
University of Pennsylvania
Institute for Environmental Studies



presents

John C Becker

The Pennsylvania State University

**Kelo v. City of New London: Trampling on Private
Property Rights or Strong Support for States' Rights;
Implications for Farmland Preservation Programs**

Despite the attention it is given and the emotion it draws from what some fear is its application, the U.S. Supreme Court decision in *Kelo v. City of New London* is a decision about the authority of federal courts to review actions of state governments and state agencies that affect property interests. Government authority to “take” private property is clear, but the parameters of this authority are subject to interpretation. While the Constitution describes takings in simple terms, the meaning of the Constitutional pronouncement is less clear. When can a proposed “Taking” involve a public use? Can the language of the Constitution be applied to a context that was never considered when the Constitution was adopted? How should courts, and people, struggle to apply Constitutional provisions to circumstances that could not have been considered when the Constitution was written? Can a state adopt any public project, such as farmland preservation for example, and exercise eminent domain authority if such projects directly benefit private owners and the public only indirectly? These questions raise issues about whether Constitutional requirements should be viewed literally to adhere to the intent of its authors, or is the meaning of its terms evolving with social, economic and political change taking place within “American society.” Understanding the foundations that support the decision is a study in understanding the role of separation of power among the branches of government and states’ rights.

Date: November 15, 2006

Time: NOON - 1:30 pm

Place: Carolyn Hoff Lynch Auditorium

On the Penn campus: Chemistry Building
34 & Spruce Sts. (enter on 34 St)

NO REGISTRATION REQUIRED

Direct questions to: 215-573-3164

ies_penn@sas.upenn.edu

<http://www.sas.upenn.edu/earth/ies>

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