

## The Regression of Property Rights

The Constitution's Takings Clause (Fifth Amendment) provides that the government may take private property only for public uses and with just compensation. The Takings Clause reads, "private property shall not be taken for public use, without just compensation."

In *Calder v. Bull* (1798), Justice Samuel Chase enforces the sacred principle of property ownership when he wrote the government should enforce no law "that takes property from A and gives it to B."

In other words, the government may take property (Eminent Domain) to build public roads if the owner is properly compensated for the confiscated property. The decline in property rights began in the 1954 case *Berman v. Parker*. In this case, the Court held that "blighted" property may be taken for public benefit instead of for public use.

Property rights were further stripped in the 2005 case *Kelo v. New London*. Here, the Court held that taking well maintained property for both public and private benefit was also permissible. In *Kelo*, the Court reasoned the public could benefit from both job creation and increased tax revenue by removing homes in favor of new businesses. If *Kelo* is the standard, then no one's property is safe from government confiscation.

Of course, just compensation is needed, but even then, the government routinely violates this obligation. In both *Penn Central v. New York* and *Sierra-Tahoe v. Tahoe Regional Planning Association* the Court denied the expansion of a private business and the building of a home on private property respectively, without compensating the owners.

The takings clause now may be interpreted to read "private property can be confiscated for public benefit, without just compensation." The Constitution has not changed, but since it is hard to amend the document, justices change the original meaning to satisfy their ideology, opinion, and bias.

Beware of a living Constitution that evolves over time. Our rights came from God, they were around before governments were established. Since the government cannot improve what came from God, then it begs to reason there is no reason to change the Constitution which was divinely inspired.