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**Michigan State Supreme Court Rules Against Eminent Domain Abuse
Landmark Decision A Wake Up Call to Other States' Courts**
*Ruling Bolsters Argument That Bruce Ratner's Nets Arena Complex Proposal
Does Not Meet The 'Public Use' Requirement for Eminent Domain*

BROOKLYN- In a ruling with implications for Bruce Ratner's proposed Nets Arena Complex in Brooklyn, the Michigan Supreme Court last Friday reversed a decision that has, for 23 years, justified the condemnation of private property for "economic development." By overturning the oft-cited 1981 *Poletown* ruling, largely viewed as the catalyst for eminent domain abuses across the country, more than two decades of land-use law have been reversed, and Bruce Ratner's plan to use eminent domain to pursue his real estate goals in Brooklyn has been called into serious question.

"*Poletown* was the first major case allowing condemnation of areas in the name of jobs and taxes," said Dana Berliner, an attorney with the Institute for Justice which filed a brief in the current case. "It is cited in every property textbook in the country. The Court literally rewrote the book with this decision."

"Now the book has been rewritten again," said Develop Don't Destroy Brooklyn Spokesperson Daniel Goldstein. "This ruling is a wake up call that eminent domain should not be used for privately-owned developments like Bruce's Ratner's proposed Nets Arena Complex."

Norman Siegel, attorney for Develop Don't Destroy Brooklyn, stated that, "The Michigan decision firmly suggests to Courts nationwide that a renewed look at the meaning of the concept of 'public use' for eminent domain purposes is warranted. DDDDB maintains that Bruce Ratner's proposed Nets Arena Complex, including 17 skyscrapers, does not meet the 'public use' requirement for eminent domain. DDDDB plans to persuade the New York Courts to follow the precedent of the Michigan Supreme Court. Hopefully, the victory for individual rights in Michigan will serve as a framework for a similar victory for the business owners, property owners, and residents of Prospect Heights, Brooklyn."

Since Michigan's *Poletown*, the use of eminent domain for private development had become increasingly common throughout the United States. State supreme courts from Nevada to Connecticut have relied on the *Poletown* decision when upholding the condemnation of land for private parties. But in last week's decision, *County of Wayne v. Hathcock*, the Michigan Supreme Court decisively rejected the notion that "a private entity's pursuit of profit was a 'public use' for constitutional takings purposes simply because one entity's profit maximization contributed to the health of the general economy."

In fact, the *Hathcock* decision suggests that such claims are commonly exaggerated. “*Poletown* gave cities and developers an incentive to make outrageous, wildly inflated predictions of the impact of the project,” said Scott Bullock, senior attorney at the Institute for Justice. “It was the worst possible incentive. The *Poletown* project itself also didn’t come close to living up to the promises. In all likelihood, it destroyed more jobs than it created.”

Alan Ackerman, the lead attorney who challenged the constitutionality of *Poletown*, hailed the historic reversal of the *Poletown* decision: “The [reversal] will re-impose limits on government bodies' power to seize the rightful private property of one group for another private entity's economic gain. This ruling is clearly a tremendous win for all property owners.”

“Now *Poletown* can no longer be cited as precedent for this use of eminent domain,” DDDDB’s Goldstein stated.

DEVELOP DON’T DESTROY BROOKLYN leads a broad-based community coalition fighting for development that will unite our communities, instead of dividing and destroying them.