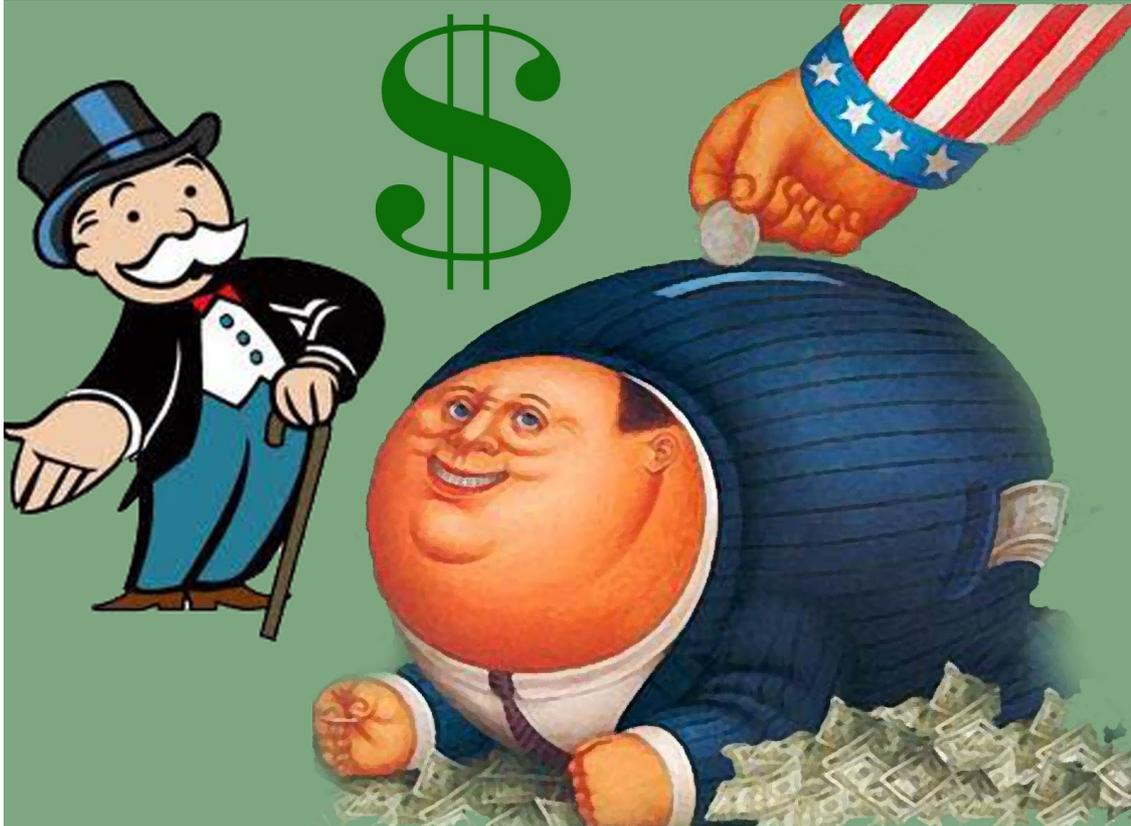




The Specter of Condemnation: The Case Against Eminent Domain for Private Profit in Missouri

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Private property rights have long been regarded as the foundation of a free society. Traditionally, the taking of private property by eminent domain has only been allowed for public use. But over the last 50 years, courts have increasingly allowed municipalities in Missouri to take property for private developments. Under the pretext of remedying “blight,” cities now condemn ordinary middle-class neighborhoods to make room for retail, corporate offices, and apartments. Proponents claim the practice promotes economic development, but the reality is just the opposite. The threat of eminent domain casts a cloud of uncertainty, discouraging owners from investing in their property. And many “redevelopment” projects do not create wealth; they divert jobs and revenues from neighboring jurisdictions. Some developers argue that the problem of “holdouts” — property owners who demand exorbitantly high prices — justifies the private use of eminent domain. But there are a number of other strategies developers can employ for holdouts. What they don’t mention is that simply the threat of eminent domain has often allowed them to obtain property at below-market rates. Some planners argue that eminent domain is needed for urban slums. However, if slum redevelopments are intended to help residents,

permitting eminent domain is counterproductive. Eminent domain is often used to demolish low-income housing and replace it with more expensive housing. Many former residents are forced into even more squalid housing elsewhere. Last year's eminent domain legislation did not provide adequate protections for property owners. Municipalities can still seize "blighted" property, and the definition of "blight" is so broad that almost no neighborhood is safe. Missouri needs a constitutional amendment prohibiting eminent domain for private use.

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