length analysis of Kelo by a legal scholar, alongside a broader history of the dispute over public use and eminent domain and an evaluation of options for reform.

Dictionary Of Word Roots Donald Borror 1960-09-01 One of the outstanding problems of the biologist, whether he be beginning student or specialists, is that of understanding technical terms. The best way to understand and remember technical terms is to understand first their component parts, or roots. This dictionary has been designed primarily to meet the needs of the beginning student, the medical student, and the taxonomist, but it should be of value to all biologists.

Takings Richard Allen EPSTEIN 2009-06-30 If legal scholar Richard Epstein is right, then the New Deal is wrong, if not unconstitutional. Epstein develops a coherent normative theory that permits us to distinguish between permissible takings for public use and impermissible ones. He then examines a wide range of government regulations and taxes under a single comprehensive theory.

Constitutional Deliberation in Congress J. Mitchell Pickerill 2004-04-26 In Constitutional Deliberation in Congress J. Mitchell Pickerill analyzes the impact of the Supreme Court's constitutional decisions on Congressional debates and statutory language. Based on a thorough examination of how Congress responds to key Court rulings and strategizes in anticipation of them, Pickerill argues that judicial review—or the possibility of it—encourages Congressional attention to constitutional issues. Revealing critical aspects of how laws are made, revised, and refined within the separated system of government of the United States, he makes an important contribution to "constitutionalism outside the courts" debates. Pickerill combines legislative histories, extensive empirical findings, and interviews with current and former members of Congress, congressional staff, and others. He examines data related to all of the federal legislation struck down by the Supreme Court from the beginning of the Warren Court in 1953 through the 1996–97 term of the Rehnquist Court. By looking at the legislative histories of Congressional acts that invoked the Commerce Clause and presented Tenth Amendment conflicts—such as the Child Labor Act (1916), the Civil Rights Act (1965), the Gun-Free School Zones Act (1990), and the Brady Bill (1994)—Pickerill illuminates how Congressional deliberation over newly proposed legislation is shaped by the possibility of judicial review. The Court's invalidation of the Gun-Free School Zones Act in its 1995 ruling United States v. Lopez signaled an increased judicial activism regarding issues of federalism. Pickerill examines that case and compares congressional debate over constitutional issues in key pieces of legislation that preceded and followed it: the Violence Against Women Act of 1994 and the Hate Crimes Prevention Act of 1997. He shows that Congressional attention to federalism increased in the 1990s along with the Court's greater scrutiny.

Bending the Rules Rachel Augustine Potter 2019-06-15 Who determines the fuel standards for our cars? What about whether Plan B, the morning-after pill, is sold at the local pharmacy? Many people assume such important and controversial policy decisions originate in the halls of Congress. But the choreographed actions of Congress and the president account for only a small portion of the laws created in the United States. By some estimates, more than ninety percent of law is created by administrative rules issued by federal agencies like the Environmental Protection Agency and the Department of Health and Human Services, where unelected bureaucrats with particular policy goals and preferences respond to the incentives created by a complex, procedure-bound rulemaking process. With Bending the Rules, Rachel Augustine Potter shows that rulemaking is not the rote administrative activity it is commonly imagined to be but rather an intensely political activity in its own right. Because rulemaking occurs in a separation of powers system, bureaucrats are not free to implement their preferred policies unimpeded: the president, Congress, and the courts can all get involved in the process, often at the bidding of affected interest groups. However, rather than capitulating to demands, bureaucrats routinely employ "procedural politicking," using their deep knowledge of the process to strategically insulate their proposals from political scrutiny and interference. Tracing the rulemaking process from when an agency first begins working on a rule to when it completes that regulatory action, Potter show how bureaucrats use procedures to resist interference from Congress, the President, and the courts at each stage of the process. This exercise reveals that unelected bureaucrats wield considerable influence over the direction of public policy in the United States.