The argument is always the same:

Officials and developers claim that the use of eminent domain is necessary for economic development. They promise everything from luxury condominiums to high-end shopping malls, all in the name of increased tax revenue, jobs, or faster growth. There is a strong incentive for cities and developers to grossly overstate the benefits of private development projects that rely on the use of eminent domain to garner political and public support. It turns out however that many of these projects fail miserably.

The examples chronicled here include projects that relied on the threat or use of eminent domain that either never materialized, or never lived up to exaggerated promises. This draft report is not exhaustive, but is a brief compilation of failures we have tracked over the past eight years.

These failures demonstrate to elected officials that authorizing or using eminent domain does not guarantee a project's success. Economic development is best accomplished through market forces, community engagement, and cooperative planning.

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Mesa, Arizona

"Redevelopment Site 17" once contained 63 homes that the city condemned and purchased at a cost of $6 million. A group of Canadian developers planned to build Mesa Verde, an entertainment village featuring a time-share resort, water park and ice-skating rink. After the city had already seized the homes, financing for the project fell through.[1] Five years later, city officials were still debating what to do with 30 acres that sat vacant thanks to the failed redevelopment project.[2]

Phoenix, Arizona

The city of Phoenix condemned a grocery store and several other small businesses on the corner of 24th Street and Broadway, intending to transfer the land to a private developer. Though none of the businesses were blighted, the city justified the takings under Arizona's then-vague redevelopment statute by declaring that the area was "overrun with crime."[3] Rather than taking steps to lower crime in the area, the city instead chose to "redevelop" at the expense of innocent businesses. However, the condemnations did nothing to improve the area. Eight years later, the city had still not been able to find a developer willing to buy the property, and it remained vacant.[4]

Costa Mesa, California

Triangle Square in downtown Costa Mesa was with a loan from the city and the use of eminent domain to clear out several existing businesses. It was expected to pull in $1 million in sales tax revenues annually, but in 2004, the city collected only $200,000.[5] Since then, the situation has only become worse. The retail center now sits largely vacant, and many of the anchor tenants, including Niketown, have left.[6] Former Mayor Sandra Genis, the sole dissenter when the city approved the $62 million project in 1989, said, "If the market was there, it would have happened on its own."[7] The mall's major tenants have gradually left, including a Virgin Megastore in

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[1] Paul Green, "Eminent Domain: Mesa Flexes a Tyrannous Muscle," *East Valley Tribune*, Sept. 2, 2001; Robert Robb, "Count on City-Driven Project to Fail," *The Arizona Republic*, Sept. 21, 2001.
[2] Patrick Murphy (Town Center Development Specialist, City of Mesa, Town Center Development Office), Telephone Interview with Justin Gelfand, Institute for Justice, May 22, 2006.
[3] City of Phoenix v. Wong, No. CV1998-021350 (Maricopa County Super. Ct., Aug. 14, 2000); see also Pat Kossan, "Phoenix Weighs Next Move on Crime-Plagued Corner: Condemning Site Remains an Option," *The Arizona Republic*, Nov. 28, 1997.
[4] Jordan Rose, "New Land Condemnation Laws Abuse Citizens," *Tucson Citizen*, Aug. 29, 2002, at 7B; Margaret Daniels (City of Phoenix Planning Department), Telephone Interview with Institute for Justice, Mar. 8, 2006.
[5] Steve Lowery, "A Triangle Square Peg in a Round Hole," *Orange County Weekly*, Feb. 10, 2005.
[6] "Triangle Square Needs Less Talk, More Action," *Daily Pilot (Newport Beach and Costa Mesa, CA)*, Dec. 20, 2005; Brian Martinez and Tiffany Montgomery, "Landmark Lost; Nike Cites Low Occupancy Rates in its Decision to Leave Triangle Square Before Lease Expiration Date," *Orange County Register*, January 7, 2005.
[7] Daniel Yi, "A Black Eye for City's Face Lift," *Los Angeles Times*, January 30, 2005.

September 2005 and a Barnes and Noble bookshop in January 2006.[8] In December 2005, city officials blamed "poor marketing" on the mall's failures, ignoring entirely the thriving businesses they condemned for the mall's owner under the promise of "redevelopment."[9]

Indio, California

Indio Fashion Mall opened in the mid-1970s, and has since been losing traffic to the trendier Westfield Shoppingtown in Palm Desert. The mall sits on 16 acres, and the city owns 17 acres behind the shopping center that it acquired through eminent domain in 1988. Plans called for expansion to the rear of the mall, so the city razed approximately 80 homes, several stores and a low-income housing project that once made up the predominantly black and Hispanic neighborhood of Nobles Ranch. Those plans fell through, and the expansion of the mall failed.[10]

That failure did not stop the city from trying again with a different developer making new promises—and asking for even more land. Developer Richard Weintraub purchased the mall in November 2003, planning to expand and transform the building into a "destination shopping center." Immediately, city officials announced their intention to purchase seven lots that the government's wrecking ball spared in 1988, including three churches.[11] According to City Manager Glenn Southard, as of May 2006, all of the land for the redevelopment plan had been acquired or was in escrow.[12] The city obtained the land by threatening eminent domain on the grounds that Weintraub promised "sales tax for the city."[13]

The mall project has been a dismal failure. The city recently sold the land to another private developer at a significant loss.[14]

North Hollywood, California

North Hollywood seemed a viable candidate to local officials for redevelopment in 1979, but two decades and $117 million later the area had little to show for the Community Redevelopment Agency's efforts. The number of vacant and deteriorating homes doubled in the 1990s and the city had only built a small fraction of the new homes and businesses it promised to build. City officials claimed otherwise, but a study by the *Los Angeles Times* told a different story. It found that ten other neighborhoods similar to North Hollywood had equal if not better income and

[8] Barnes and Noble Online Store Locator, available at http://www.barnesandnoble.com (June 16, 2006).
[9] Andrew Edwards, "Owners Blamed for Mall's Woes," *Daily Pilot (Newport Beach and Costa Mesa, CA)*, Dec. 16, 2005.
[10] Xochitl Pena, "Southard: More Retail on the Way," *The Desert Sun (Palm Springs, CA)*, May 12, 2006.
[11] Xochitl Pena, "Mall Makeover in Indio's Future," *The Desert Sun (Palm Springs, CA)*, Nov. 15, 2004, at 4R.
[12] Xochitl Pena, "Southard: More Retail on the Way," *The Desert Sun (Palm Springs, CA)*, May 12, 2006.
[13] Xochitl Pena, "City Piecing Together Fashion Mall," *The Desert Sun (Palm Springs, CA)*, April 15, 2005.
[14] Xochitl Pena, "Indio DFiesta Mall has new owner," *The Desert Sun* (Palm Springs, CA), April 1,2011,

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poverty levels without the heavy redevelopment funding. Such implications provide a cautionary tale for those considering following a similar path.[15]

San Diego, California

In 1979, Ahmad Mesdaq's family fled to the United States—away from coercive governmental abuse in his homeland and straight to the land of opportunity. In 1994, Ahmad opened the elegant Gran Havana, a cigar and coffee lounge, and expanded his business to a new location on the corner of Fifth Avenue and J Street in 2002. "I spent over nine years trying to buy the ideal location for my business," he said in a 2004 interview. "This place is perfect. It's right near the new ballpark and is a corner building that has a lot of exposure to the street."[16] By 2003, Ahmad had invested millions and established a thriving neighborhood business that supported his entire family, and attracted celebrity clientele.

Unfortunately for Ahmad, this was not enough for San Diego officials. In April 2004, the city voted to condemn Ahmad's building for a Marriott hotel, claiming it was in a "blighted" area. Ahmad refused to sit passively by while the city bulldozed everything he had worked for, challenging the designation in court. Despite all of Ahmad's efforts, the courts upheld the condemnation. His property was seized, but the Marriott was never built.

Today, the plot where the thriving Gran Havana once stood now serves as a parking lot.

Santa Ana, California

Carol Blair was living in the same house her grandmother had lived in when the city announced it wanted to "buy" it from her. Her house was one of many in an older neighborhood east of downtown the city of Santa Ana acquired over the past decade for urban renewal. The city envisioned new townhouses and apartments, and used the threat of eminent domain to force out property owners on 60 parcels of land. Carol initially refused the city's offers, but in 2005, after holding out for several years and watching her neighborhood disappear around her, she sold her house, feeling it was a battle she could not win. [17]

After spending more than $22 million to "acquire" the properties, the city found no developers interested in developing the area.[18] With no hope of development anytime soon, a bustling neighborhood was replaced with trash-filled, empty lots and boarded-up houses thanks to the

[15] Patrick McGreevy and T. Christian Miller, "Heady Plans, Hard Reality," *The Los Angeles Times,* January 30, 2000.
[16] Miguel San Jose, "A battle with city hall: An imminent decision awaits a local eminent domain case," *San Diego Lawyer,* November/December 2004.
[17] Doug Irving, "Redevelopment's Underbelly; Urban renewal angers displaced residents, landowners in Santa Ana," *The Orange County Register,* February 8, 2009, at Pg. Cover_A.
[18] The Orange County Register, "Blueprint for a Slum; Santa Ana's Renaissance Plan is back, and residents should be afraid, very afraid," *The Orange County Register,* February 20, 2009, at Pg. Edit_H.

reckless abuse of eminent domain for redevelopment. What kind of message does this redevelopment wreck send to those passing through the town? "Welcome to Santa Ana. Welcome to a slum," said Councilwoman Michele Martinez.[19]

Bridgeport, Connecticut

In the late 1990s, Bridgeport officials knew they wanted something different in the city's Steel Point peninsula, even though they were not sure what that something was. After crafting an elaborate $800 million plan[20] that uprooted families and closed at least one church through eminent domain,[21] Bridgeport did end up with something different: a barren field with little chance of development in the foreseeable future as various issues continued to arise.[22] It seems that empty waterfront fields are becoming a common feature in Connecticut thanks to local governments (See also: New London).

East Hartford, Connecticut

In 2000, the redevelopment agency in East Hartford voted to take Nardi's Bakery and Deli—a popular local eatery—by eminent domain as part of its plan to redevelop Main Street. Despite the fact that the bakery had been in the family and in the same location for 93 years, Town Centre LLC insisted that it stood in the way of its large redevelopment project.[23] Under the threat of eminent domain, Nardi's reluctantly sold its prime location, and the city bulldozed the historic building.

Forcing the sale and destruction of a viable business turned out to be a substantial mistake for the city. Town Centre failed to produce a redevelopment plan that was acceptable to the City's redevelopment agency, and the city soon found itself without a developer for the property—and with an expensive bill. The city had also condemned two other small businesses, underestimating the cost of those acquisitions. For several years, the land where Nardi's once stood and thrived remained vacant, and the city remained deeply in debt.[24] First Merchants Group eventually purchased the property and the site was still under construction in 2006. Six years after destroying a longstanding local business, the future of the development remained uncertain.[25] What is certain, however, is that the project is a failure, an example of local government buying a developer's promises only to see them completely fall apart.

Hartford, Connecticut

[19] Irving.
[20] "Getting real on urban development," *Reason Magazine,* August 29, 2006.
[21] Aaron Leo, "Pastor moves congregation to promised land," *Connecticut Post Online,* August 21, 2006.
[22] Charles Walsh, "Steel Point: still vacant after all these years," *Connecticut Post Online,* February 5, 2009.
[23] Christopher Keating, "Nardi's Seeks More Time for Move," *The Hartford Courant*, Apr. 9, 2001, at B1.
[24] Carrie Budoff, "Project Faces Cost Overrun; Agency Asking for $75,000," *The Hartford Courant*, Nov. 19, 2001, at B3.
[25] Charles Karno (Development Director, East Hartford Municipal Development Office), *Telephone Interview with Institute for Justice*, Mar. 8, 2006.

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Frank Citino purchased two parcels of land in Hartford, Conn., in order to renovate an apartment building located there. But in 1990, the Hartford Redevelopment Agency (HRA) adopted a redevelopment plan that allowed the city to condemn Citino's property for redevelopment. The HRA initially informed Citino that he could retain his land if he rehabilitated it. However, the HRA rejected his renovation plans for one parcel, and condemned it instead.

By the time Citino rehabilitated his second parcel, the HRA had already cleared out all of the property owners in the surrounding area making the area an undesirable place to live. Consequently, Citino could only rent four of his six newly-renovated apartments. Citino successfully sued the HRA, finding the agency's actions to be only condemnation—not redevelopment. [26]

Meanwhile, the city's "redevelopment" project remained a complete failure. For years this resulted only in deterioration and empty buildings.[27] Finally, the Park Squire Wolcott commercial and residential development opened on the land, giving the city something to show for a project that failed to produce any benefit for more than a decade.[28]

New Haven, Connecticut

A dynamic industrial town with a large population of first-generation Americans well into the 1920s, New Haven was hard hit by changes in the economy and denied new residents under government-imposed immigration policies. Until Mayor Dick Lee took office in 1954, local politicians took a decidedly hands-off approach to private development. Changing course, Lee promised to procure and use as much federal funding as possible to promote economic development.

In his eight terms (16 years) in office, he delivered federal money, but not revitalization. He razed entire neighborhoods, kicking hundreds of residents out of their homes and businesses in the name of alleviating poverty, and 50 years later, there is little to show for what LBJ's Secretary of Labor dubbed "the greatest success story in the history of the world."[29]

One case study epitomizes the theme. Convinced that in order to renew a neighborhood, it would be easier to destroy it and start from scratch, Lee had the 42-acre immigrant, working-class Oak Street Neighborhood demolished.[30] All told, 886 households were displaced and over

[26] *Citino v. Hartford Redevelopment Agency*, 721 A.2d 1197, 1209-10 (Conn. App. 1998).
[27] Dana Berliner, *Public Power, Private Gain: A Five Year, State-By-State Report Examining the Abuse of Eminent Domain* (2003), available at http://www.castlecoalition.org/report (June 19, 2006).
[28] "Case Study #2: Trinity College – Hartford Connecticut," *University and College Community Partnerships, University of Nevada, Reno, Comprehensive Master Plan,* March 11, 2004.
[29] "Life in the Model City; Stories of Urban Renewal in New Haven," available at: http://www.yale.edu/nhohp/modelcity/before.html (June 16, 2006).
[30] Harry Siegel, "Urban Legends: The Decline and Fall of the American City," *Weekly Standard,* March 15, 2004.

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3,000 people were forcibly moved to make way for nicer homes, wealthier shops and a highway. Yale Professor Douglas W. Rae estimates that one-fifth of New Haven's population left for the suburbs or reluctantly relocated to public housing in other parts of the city. As of 2005, only a small portion of the highway originally proposed had been completed and the residential and retail developments had not come to fruition.[31] Thus, it's not surprising that at the end of his tenure in government, Lee changed course entirely and said, "If New Haven is a model city, God help America's cities."[32]

New London, Connecticut

In the wake of the notorious 2005 *Kelo v. City of New London* Supreme Court decision, New London, Conn., has very little to show for its efforts. After razing the homes of 80 families, fighting a five-year court battle, spending $80 million in taxpayer money and receiving a national black eye for its actions, the city now has 90 acres of empty brown fields with no chance of development on the horizon.[33] As often happens, the "designated developer," Corcoran Jennison, ultimately could not secure the financing to build the promised hotel, small inn, museum, townhouses, apartments, and offices. In response, the city severed ties with the developer and is still looking for a new one.[34]

The city went all the way to the nation's highest court to defend its abuse of eminent domain, saying the development would not happen without it. They won—they got to use eminent domain and they got the land—and still no development. Although the plan was projected to bring in loads of tax revenue (the purported "public benefit"), New London has actually lost significant tax revenue with the absence of the razed neighborhoods and through the $80 million in expenditures that led to the barren, empty fields.

Charlotte County, Florida

In 2003, Charlotte County began buying land as part of a plan to redevelop 1,100 acres into a new town called Murdock Village. While some of the area was undeveloped, there were at least 77 homes, 16 commercial properties and two churches there as well.[35] County officials used "quick-take" condemnation, whereby officials could condemn hundreds of properties in one fell swoop.[36] The property owners unsuccessfully challenged the condemnations in court.

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[31] Avi Salzman and April Rabkin, "When the Bulldozers Never Arrive," *The New York Times*, August 14, 2005.
[32] "Life in the Model City; Stories of Urban Renewal in New Haven," available at: http://www.yale.edu/nhohp/modelcity/before.html (June 16, 2006).
[33] "Fort Trumbull must be an open book," *The Day*, June 26, 2008.
[34] "City can't wait for Fort Trumbull success," *The Day*, June 14, 2009.
[35] Dana Berliner, *Opening the Floodgates: Eminent Domain Abuse in the Post-*Kelo *World*" (Arlington, Va.: Institute for Justice, 2008) p. 27.
[36] James Manfuso, "Lot acquisition on fast track; Judge rules the county can use eminent domain," *Sarasota Herald-Tribune*, December 1, 2004, at A1.

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Several years after the court's decision, the vacant land really *was* blighted, and the county continued to try to sell the land to developers.[37] Three developers made offers to the county and then withdrew.[38] According to the *Sarasota Herald-Tribune*, the project put Charlotte County $105 million in debt—a debt that increased $16,710 each day.[39] As the debt mounted, local officials remained "hopeful" about the project, saying they will either divide up the project area into pieces and develop piecemeal or keep it together and hope against hope that a developer will snatch it up altogether.[40] As of 2011, the county was still looking for developers.

West Palm Beach, Florida

In the 1980s, county officials decided to turn the Hillcrest neighborhood in West Palm Beach into a golf course. Residents John and Wendy Zamecnik begged government officials to turn their neighborhood into a park instead, and let them and their neighbors keep their homes—but to no avail. In 1987, the county set out to acquire 385 parcels of land. But three families, including the Zamecniks, fought against the government's land grab by refusing to sell. In 1999, county commissioners responded by authorizing the government to take the homes for a private golf course, even though Palm Beach County is home to more than 170 courses, including a city course just 2 miles down the road. The family's attorney argued that the golf course could be built around their home, and one plan by the developer even slated their home for the future residence of the golf course's manager.[41]

Despite protest and objection, the county condemned their property, and the Zamecniks paid rent to live in their home before the government forced them out in 2002. Unable to find a comparable house in the county, they packed up and moved to Maryville, Tenn. In 2005, the deal for the golf course fell through.[42]

Finally, in December 2005, the county approved the sale of 68.3 acres of land in the old Hillcrest neighborhood to Palm Beach Atlantic University for $3.1 million. The school planned to build ball fields on the land.[43]

Chicago, Illinois

In 1973, Chicago politicians decided that revitalizing downtown was imperative, and they commenced kicking people out of their homes and businesses. Block 37, as it is still called,

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[37] Kate Spinner, "Developer's Murdock plan shrinks from 870 to 40 acres," *Sarasota Herald Tribune*, February 27, 2008; Kate Spinner, "County to close roads in Murdock Village, *Sarasota Herald Tribune*, March 7, 2008.
[38] John Haughey, "Murdock Village at a crossroads," *The Charlotte Sun*, April 5, 2008.
[39] Spinner, February 27, 2008.
[40] Haughey.
[41] Thomas R. Collins, "Evicted Homeowners Feel Betrayed Over Failed Project," *Palm Beach Post*, March 15, 2005.
[42] *Ibid*.
[43] "County Commission," *Palm Beach Post*, April 19, 2006, at 2B (Final Edition).

became the focus of efforts to eliminate poverty in the city. Decades later—after demolishing 16 buildings and displacing hundreds of hardworking families—this redevelopment project shows exactly what can happen when the government razes neighborhoods in the name of progress.

The historic old neighborhood, replete with late-19th and early-20th century buildings, may have needed sprucing up, but it provided the city with a vibrant and energetic atmosphere. Affordable clothing shops and caramel popcorn vendors filled the streets, amid theaters and other commercial buildings.[44] Most of the businesses were profitable, catering to black customers and providing substantial competition to a Marshall Field's department store across the street.[45] That is, until City officials destroyed the entire neighborhood with eminent domain in the name of higher tax-revenue.[46]

The plan failed catastrophically. It took five mayoral administrations for the city to finally sell the condemned property to private developers—and they did so for 33 cents on the dollar.[47]

Since then, a number of other schemes have been announced. In November 2005, Mills Corporation broke ground on a major urban-mixed-use project on the site.[48] However, financial pressure compelled Mills to put itself up for sale, prompting questions about its ability to complete the massive project. Construction was halted in March 2006 after subcontractors demanded they be paid in advance, but they returned back to work April 10.[49] The next month, Mills signed confidentiality agreements with 30 prospective buyers and investors.[50]

July 2008 marked the opening of the first of the three structures and the shopping center opened in November 2009. In 2011, the property was foreclosed on and sold in 2012 to a new developer. By February 2012, the building remained only 26 percent occupied due to the undesirability of leasing space in bankruptcy proceedings.

Chicago, Illinois

The Chicago City Council created the Jefferson Park Tax Increment Financing District in 1998 because they feared the area *might* become blighted. This baffled local residents since the commercial strip along West Lawrence Avenue—dominated by the Copernicus Cultural and

[44] Ross Miller, "Progress Brings Us Back to the Prairie," *Chicago Tribune*, July 16, 1993.
[45] Hugo Lindgren, "The Secret Life of a City Block," *Newsday*, March 24, 1996.
[46] Cheryl Kent, "What's the Deal? A Look at Chicago's Block 37 Misses the Chance to Explain How Big Cities Take Shape," *Chicago Tribune*, April 28, 1996.
[47] Ross Miller, "Progress Brings Us Back to the Prairie," *Chicago Tribune*, July 16, 1993.
[48] "The Mills Corporation Breaks Ground on 108 N. State Street Project," *Mills Corporation Press Release*, Nov, 15, 2005.
[49] Alby Gallun, "Dispute Halts Construction at Block 37," *Crain's Chicago Business*, March 15, 2006; Alby Gallun, "This Week: They're Back to Work at Block 37 After Lull," *Crain's Chicago Business*, April 10, 2006, at 1.
[50] "Mills Corp.: Developer of Block 37 Moves Closer to Sale of the Company," *Bloomberg News*, May 24, 2006.

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Civic Center—bustled with small businesses.[51] The city planned to hand over other properties on two blocks within the district to Demetrios "Jimmy" Kozonis, a politically-connected area developer, so that he could build a seven-story condo building.

What followed was a twisting pathway typical in Chicago politics, filled with back-room deals and the ever-revolving door between government and well-connected businesses. The Community Development Commission approved a plan and sued to acquire two vacant lots owned by Walter Ogloza, who planned on building a medical clinic and mall until a planning department official—who later worked for Kozonis—turned him down. The city also sued Donald Zordani, who refused to sell the bike shop he had run for 35 years. The city backed off the condemnation of Zordani's property in Janury 2006 after it emerged that Kozonis had donated thousands of dollars to the local alderman who helped guide the plan through the city's bureaucracy.[52]

Kozonis' project fell apart when local residents found out the new building would have towered over the neighborhood. The city had already paid $1.4 million to acquire the properties for Kozonis, but because he could not build his condo building, Kozonis never paid the city the acquisition costs. Much of the block surrounding the bike shop remains vacant.

Burlington, Iowa

Manor Neighborhood in Burlington, Vt., was composed of World War II-era homes, many of which were still home to the original owners. But in 2006, Burlington officials approved a deal with developer Robert Muir Co. to build a 220,000 square-foot shopping mall in the area. In order to pave the way for the development, the city used eminent domain to oust more than 350 property owners—many of them elderly—from their Manor Neighborhood homes. Many homeowners in the area made it known that they did not want to leave the homes they had lived in for more than 50 years—going so far as to pass out flyers all over the neighborhood alerting passersby to the terrible abuses occurring right in their own backyards. Despite the efforts and major outcry over the bulldozing of the Manor, it was not enough to save the neighborhood. After all of this, Robert Muir Co. terminated the purchase agreement for the land, citing market conditions and a changing strategic direction for the company.[53] More than a year later, the city had a $5.2 million taxpayer-funded field with little opportunity for development in the near future.[54]

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[51] Ben Joravsky, "You want blight? You got blight. City planners and a developer with well-placed friends turn the TIF-process on its ear," *Chicago Reader*, February 24, 2006 and Abdon M. Pallasch, "Bike shop owner wins fight against city: Officials drop lawsuit seeking to get land for redevelopment," *Chicago Sun-Times*, January 30, 2006.
[52] Ben Joravsky, "Officially screwed; In one amazingly dumb deal, the city stiffed a property owner, the developer who would get his land, and itself," *Chicago Reader*, March 24, 2006; Pallasch.
[53] Smith.
[54] Jeff Abell, "Muir pullout stalls Manor project," *Burlington Hawk Eye*, January 1, 2009.

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Fall River, Massachusetts

Tom Koolen co-owned the K.D. Cove Marina and the nearby popular waterfront tavern, the Dockside Lounge. In 1979, the Redevelopment Authority designated the marina "blighted" and seized it through eminent domain. The Redevelopment Authority did pay Koolen and his partner for their property, but only what the owners had originally paid, despite the fact that they had rebuilt docks, a pier and breakwater. The land was taken for private developers as part of Fall River's master plan,[55] even though a study commissioned by the development authority said parts of the plan would not be good for the local economy.[56] In fact, Koolen was forced to close the Dockside Lounge three years after the city seized his marina.

As of 2009, 30 years since Koolen was first threatened, the 3.5 acres along the Tauben River remained vacant. The city continued to insist that there was a plan to build a marina, hotel and luxury condos.[57]

Detroit, Michigan

In the 1981 *Poletown* decision, a seminal case credited with providing the rationale for the widespread use of eminent domain for private profit, the Michigan Supreme Court allowed the City of Detroit to seize and bulldoze an entire neighborhood so General Motors could build an auto plant. In total, more than 4,200 people were displaced from their homes, and the government's wrecking ball claimed 140 businesses, six churches, several non-profits and one hospital.[58] GM paid Detroit $8 million for the property, while the city paid more than $200 million to acquire and prepare the land for the automobile giant. A total of $150 million in federal loans and grants, combined with more than $30 million in state government funds, enabled the city to make the purchase.[59]

Remarkably, in addition to destroying a historic, racially diverse community, the redevelopment project failed to meet its many promises and expectations. Detroit Mayor Coleman Young and General Motors promised that the redevelopment project would create more than 6,000 jobs—

[55] Bob Kerr, "The Dockside should still be on the river," *Providence Journal-Bulletin*, February 13, 2009, at 1.
[56] "Flashback Sept. 13, 1982," *Providence Journal-Bulletin*, September 13, 1996, at 1C.
[57] Kerr.
[58] Ilya Somin, "Michigan Should Alter Property Grab Rules; Supreme Court's Decision to Let Government Condemn Land for GM Plant Set Poisonous Precedent for Similar Abuses of Power," *The Detroit News*, January 8, 2004; Jenny Nolan, "Auto Plant vs. Neighborhood: The Poletown Battle," *The Detroit News*, available at: http://info.detnews.com/history/story/index.cfm?id=18&category=business (June 16, 2006).
[59] Ilya Somin, "Overcoming *Poletown: County Of Wayne v. Hathcock,* Economic Development Takings, and the Future of Public Use," *Michigan State Law Review*, Vol. 2004:1005, p. 1018.

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but when all was said and done, the plant employed less than half that many. By 1988, the plant employed merely 2,500 people.[60] In fact, it is estimated that the destruction of the entire Poletown neighborhood probably resulted in a net loss of jobs. The city's own estimates conclude that about one-third of the businesses displaced by the project closed immediately.[61] This underscores even further just how much of a failure the project was.

In July 2004, the Michigan Supreme Court finally reversed its now infamous *Poletown* decision in *County of Wayne v. Hathcock*. The Court called *Poletown* a "radical departure from fundamental constitutional principles."[62] Unfortunately, that radical departure also resulted in one of the worst ever failures involving the abuse of eminent domain.

Minneapolis, Minnesota

Reiko Westin dreamed of operating a traditional Japanese restaurant in its proper setting, near water. In 1967, she purchased property on the riverfront in downtown Minneapolis. She hired a Japanese architect and created a beautiful building that offered stunning views of the river, the lock and the old stone arch Railroad Bridge. Over the next 20 years, Westin and her staff provided customers a true Japanese dining experience.

But in 1987, the Minneapolis Park and Recreation Board seized the property through eminent domain—possibly prompting the early death of Westin and costing her, her relatives and her employees their dreams. Westin's daughter, Carol, finished the court battle with the city several years later and remarked after the court's decision that she asked to be excused for a minute: "I went into the other room and I bawled my eyes out. I felt like I had sold my mom out, her dreams. When I left the court that day, I felt I didn't want to ever set foot in this restaurant again."

As of 2005, the building still stood, its broad windows that once overlooked the river boarded up with plywood. The property was owned by the Park and Recreation Board for almost 30 years and cost them $3.5 million—for nothing.[63]

St. Louis, Missouri

When the St. Louis Centre mall opened in 1985 it was the largest indoor shopping mall in the country. But the hype did not last; as the years went on the crowds dwindled and with them

[60] *Ibid*. at p. 1017.
[61] Ilya Somin, "Michigan Should Alter Property Grab Rules; Supreme Court's Decision to Let Government Condemn Land for GM Plant Set Poisonous Precedent For Similar Abuses of Power," *The Detroit News*, January 8, 2004; Ilya Somin, "Overcoming *Poletown: County of Wayne v. Hathcock*, Economic Development Takings, and the Future of Public Use," *Michigan State Law Review*, Vol. 2004:1005, p. 1017.
[62] *County of Wayne v. Hathcock*, 684 N.W.2d 765 (Mich. 2004).
[63] Bob Smith "A dream destroyed for nothing ," *Noforce.org*, March 9, 2005

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many of the mall's tenants.[64] In 2001, a North Carolina real estate investor bought the St. Louis Centre with plans to redevelop it into the thriving retail center it once was.[65] Despite his best efforts, the city government still thinks it can do a better job as they renewed their eminent domain power over the mall.[66]

St. Louis, Missouri

The Pruitt-Igoe public housing project was supposed to showcase the successes of redevelopment on a grand scale. It consisted of 33 buildings, each 11 stories high, sprawled over 57 acres. It was hailed as a solution to the rampant overcrowding and grinding poverty present in the area. But after only ten years the complex became the problem it sought to solve. Residents fled the complex in droves and the area became a magnet for crime. In 1972, the complex was demolished, a fitting testament to the failing promises of redevelopment.[67]

This colossal failure did little to deter future alderman from proposing their own ideas for redeveloping the area. One proposed turning the area into a horse racing track[68] and most recently another proposed turning it into a golf course.[69] While most of the land designated for this redevelopment was city owned, an additional 100 homes and several schools and churches would have had to have been razed as well.[70] But none of those plans were successful and the site remains fallow and choked with weeds. [71]

Las Vegas, Nevada

In the 1980s, the City of Las Vegas cleared out a six-acre tract of land on the corner of Las Vegas Boulevard and Bridger Avenue that was full of successful small businesses. City officials threatened property owners with eminent domain, bulldozed the buildings and excavated the site—all for a proposed $90 million Minami Tower, which would have been the state's tallest office building. However, Minami's Japanese investors backed out, leaving the city with a hole in the ground and nothing to show for it. Almost a decade later, the city ended up donating the land to the federal government for a courthouse.[72]

Las Vegas, Nevada

[64] Chern Yeh Kwok, "One City Centre lender begins foreclosure," *St. Louis Dispatch,* March 6, 2001.
[65] Charlene Prost and Chern Yeh Kwok, "St. Louis Centre is sold to North Carolina investor," *The St. Louis Dispatch,* May 31, 2001.
[66] Mark Schlinkmann, "Slay wants city to have power to force St. Louis Center sale," *St. Louis Dispatch,* November 3, 2001.
[67] J.S., "Why the Pruitt-Igoe housing project failed," *The Economist,* October 15, 2011.
[68] Gregory Freeman, "Neighbors teed off at plan to construct golf course," *St. Louis Post Dispatch,* September 3, 1996.
[69] Don Mihalopoulos, "Study foresees blue skies for urban golf course," *St. Louis Post-Dispatch,* August 22, 1996.
[70] Jo Mannies, "Neighbors see red over greens," *St. Louis Post-Dispatch,* June 25, 1996.
[71] Sylvester Brown, Jr., "Development plans for Pruitt-Igoe site quietly faded away," *St. Louis Post-Dispatch,* March 1, 2005.
[72] J.M. Kalil, "Before Goodman, Failed Projects Tainted View of Downtown," *Las Vegas Review-Journal,* Dec. 19, 2004, at 40A.

In 1997, the Las Vegas City Council approved the Sun Plaza Project, a high-rise office building proposed for the corner of Lewis Avenue and Fourth Street. Government officials used eminent domain to seize the property for the project with taxpayer money. However, developers Nevada State Bank and American Nevada Corp. could not attract tenants to the building, prompting them to approach City Hall and ask for more taxpayer funding. The city declined and pulled the plug on the project in March 1999 after shelling out approximately $8 million in taxpayer dollars.[73]

Las Vegas, Nevada

The 250,000-square-foot Neonoplis in Las Vegas saw nothing but trouble since its start in 1997. Its developers attempted to use the city's eminent domain powers to seize several pieces of property for the mall's parking garage, but had to settle with three of the owners costing the taxpayers millions of dollars. Then they lost the mall's first anchor tenant, WestStar Cinemas, to bankruptcy before the mall opened. The exodus of tenants continued after their opening date, prompting City officials to formulate various plans to save the dying project.[74] Most recently, the City sold the complex to real estate developer Rohit Joshi and has since enjoyed relative success.[75]

Somerville, New Jersey

Private developer JSM owned a shopping center home to a McDonald's, Hollywood Video, Country Fresh Restaurant and Pathmark grocery store, all of which were thriving and had long-term leases. But in 2005, the developer decided it wanted to raze the shopping center and build retail and office space, luxury apartments and two parking garages. The $66 million proposal had the support of the borough's officials, but did not sit well with the shopping centers' tenants. Pathmark, the center's biggest and oldest tenant, worried that the plan—which allowed for them to stay—would not leave enough parking for its customers during the estimated five-year construction period, thereby forcing the store to close.[76] Pathmark also claimed that JSM violated their lease by failing to consult with the grocer about the redevelopment plan.[77]
The Borough Council grew impatient with the slow pace of negotiations between the private parties and decided to use eminent domain to break the tenants' leases.[78] In 2006, the borough council voted to add Pathmark to the city's acquisition list. One year later the Borough Council

[73] *Ibid*.
[74] Chris Jones, "At last, a buyer for Neonopolis," *Las Vegas Review-Journal,* March 29, 2006.
[75] Caitlin McGarry, "Neonoplis chief touts business, sees better days ahead," *Las Vegas Review Journal,* March 18, 2012.
[76] Kara L. Richardson, "Planning board backs Somerville Town Center," *Courier News,* March 24, 2005, at 1A.
[77] Kara L. Richardson, "Somerville mayors take Pathmark row to the people," *Courier News,* July 8, 2005, at 1C.
[78] Richardson, March 24, 2005.

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condemned Pathway, the borough's only grocery store.[79] Meanwhile, officials filed condemnations against the shopping center's other tenants.[80]

After all of the successful businesses had been driven out and the McDonald's demolished, the borough discovered that the project could no longer be built as planned. As of 2009, the development was stalled indefinitely, and residents complained of the blight caused by the empty storefronts.[81]

Trenton, New Jersey

Yusuf Tafari was a nursing assistant and father of two who lived near the old Champale factory in Trenton, N.J. But his home was seized by eminent domain to make way for a $20 million townhouse project by developer K. Hovnanian. But in 2008, K. Hovnanian decided not to follow through on their plans because of plummeting home sales and record losses.[82]

New York City, New York

The New York Stock Exchange (NYSE), a private corporation, was looking for a location in lower Manhattan on which to build a new headquarters for its operations, obviously a large-scale proposition. NYSE envisioned a gleaming 900-foot skyscraper above its new stock-trading floor, and eventually decided on a site across the street from the company's current location. Inconveniently for NYSE, this set of residential and commercial properties was already owned and occupied by others. Among them, J.P. Morgan Chase owned two office buildings, Rockrose Development owned an apartment building and the Wilf family owned two other properties.[83]

In January 2001, the New York City Economic Development Corp. began the process of condemning the apartment building at 45 Wall Street. In support of its actions, the agency touted the "public benefit" the city would derive from enhancing Manhattan's position as a worldwide financial center, and the theory that NYSE's departure from the city's financial district would be detrimental to the city and state economies.[84]

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[79] "Keep clearing the way for Town Center," *Home News Tribune*, June 30, 2008.
[80] Joe Tyrell, "Somerville threatens to condemn mall businesses; Council will vote Sept. 5 whether to add Pathmark to the list of targets," *Star-Ledger*, August 23, 2006.
[81] Nyier Abdou, "Somerville development goes awry; economic downturn undercuts Landmark mixed-use project," *Star-Ledger*, February 22, 2009.
[82] Muchanic, Laura "Eminent domain fiasco riles residents," *WPVI*, January 23, 2008
[83] Eric Herman, "NYSE Building Site May Cost City More," *Daily News (New York, NY)*, Dec. 22, 2000, at Business 93.
[84] *See In re Application of Fisher*, 730 N.Y.S. 2d 516, 516-17 (N.Y. App. 2001).

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The tenants' association of 45 Wall Street challenged the development agency's public use determination, but in October 2001, a state appeals court agreed with the agency's findings, citing the public benefit of increased tax-revenue and economic development. Amazingly, the court found that the "proposed project will incidentally confer a private benefit," even though the agency's sole rationale for supporting the condemnation was to facilitate construction of NYSE's new facility (which is anything but incidental to the overall project).[85]

In the wake of the September 11, 2001, terrorist attacks, the NYSE project stalled. Indicative of the fluctuations of the real estate development industry, the Giuliani administration was unable to find a developer willing to build a skyscraper in lower Manhattan. The city still possesses some of the properties originally requested by the NYSE, in the hopes that a new facility of some kind may eventually be built. Meanwhile, the NYSE has decided that it no longer wants the property, leaving the city and its taxpayers left holding the bag.[86] The redevelopment agency finally gave 45 Wall Street and the two office buildings back to their owners, forfeiting a $22 million deposit on its purchase agreement. The city also lost $1 million a month in rent until 45 Wall Street was fully leased. At the end of the day, the city and its redevelopment agency estimated a loss of $109 million—taxpayer money—on this ill-fated deal that in no way benefited the public.[87] The city's misadventures underscore the highly risky nature of redevelopment and why it is best for taxpayers that governments do not play the role of real estate speculator.

North Hempstead, New York

St. Luke's Pentecostal Church in North Hempstead, led by Pastor Fred Jenkins, purchased a piece of property on Prospect Avenue in 1999 to build a permanent home for its congregation after saving money for more than a decade. Although the church was meticulous in doing everything required to get the appropriate building permits, the North Hempstead Community Development Agency condemned the property for private retail development under a 1999 redevelopment designation of which St. Luke's had never even been made aware. The church brought a lawsuit, but the court ruled against the house of worship, allowing the church to be condemned for private use. As of June 2006, the land remained vacant.[88]

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85 *Ibid*.
86 Andrew Rice, "NYSE's Chairman Unplugs His Plans for a New Exchange," *The New York Observer*, Dec. 3, 2001, at 1; *and see* http://www.timessquarenyc.org, Dec. 2005.
87 Charles V. Bagli, "45 Wall St. Is Renting Again Where Tower Deal Failed," *The New York Times*, Feb. 8, 2003, at B3.
88 Stewart Ain, "Of Spiritual vs. Urban Renewal," The New York Times, Apr. 16, 2000, at 14LI 3; In the Matter of the Application of North Hempstead Community Redevelopment Agency, 2002 N.Y. Misc. LEXIS 1488, at *1-*2 (Aug. 29, 2002); Marni Soupcoff, "North Hempstead Bulldozes Constitutional Rights," The Westbury Times (Mineola, NY), Feb. 22, 2002; Victor Manuel Ramos, "In North Hempstead: A Spiritual Homecoming Deferred; Redevelopment Claims Dream of Church's Building," Newsday, Feb. 4, 2001, at G17; The Kelo Decision: Investigating Taking Homes and Other Private Property: Hearing Before the Senate Comm. on the Judiciary, 109th Cong. (2005) (testimony of Pastor Fred Jenkins, St. Luke's Pentecostal Church, North Hempstead, NY), available at: http://judiciary.senate.gov/testimony.cfm?id=1612&wit_id=4658 (June 16, 2006); Lesley Jenkins (brother of Pastor Jenkins), Telephone interview conducted by Justin Gelfand, June 13, 2006.

Schenectady, New York

The Schenectady Metroplex Development Authority (SMDA) spent approximately $3.7 million acquiring nine parcels of property and preparing the site for the Diamond Cinema project. The developer backed out of the project in 2004, leaving the city with a $3.7 million hole in the ground.[89]

The consequences of the SMDA's actions extend beyond the vacant property. The constant road construction on State Street hurt even more local businesses. In 2005, John Camaj, the owner of Pizza King at 469 State Street, said that the construction aimed at giving State Street a makeover kept customers away from his small business, which was already struggling to survive on the city's main strip.[90]

City officials breathed a sigh of relief when Schahet Hotels Inc. agreed to buy the theater site from Metroplex and build a five-story Hampton Inn.[91] The hotel was completed in 2007. It remains unclear whether the city will completely recover from the damage done by the project. What is clear is that tax-hungry bureaucrats have already destroyed functioning small businesses for a development that cost millions in taxpayer funds—and maybe even more in foregone tax revenue, while land sat vacant awaiting another developer to come along.[92]

Cincinnati, Ohio

Cincinnati city leaders dream of a glitzy new downtown area, but time and again they bungle planned redevelopment projects, leaving a string of relocations, condemnations and wasted funds in their wake. In 1998, retail giant Nordstrom wanted to open a new department store in downtown Cincinnati. However, there was a problem with the location Nordstrom wanted—Walgreens pharmacy already occupied the building space. To accommodate Nordstrom, the city worked together with developer Eagle Properties, and Walgreens agreed to move to another location one block away—the exact location where CVS (Walgreens' primary regional competitor) already had a store and had no interest in moving. Not surprisingly, CVS sued to stop the condemnation for its competitor's benefit and eventually prevailed in a settlement with the city. The terms of the settlement, however, required the city to condemn a number of other small businesses operating on four separate parcels across the street from CVS so that the city could in turn give that property to Walgreens.

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[89] "Diamond Cinema Project Dead; Happy Ending Eludes Developer," *The Business Review* (Albany, NY), March 19, 2004, at Vol. 30 No. 51 Pg. 4.
[90] Mike Goodwin, "Opportunity Ends, But Not Hopes; Schenectady Officials Weigh New Plans After Downtown Movie Theater Deal Falls Apart," *The Times Union* (Albany, NY), March 16, 2004, at MAIN A1.
[91] Robin Wood, "Schenectady Lands Hampton Inn for Proctor's Block," *The Business Review* (Albany, NY), Oct. 1, 2004, at Vol. 31 No. 26 Pg. 3.
[92] "Groundbreaking Planned for Schenectady Hotel," The Business Review (Albany, NY), December 13, 2005.

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Included among the displaced businesses was Kathman's Shoe Repair, which was forced by the city to close its doors after being in business for 95 years. Cincinnati's initial agreement with Eagle Properties (Nordstrom's developer), in which the city had agreed to lend the developer $12 million, included a provision that required the city to leave vacant the very parcel that it had just handed to Walgreens, so that Eagle Properties could attract additional "upscale" retail to the corner adjacent to the new Nordstrom. The city's failure to honor this provision would scuttle the entire Nordstrom deal. Apparently nobody acting on behalf of the city had even bothered to read the agreement or bring up this fact to other city authorities.[93] It looked like the city would again have to shuffle the various pieces around to accommodate Eagle Properties.

But then something peculiar happened. The Nordstrom did not get built as planned, and the vacant lot where Walgreens had originally stood began to languish and deteriorate. The site eventually took the form of an unsightly hole in the ground. After two years, millions of dollars paid to the developers and various property owners, as well as the destruction of small family businesses, Nordstrom announced in November 2000 that it was pulling out of the Cincinnati deal because of its declining profits.[94] The city eventually paved over the erstwhile Nordstrom site, so that the tract could at the very least operate as a city-owned parking lot until a new retailer would come along with another deal for this "can do" city.[95] Since 2001, the site has remained a surface parking lot. The city has not found a developer interested in the property.[96]

Cleveland, Ohio

Christopher LaPrarie dreamed of renovating the dilapidated house he bought at the end of E. 355th Street. But the city cut his plans short with their own plans to bring a minor league baseball team to the area. LaPraire and 27 other property owners sold their properties to the city under the threat or use of eminent domain for a total of $5.2 million, well above their budget of $4 million.[97] At the time, the city promised to make up the short fall without raising taxes. However, after its completion, the stadium became an albatross around the city's neck, adding to its recent $4.5 million shortfall. As a result, the city proposed a $6 million tax and cut services like the local senior center and law enforcement. [98]

Columbus, Ohio

[93] Robert Anglen, "Walgreens May Snag Nordstrom Deal; Move the Drug Store or Lose Retailer, Loan Board Says," *The Cincinnati Enquirer*, June 24, 2000.
[94] Lisa Biank Fasig and Robert Anglen, "Nordstrom Won't Build Downtown After All," *The Cincinnati Enquirer*, Nov. 23, 2000.
[95] Robert Anglen, "Nordstrom Site to Become Parking Lot," *The Cincinnati Enquirer*, Nov. 24, 2000.
[96] Ken Alltucker, "Consultant's Priority: Curing Downtown's Heart," *The Cincinnati Enquirer*, Jan. 15, 2003, at 1D; "Downtown Cincinnati," *GotoTown.com*, available at http://www.gototown.com/cgi-bin/listestab.cgi?est_id=1478 (June 16, 2006); *Fifth & Race, L.P. v. W. & S. Life Ins. Co.*, 2006 Ohio App. Lexis 86 (Ct. App., Jan. 13, 2006).
[97] Michael Scott, "Man blocks Eastlake ballpark property sweep," *The Plain Dealer*, September 19, 2001.
[98] Maggi Marin, "Eastlake singing the stadium blues Tax hike proposed to cover debt," *The Plain Dealer*, February 14, 2006.

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In Columbus, eminent domain helped pave the way for the City Center mall.[99] When it opened its doors in 1989, it was considered the crown jewel of the community. But in the years following it faced stiff competition and consumers willing to spend less than originally anticipated.[100] This led to the mass exodus of stores like Polo Ralph Lauren[101] and Limited Brands[102] among others. In 2009, Columbus' Capitol South Community Redevelopment Corp. knocked down City Center to make way for a new project, Columbus Commons.[103]

Pittsburg, Pennsylvania

Several of the Urban Redevelopment Authority's (URA) high-profile buildings along Forbes Avenue—all purchased with taxpayer dollars for government-directed redevelopment plans that failed—now sit vacant. One example being Marketplace—a $522 million project that hinged on retailer Nordstrom opening a store that would have been heavily subsidized by taxpayers—now consists of a handful of shops and empty buildings, precisely because the city's grandiose redevelopment plan collapsed.

Adding to the controversy was the city's threat to use eminent domain to seize the properties of local businesses in the area in order to help accomplish its redevelopment goals. Some argued that these actions created uncertainty, freezing the market, and leading to the same blight the city sought to eradicate.[104]

The annual cost to taxpayers in lost revenue on the URA's property tax-exempt, downtown portfolio tops $800,000 a year, including $300,000 that would go to the cash-strapped city. Close by Market Square recently got an expensive makeover,[105] but much of the area still remains vacant and run-down. Memorials to the consequences of the city interfering in a bustling business district with threats of eminent domain and grand redevelopment plan.[106]

Vancouver, Washington

In November 1999, the city filed suit to condemn the Monterey Hotel, an old three-story hotel in downtown Vancouver that housed mainly low-income people. A developer from just over the state line in Portland, Ore., owned most of the block around the hotel, and city officials wanted to clear out the remaining property so the developer could build a planned six-story residential,

[99] James Nash, "Score one for Ohio property owners: Court: Land seizures can't be just for economic gain," *The Columbus Dispatch,* July 27, 2006.
[100] Debbie Gebolys, "10 years in the city, city center redefines focus to thrive in next decade, too," *Columbus Dispatch,* August 15, 1999.
[101] *Ibid.*
[102] Mike Pramik, "Limited pulls last 4 stores at mall," *Columbus Dispatch,* April 12, 2007.
[103] Brian Ball, "City Center coming down in April," *Business First* February 4, 2009.
[104] Tim Schooley, "Feelings linger over battle for Fifth and Forbes," *Pittsburgh Businesstimes,"* May 24, 2010.
[105] *Ibid.*
[106] Andrew Conte, "Critics: URA Hinders Growth," *Pittsburgh Tribune Review*, Nov. 8, 2004.

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office and retail development and adjacent parking structure. The hotel's owners, R.K. and Geetaben Patel, challenged the condemnation, arguing that the city lacked a public use.[107] However, the trial court ruled in favor of the city. Just as the Washington Court of Appeals was about to hear the case, the Patels reached a settlement with the city and agreed to sell. However, in the meantime, the planned development fell through.[108] The lot on which the hotel used to stand was vacant as of 2006, and appears to still be today.[109]

[107] Foster Church and John Painter, Jr., "Vancouver Files Suit to Condemn Old Hotel," *The Oregonian (Portland, OR)*, Nov. 25, 1999, at B5.
[108] "Vancouver, Hotel Owners Agree on $750,000 Price," *The Oregonian (Portland, OR)*, Nov. 12, 2001, at C2.
[109] Jeff Mize, (Reporter, *The Columbian*), *Telephone Interview with John K. Ross, Institute for Justice*, June 8, 2006.

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