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Herger**  
Congressman

**2nd District - California**



FOR IMMEDIATE RELEASE  
JULY 1, 2005

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## **Herger Lauds Passage of Measures Responding to Supreme Court Decision that Diminished Private Property Rights**

(Washington, D.C.) - Congressman Herger (CA-02) strongly supported two measures passed by the House yesterday that demonstrated the bipartisan opposition to the Supreme Court's *Kelo v. City of New London* decision that significantly expanded the government's ability to condemn private property. An amendment to H.R. 3058, an appropriations bill covering several federal departments, prohibits the use of federal funds to enforce the Court's decision. Separately, H. Res. 340 expressed "the grave disapproval of the House of Representatives" regarding the *Kelo* decision.

"The Supreme Court's outrageous ruling again demonstrated the need for common sense judges who respect the Constitution's limitations on government power and do not make law from the bench," Herger stated.

"Five Justices ignored the original intent of our Founders by stretching the 'Takings Clause' to allow government to take private property from common citizens and give it to others, just because the government would collect more tax revenue. The Court's ruling dealt a devastating blow to private property owners, because their property can now be seized for virtually any reason."

The Fifth Amendment states, "Nor shall private property be taken for public use, without just compensation." This case involved the taking of private property from landowners in New London, Connecticut, and giving it to private, wealthy developers who planned to construct new office buildings, housing, and a marina. Five Justices argued that allowing this transfer of private property would increase tax revenue, and that the construction would serve the "public benefit" by fostering economic development.

Herger concluded, "Westerners have endured assaults on private property rights for decades. Because of the *Kelo* decision, now property owners throughout the country have become rightly concerned that their private property is also at risk of government seizure. These measures sent a resounding message that there is bipartisan opposition to the Court's ruling, and I will continue to support efforts exploring ways to use congressional powers to ensure that this decision doesn't have a detrimental impact on property owners."

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