Docket No. 24-386

In The

Supreme Court of the United States

October Term, 2024

KARL FISCHER, ET AL.,

Petitioner,

v.

THE STATE OF NEW LOUISIANA,

Respondent.

On Petition for Review from the
United States Court of Appeals for the Thirteenth Circuit

BRIEF FOR PETITIONER

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TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES iii

QUESTIONS PRESENTED x

STATEMENT OF THE CASE 1

Factual Background 1

Procedural History 2

SUMMARY OF THE ARGUMENT 2

ARGUMENT 4

I. *Kelo v. City of New London* should be overturned because it expands the Fifth Amendment's Takings Clause, allowing private takings for economic development. 4

A. The Court's holding in *Kelo* breaks away from the Framers' values on property ownership and is inconsistent with prior case law........ 5

1. Property ownership is one of society's most fundamental and deeply rooted rights........ 6

2. Trickle-down economic benefits have not been recognized in previous Takings Clause jurisprudence. 8

B. *Kelo* mistakenly conflates "public use" with "public purpose," departing from the plain meaning of the Takings Clause. 9

C. Broadening the interpretation of public use significantly impedes private property rights and is susceptible to misapplication. 12

D. *Kelo*'s public purpose test is unworkable and disrupts other areas of law........ 13

E. Most states restrict private takings for public use, rejecting the broad interpretation of *Kelo*. 15

II. Claims under the Fifth Amendment's Takings Clause are self-executing because the amendment itself provides a remedy........ 17

A. By providing a remedy, the Takings Clause is in a class of its own and cannot be compared to other constitutional amendments. 17

B. This Court has repeatedly held that the Takings Clause is self-executing. 19

1. The Takings Clause holds significant importance as it was the first provision to be applied to the states. 21

2. Claims were brought under the Takings Clause before the enactment of 42 U.S.C. § 1983 and the Tucker Act. 22

3. The legislative intent of the Tucker Act and 42 U.S.C. § 1983 was to waive federal and state sovereign immunity. 23

C. The Fourteenth Amendment applies the Takings Clause to the states. 25

CONCLUSION 27

CERTIFICATE OF SERVICE 28

TABLE OF AUTHORITIES

Page(s)

Cases

AFT Mich. v. State,
866 N.W.2d 782 (Mich. 2015) 21

Alden v. Me.,
527 U.S. 706 (1999) 23, 25

Ardestani v. INS,
502 U.S. 129 (1991) 10

Armstrong v. United States,
364 U.S. 40 (1960) 9

Baycol, Inc. v. Downtown Dev. Auth.,
315 So. 2d 451 (Fla. 1975) 10

Berman v. Parker,
348 U.S. 26 (1954) 8, 9, 11

Brinkmann v. Town of Southold,
96 F.4th 209 (2d Cir. 2024) 14

Cabrera v. Maddock,
No. 1:10-cv-00611-LJO-MJS (PC), 2015 U.S. Dist. LEXIS 70646 (E.D. Cal. 2015) 15

Calder v. Bull,
3 U.S. (3 Dall.) 386 (1798) 7

Cedar Point Nursery v. Hassid,
594 U.S. 139 (2021) 5, 22

Chi., Burlington & Quincy R.R. v. Chi.,
166 U.S. 226 (1897) 21

Cnty. of Wayne v. Hathcock,
684 N.W.2d 765 (Mich. 2004) 4, 13

Connick v. Thompson,
563 U.S. 51 (2011) 24

Cottonwood Christian Ctr. v. Cypress Redevelopment Agency,
218 F. Supp. 2d 1203 (C.D. Cal. 2002) 12, 14

DeVillier v. Tex.,
601 U.S. 285 (2024) 18, 22, 23

DeVillier v. Tex.,
63 F.4th 416 (2023), *aff'd* 601 U.S. 285 (2024)........ 19

Dobbs v. Jackson Women's Health Org.,
597 U.S. 215 (2022) 5, 9, 13, 15

Dohany v. Rogers,
281 U.S. 362 (1930) 23

Dolan v. City of Tigard,
512 U.S. 374 (1994) 21

Dusenbery v. United States,
534 U.S. 161 (2002) 26

Eickmeyer v. United States,
10 Cl. Ct. 179 (1986)........ 20

Eychaner v. City of Chi.,
141 S. Ct. 2422 (2021) 12, 13, 14

Ex parte Siebold,
100 U.S. 371 (1879) 10

First English Evangelical Lutheran Church v. Cnty. of L.A.,
482 U.S. 304 (1987) .... passim

Food & Water Watch, Inc. v. Vilsack,
808 F.3d 905 (D.C. Cir. 2015) 5, 17

Grondin v. Curi,
262 Conn. 637 (2003)........ 5, 17

Haw. Hous. Auth. v. Midkiff,
467 U.S. 229 (1984) 8, 11

Hilton v. S.C. Pub. Rys. Comm'n,
502 U.S. 197 (1991) 19

Horne v. Dep't of Agric.,
576 U.S. 351 (2015) 22

In re Fin. Oversight & Mgmt. Bd.,
41 F.4th 29 (1st Cir. 2022) 24

Jacobs v. United States,
290 U.S. 13 (1933) 18, 20

Kelo v. City of New London,
545 U.S. 469 (2005) .... passim

Kisor v. Wilkie,
588 U.S. 558 (2019) 20

Knick v. Twp. of Scott,
588 U.S. 180 (2019) .... passim

Libr. of Cong. v. Shaw,
478 U.S. 310 (1986) 22

Lucas v. S.C. Coastal Council,
505 U.S. 1003 (1992) 25, 26

Mann v. Haigh,
120 F.3d 34 (4th Cir. 1997) 19

Manning v. Mining & Mins. Div. of the Energy, Mins. & Nat. Res. Dep't,
140 N.M. 528 (N.M. 2006) 25

Midkiff v. Tom,
702 F.2d 788 (9th Cir. 1983) 9

Murr v. Wis.,
582 U.S. 383 (2017) 21

NLRB v. Canning,
573 U.S. 513 (2014) 15

Nollan v. Cal. Coastal Comm'n,
483 U.S. 825 (1987) 11

N.D. v. Olson,
33 F.2d 848 (8th Cir. 1929) 10

Norwood v. Baker,
172 U.S. 269 (1898) 17, 23

Pakdel v. City & Cnty. of S.F.,
594 U.S. 474 (2021) 26

Palazzolo v. R.I.,
533 U.S. 606 (2001) 25, 26

Payne v. Tenn.,
501 U.S. 808 (1991) 19

Phillips v. Wash. Legal Found.,
524 U.S. 156 (1998) 17

San Diego Gas & Elec. Co. v. San Diego,
450 U.S. 621 (1981) 20

Severance v. Patterson,
370 S.W.3d 705 (Tex. 2012) 7

Sw. Ill. Dev. Auth. v. Nat'l City Envtl., L.L.C.,
199 Ill. 2d 225 (2002) 8

Tahoe-Sierra Pres. Council v. Tahoe Reg'l Plan. Agency,
535 U.S. 302 (2002) 9

Thompson v. Consol. Gas Utils. Corp.,
300 U.S. 55 (1937) 12

Town of Nahant v. 12.5 Acres of Land+/- Situated in Nahant,
No. 2177CV00936, 2024 Mass. Super. LEXIS 37 (2024) 14

Tyler v. Hennepin Cnty.,
598 U.S. 631 (2023) 5

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356 F.3d 564 (4th Cir. 2004) 25, 26

United States v. Clarke,
445 U.S. 253 (1980) 17

United States v. First Nat'l Bank,
234 U.S. 245 (1914) 10

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112 U.S. 645 (1884) 17

United States v. IBM,
517 U.S. 843 (1996) 19

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537 U.S. 465 (2003) 23

VanHorne's Lessee v. Dorrance,
2 U.S. 304 (C.C.D. Pa. 1795) 6

Welch v. Tex. Dep't of Highways & Pub. Transp.,
483 U.S. 468 (1987) 19

Williamson Cty. Reg'l Planning Comm'n v. Hamilton Bank,
473 U.S. 172 (1985) 24

Wis. Cent. Ltd. v. Pub. Serv. Comm'n of Wis.,
95 F.3d 1359 (7th Cir. 1996) 18

Wittschen v. Comm'r,
25 B.T.A. 46 (T.C. 1931) 10

99 Cents Only Stores v. Lancaster Redevelopment Agency,
237 F.Supp.2d 1123 (C.D. Cal. 2001) 12, 13, 14

Page(s)

Constitutions

U.S. CONST. amend. I 24

U.S. CONST. amend. V 4, 6, 17, 24

U.S. CONST. amend. XIV 24

TEX. CONST. art. I, § 17(b) 15, 16

Statutes

ARIZ. REV. STAT. § 12-1136 (5)(b) 5

DEL. CODE ANN. tit. 29, § 9501A 15, 16

N.H. REV. STAT. ANN. § 498-A:2 (VII)(b) 5, 15, 16

28 U.S.C. § 1491 24

42 U.S.C. § 1983 24

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Brief for Amici Curiae at 7, *Devillier v. Tex.*, 601 U.S. 285 (2024) (No. 22-913) 23

B. SCHWARTZ, THE LAW IN AMERICA, 287 (McGraw-Hill 1974) 6

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HAROLD HYMAN & WILLIAM WIECEK, EQUAL JUSTICE UNDER LAW: CONSTITUTIONAL DEVELOPMENT 1835–75 (New American Nation 1982) 22

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James Madison, *Property* (1792), *reprinted in* 14 The Papers of James Madison 266 (Robert A. Rutland et al., eds., 1983)....6

JOHN LOCKE, SECOND TREATISE OF CIVIL GOVERNMENT § 138, 73 (C.B. Macpherson ed., Hackett Publ'g Co. 1980) (1690) 5

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THE MASSACHUSETTS BODY OF LIBERTIES (1641), https://history.hanover.edu/texts/masslib.html....22

Use, BLACK'S LAW DICTIONARY (12th ed. 2024) 10

WILLIAM BLACKSTONE, 1 COMMENTARIES ON THE LAWS OF ENGLAND 134-135 (1765) 5

QUESTIONS PRESENTED

I. Should *Kelo v. City of New London* be overturned, and does the Takings Clause's "public use" requirement include speculative economic development?

II. Is the Takings Clause self-executing, allowing Karl Fischer to sue for just compensation under the Fifth Amendment?

STATEMENT OF THE CASE

Factual Background

The Fischer Family Farm. On the outskirts of New Louisiana's state capital is a rural community of family-owned farms and single-family homes. R. at 2. This community is primarily made up of poor, predominantly minority landowners who have passed down their land through multiple generations. R. at 2–3. Because of this, the community is incredibly close-knit, and many of them are either unable or unwilling to leave their property behind. R. at 2–3. Additionally, due to the relatively low income of this community, it would be economically infeasible for many of them to move. R. 2–3. The primary plaintiff in this case, Karl Fischer, has had his family farm for over 150 years. R. at 2–3. Due to the land's generational legacy, Karl Fischer and several other landowners in this lawsuit declined to sell their land to Pinecrest Incorporated. R. at 2–3. This private entity tried to take the plaintiffs' land for significantly below market value to build a luxury ski resort. R. at 2–3. As a result of the landowners' refusal to sell, New Louisiana stepped in to take the property without just compensation. R. at 3.

The Wrongful Taking. New Louisiana's Economic Development Act gives the state authority to contract with private businesses, thus amplifying state power for tourism expansion. R. at 1. New Louisiana is also able to initiate eminent domain proceedings against private landowners and does not have to provide just compensation for the taking. R. at 2. Additionally, the state does not waive sovereign immunity, meaning that an owner of property cannot sue the state to prevent the taking or for just compensation. R. at 2.

The State of New Louisiana initiated eminent domain proceedings after it was clear Fischer and the nine other landowners would not sell well below the market value. R. at 3. While eminent domain proceedings were taking place, New Louisiana instructed Pinecrest Incorporated to begin

developing the ski resort. R. at 3. Because New Louisiana law does not require the State to compensate landowners for government takings, the land—which belonged to the Fischer family for over 150 years—will be used by Pinecrest Incorporated without any compensation to the farmers. R. at 3.

Procedural History

Fischer and nine other property owners filed their complaint in the United States District Court for the District of New Louisiana, alleging violations of the Fifth and Fourteenth Amendments. R. at 3. The collective farmers sought injunctive relief to prevent the wrongful taking of their property and, in the alternative, just compensation for their land. R. at 3. The State of New Louisiana filed a motion to dismiss under Federal Rules of Civil Procedure 12(b)(6), which was granted by the district court. R. at 3.

Fischer appealed to the United States Court of Appeals for the Thirteenth Circuit, which affirmed the district court's judgment. R. at 9–11. Now, Fischer petitions this Court for review to reverse the lower court's decision and remand for further proceedings. R. at 20.

SUMMARY OF THE ARGUMENT

This Court should overturn *Kelo v. City of New London* for five reasons. First, *Kelo*'s holding broke away from the Framers' values on property ownership and is inconsistent with prior case law. The Framers of the Constitution placed significant value on the right to own property and intended the Fifth Amendment to protect property owners from unjust takings by the government. *Kelo*'s holding greatly abridged that right by expanding "public use" to include takings for purely economic development. Second, *Kelo* conflates "public purpose" with "public use," which is overly broad and departs from the plain meaning of the Takings Clause. This expansion of "public use" means that pre-textual takings may occur even in situations where

private property may be taken and given to other private owners when it only incidentally serves a public purpose. Third, allowing a broad interpretation of public use impedes private property rights and is susceptible to misapplication. Takings are for a valid public use if they are made accessible to the general public, not if some public benefit may be achieved. Any broader interpretation of public use is unworkable because it allows takings under the pretext of future blights. Additionally, a broad interpretation leaves the government with no incentive to monitor or provide public benefits once private entities assume control of their newly acquired property. Fourth, *Kelo*'s public purpose test has made it more challenging for courts to assess the constitutionality of takings. After expanding the meaning of "public use" in *Kelo*, this Court has set no standard to determine the constitutionality of takings made in "bad faith," which has caused a split in lower courts. This current standard is more complicated and impractical to administer than the previous "use by the public" test, making it unworkable and easily misapplied. Fifth, there has been an overwhelmingly negative reaction to *Kelo*, for example, eleven states have amended their constitutions, and over forty states have enacted statutes to protect property rights from private takings for economic development.

Next, this Court should hold that the Takings Clause is self-executing for three reasons. First, the "just compensation" clause encompasses all the essential elements of a cause of action. This Court has recognized that an individual may bring a claim under the Fifth Amendment as soon as the government has taken their property. Additionally, when this Court faced a takings action without other statutory authority, this Court held that the Takings Clause itself establishes a separate basis for legal action. Second, the precedent set by this Court has consistently held that the Takings Clause is self-executing. Upholding the self-executing nature of the Takings Clause reinforces the government's obligation to respect property rights, a fundamental right. Third, the

Fourteenth Amendment's Due Process Clause extends the Fifth Amendment's protections to the states. Without the ability to enforce the protections of the Takings Clause against the states, there is nothing requiring state governments from refusing to waive immunity. Individuals barred from asserting takings claims directly under the Fifth Amendment are left vulnerable to state governments that seize property without providing just compensation.

For these reasons, this Court should return to the foundational principles of property rights and hold that "public use" does not include broad economic development. Furthermore, this Court should hold that the Takings Clause is self-executing, thereby guaranteeing plaintiffs a right to relief without additional reliance on statutory authority.

ARGUMENT

I. *Kelo v. City of New London* should be overturned because it expands the Fifth Amendment's Takings Clause, allowing private takings for economic development.

The Fifth Amendment provides that no person's private property shall be taken for "public use, without just compensation." U.S. CONST. amend. V. If the Court upholds the rationale that "public use" extends to economic benefits, it would wrongfully allow any exercise of eminent domain power on behalf of a private entity. *Cnty. of Wayne v. Hathcock*, 684 N.W.2d 765 (Mich. 2004). Furthermore, it places the right of private property ownership subject to the government's determination of who would better use the land. *Id.* Because of this, many states have changed their constitutions and statutes to protect private property rights and to stop the unreasonable expansion of the term "public use." *E.g.*, ARIZ. REV. STAT. § 12-1136 (5)(b); N.H. REV. STAT. ANN. § 498-A:2 (VII)(b) (excluding economic development from the term "public use"). Five factors weigh strongly in favor of overruling *Kelo v. City of New London*. *See generally Kelo v. City of New London*, 545 U.S. 469 (2005) (discussing why *Kelo* should have been decided differently in dissent). The legal standard for determining whether possible economic development

is a public use is a questions of law, which is reviewed de novo. *Grondin v. Curi*, 262 Conn. 637, 649 (2003); *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913 (D.C. Cir. 2015). In reviewing this standard, the factors to be considered are (1) the nature of the Court's error; (2) the quality of the reasoning; (3) the "workability" of the rule; (4) the rule's disruptive effect on other areas of the law; and (5) and the absence of concrete reliance on the Court's decision. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 268 (2022).

A. The Court's holding in *Kelo* breaks away from the Framers' values on property ownership and is inconsistent with prior case law.

The first factor in favor of overturning *stare decisis* is the nature of this Court's error in making the decision. *Id.* Here, *Kelo* abridges the right to own and use individual property, which severely compromises one of the most fundamental and sacred rights—private property ownership. *See* JOHN LOCKE, SECOND TREATISE OF CIVIL GOVERNMENT § 138, 73 (C.B. Macpherson ed., Hackett Publ'g Co. 1980) (1690). Not only was this right recognized by historical figures like John Locke, but it was a major inspiration for the Framers of the Constitution. *See* JAMES MADISON, THE FEDERALIST NO. 10, 130–31 (Benjamin Wright ed., 1961) (1790). Additionally, this Court has regularly reaffirmed these rights and acknowledged their fundamental importance: "The Founders recognized that the protection of private property is indispensable to the promotion of individual freedom." *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 147 (2021); *Tyler v. Hennepin Cnty.*, 598 U.S. 631, 647 (2023). Since this nation's founding, the value of property rights has continuously been stressed and heightened, postponing "even public necessity to the . . . rights of private property." WILLIAM BLACKSTONE, 1 COMMENTARIES ON THE LAWS OF ENGLAND 134–35 (1765).

1. Property ownership is one of society's most fundamental and deeply rooted rights.

The Framers placed significant value on property ownership, knowing that without property rights, "all other rights would be without practical value" and are at risk of government overstep. B. SCHWARTZ, THE LAW IN AMERICA, 287 (McGraw-Hill 1974). Many of the Framers' ideas regarding government came from John Locke, who posited that "[t]he great and chief end . . . of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property." JOHN LOCKE, TWO TREATISES OF GOVERNMENT 295 (London, Whitmore & Fenn et al. 1821) (1689). The government exists to protect property of all types, particularly those that lie in individual rights. James Madison, *Property* (1792), *reprinted in* 14 The Papers of James Madison 266 (Robert A. Rutland et al., eds., 1983). Because of this, the Framers enshrined property rights throughout the Constitution, including the Fifth Amendment, which states that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." U.S. CONST. amend. V.

One of the few areas where the government was recognized to have priority over private property rights is in eminent domain proceedings. *Id.*; *see VanHorne's Lessee v. Dorrance*, 2 U.S. 304, 310 (C.C.D. Pa. 1795). The Framers placed this exception out of an understanding that the government, in some cases, would need to seize property for public necessity, still requiring just compensation. *See Dorrance*, 2 U.S. at 310. In an early case, this Court invalidated eminent domain proceedings that were used to transfer land from Pennsylvania landowners to settlers in Connecticut. *Id.* at 320. In invalidating the law, Justice Patterson, speaking for this Court, reasoned that "no one can be called upon to surrender or sacrifice his whole property, real and personal, for the good of the community, without receiving a recompense in value." *Id.* at 310. The right to

private property was so "natural, inherent, and unalienable" that Justice Patterson condemned the law transferring private property from one set of citizens to another as a despotic exercise of government power. *See id.*

Several years later, in *Calder v. Bull*, Justice Chase wrote, "[a]ll the powers delegated by the people of the United States to the Federal Government are defined, and NO CONSTRUCTIVE powers can be exercised by it . . . ." *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 387 (1798). This Court acknowledged that private property rights are so fundamental and natural that the excessive abridgment of them is inherintely unjust. *Id.* at 388. The right to property ownership is deeply rooted in principles of natural law and justice, pre-existing many constitutions and forming an essential part of the legal and social order that the government was created to protect. *Id.*; *Severance v. Patterson*, 370 S.W.3d 705, 709 (Tex. 2012).

Kelo's expansion of government power is inconsistent with the Framers' values and intention in writing the Takings Clause into the Fifth Amendment. *Kelo*, 545 U.S. at 490. Rather than being an exception to the rule that private property rights must be protected, *Kelo* significantly expanded the government's ability to transfer ownership beyond takings for public use or public exigencies. *Id.* Under this expansion, the government can transfer property from one owner to another based on which use will provide greater economic benefit. *See id.* This holding allows the government to transfer private property for the use and benefit of a new, private corporation. *Id.* Even though this Court cites a "public purpose" for the taking, "[u]nder the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner. . . ." *See Kelo*, 545 U.S. at 494 (O'Connor, J., dissenting). Thus, *Kelo* fails to address how this Court's holding protects important property values and fundamental liberties against private, corporate interests. *Id.*

2. Trickle-down economic benefits have not been recognized in previous Takings Clause jurisprudence.

Under previous Takings Clause jurisprudence, there were only three categories in which the government could enact eminent domain proceedings. *Kelo*, 545 U.S. at 497-98. These categories included (1) transfer to public ownership; (2) transfer to private parties for public use (such as common carriers); and (3) removing blighted areas. *Id.* While economic rejuvenation was commonly used to remedy blighted areas, that was not the primary consideration. *Berman v. Parker*, 348 U.S. 26, 32 (1954). These categories never included any potential "trickle-down" economic development or transfer to private parties for private use. *Id.*

In cases pre-dating *Kelo*, where courts declined to allow takings for economic development, the only economic benefits likely to occur were increased spending and job creation. *Sw. Ill. Dev. Auth. v. Nat'l City Envtl., L.L.C.*, 199 Ill. 2d 225 (2002). For example, in *Southwestern Illinois Development Authority v. National City Environmental*, the government employed eminent domain proceedings to transfer land to a third party looking to increase its parking capacity. *Id.* at 230. To satisfy the economic rejuvenation standard, the government argued that the corporation's use of the land would potentially increase business revenue and benefit the community. *Id.* at 241. However, the Illinois Supreme Court rejected this argument, holding that the taking was unconstitutional because "trickle-down" economic development—like the justification given by Pinecrest Incorporated—does not fall within the plain meaning of "public use." *Id.*

The majority opinion in *Kelo* mischaracterizes prior precedent by holding that some private land transfers from one party to another still satisfies the public use standard. *See Berman*, 348 U.S. at 32; *Haw. Hous. Auth. v. Midkiff*, 467 U.S. 229, 240 (1984). While the majority rely upon *Berman* and *Midkiff*, those cases are distinguishable from *Kelo*. *Berman*, 348 U.S. at 32; *Midkiff*, 467 U.S. at 240. In *Berman,* for example, the property taken was a severely blighted neighborhood,

where the majority of houses had fallen into disrepair which increased crime in the area, fragmenting the community. *Berman* 348 U.S. at 30–31. Conversely, neither Karl Fischer's nor the other property owners' land "are dilapidated or pose any risk or threat to the public." R. at 3. Although the state may argue that the land is depressing local market value, the land is nowhere near meeting *Berman*'s standard of "blight." *Berman* 348 U.S. at 30–31.

This Court in *Kelo* unconstitutionally expanded these original categories of public use by holding that any economic development, including speculative benefit, was included within the broader meaning of "public purpose." *Kelo*, 545 U.S. at 490. Additionally, the legislature, not the courts, has the power to expand the definition of public use. *Id.* at 497. Since the legislature has not expanded the original three categories to include takings with "trickle-down" economic benefits, neither should this Court. *Id.* at 500. Thus, *Kelo*'s holding erroneously allows all "predicted . . . positive side effects" to be seen as economic development. *Id.*

B. *Kelo* mistakenly conflates "public use" with "public purpose," departing from the plain meaning of the Takings Clause.

The quality of the Court's reasoning is another factor that should be weighed before overruling precedent. *Dobbs*, 597 U.S. at 268. The "[g]overnment may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person." *Kelo*, 545 U.S. at 497 (O'Connor, J., dissenting). This limit enforces fairness and justice by ensuring that a small number of private owners do not carry the public burden, which the entire public should share. *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Plan. Agency*, 535 U.S. 302, 336 (2002); *Armstrong v. United States*, 364 U.S. 40, 49 (1960). Traditionally, this "public use" requirement meant that the taking was for the public's advantage and the state's necessity. *Midkiff v. Tom*, 702 F.2d 788, 791 (9th Cir. 1983).

In cases where courts denied takings for a "public purpose," the taking typically was not for public use. *Baycol, Inc. v. Downtown Dev. Auth.*, 315 So. 2d 451, 456 (Fla. 1975). For example, in *Baycol Inc. v. Downtown Development Authority*, the government seized land from private owners to construct a shopping mall entirely owned by a private entity. *Id.* at 451. To justify the taking, the government argued that because the parking lot was to be used by the public, it satisfied the "public use" standard. *Id.* The court rejected this argument because the mall had not been constructed. *Id.* at 458. Thus, the taking was unconstitutional because there was no public necessity for the parking lot. *Id.* Even though the parking lot was intended for a public purpose, the court reasoned that there was no actual public necessity because the mall had not been built. *Id.* Had the mall been built, it is possible that the parking lot would have been deemed a valid public use. *See id.* However, access to a public mall is significantly different than an exclusive, luxury ski resort. There is a greater financial barrier between freely walking through the doors of a mall and purchasing a lift pass for a ski resort. Ikon Pass, https://www.ikonpass.com (click on the menu tab, then follow "Shop" tab, then follow "Ikon Pass" tab, then click "View prices").

Unlike previous case law, the holding in *Kelo* broadens the original meaning of "public use" by expanding it to include any public purpose—even if a private corporation uses the land for private purposes. *Kelo*, 545 U.S. at 490. The law before *Kelo* was that "public purpose" is not equivalent to "governmental purpose." *N.D. v. Olson*, 33 F.2d 848, 852 (8th Cir. 1929); *Wittschen v. Comm'r*, 25 B.T.A. 46, 52 (1931). *Kelo*'s broad reading of "public use" goes against the plain and historical meaning of the phrase. *Ardestani v. INS*, 502 U.S. 129, 135 (1991); *Ex parte Siebold*, 100 U.S. 371, 393 (1879); *United States v. First Nat'l Bank*, 234 U.S. 245, 258 (1914). The literal meaning of "public use" is the employment and use of property for the public. *Use*, BLACK'S LAW DICTIONARY (12th ed. 2024). "Public use" does not mean any public purpose or necessity

whatsoever; instead, the most natural reading of the phrase is that the government must own, or the public must have a right to use the property. *Kelo*, 545 U.S. at 508 (Thomas, J., dissenting). Opposing counsel might argue that a narrower interpretation of the term "public use" would violate state sovereignty and raise concerns under the Tenth Amendment. However, it is within the federal government's authority to prevent life, liberty, and property rights from being violated by overly broad definitions of "public use." *See generally Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825 (1987) (reinforcing that the federal government can place limits on state authority when states do not meet constitutional standards). In this context, a less expansive definition of "public use" does not violate state sovereignty; instead, it safeguards individual property rights across the nation by preventing unnecessary takings. *Id.*

The *Kelo* decision diverges from the literal interpretation of public use, asserting that potential economic development aligns with the "public use" standard. *Kelo*, 545 U.S. at 490. Justice Thomas, in the dissent of *Kelo,* states that the Court's decision

> . . . holds that the sovereign may take private property currently put to ordinary private use, and give it over for new, ordinary private use, so long as the new use is predicted to generate some secondary benefit for the public--such as increased tax revenue, more jobs, maybe even aesthetic pleasure. But nearly any lawful use of real private property can be said to generate some incidental benefit to the public. Thus, if predicted (or even guaranteed) positive side effects are enough to render transfer from one private party to another constitutional, then the words 'for public use' do not realistically exclude any takings, and thus do not exert any constraint on the eminent domain power.

Id., 501. This holding pushes the limits established in previous precedents set by this Court. *See Berman*, 348 U.S. at 32; *Midkiff*, 467 U.S. at 240. Private takings purely for economic development do not meet any obvious definition of "public use." *See Kelo*, 545 U.S. at 508–511. If the government gives the property to a private entity, the public only has the right to use the property if the entity allows it. *Id.* at 508. This stretches the literal meaning of "public use" and allows pre-

textual takings to occur even in situations where private property—such as the plaintiffs and property in this action—can be taken and given to other private owners when it only incidentally serves the public. *E.g.*, *Cottonwood Christian Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203, 1229 (C.D. Cal. 2002). *Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203, 1229 (C.D. Cal. 2002).

C. Broadening the interpretation of public use significantly impedes private property rights and is susceptible to misapplication.

The limits expressly based within the Takings Clause ensure the government cannot take private property unless for a valid "public use." *See Thompson v. Consol. Gas Utils. Corp.*, 300 U.S. 55, 80 (1937). Takings are for a valid "public use" if they are made accessible to the general public, not if some public benefit may be achieved. *Eychaner v. City of Chi.*, 141 S. Ct. 2422, 2423 (2021) (Thomas, J., dissenting). Any broader interpretation of "public use" is unworkable and allows for expansive, unconstitutional takings. *See id.*; *Kelo*, 545 U.S. at 499.

Kelo's holding is unworkable and allows private entities to claim economic benefits under the guise of a constitutional taking. *See Eychaner*, 141 S. Ct. at 2423 (Thomas, J., dissenting). A great example of this is *99 Cent Only Stores v. Lancaster Redevelopment Agency*, where the court ruled that "future blight" is not enough to justify a government taking to build a new shopping center on private property. *99 Cents Only Stores v. Lancaster Redevelopment Agency*, 237 F.Supp.2d 1123, 1125 (C.D. Cal. 2001). Although the government attempted to justify their taking, "future blight" was entirely undefined, and the underlying benefit of their taking was for commercial retailers, not the public. *Id.* at 1123. The district court correctly ruled that the taking was unconstitutional because whether the area was a "blight" on the community could not be determined based on the area's potential use. *Id.* at 1130. The court further opined that such a notion not only defies logic but is adverse to the law and well-established property rights. *Id.* at

1131. While opposing counsel may try to argue that Karl Fischer's land may lead to "future blight" within the community, "future blight" is entirely speculative and potential use of the land should not be the standard for any private taking. *Id.*

It's important to note that, after *Kelo*, essentially the same fact pattern from *99 Cents Only Stores* happened in *Eychaner v. City of Chicago*. *Eychaner*, 141 S. Ct. at 2423. There, the city enacted eminent domain proceedings to remedy a "future blight," which they did by seizing homes from landowners and transferring the land to a Coca-Cola factory. *Id.* The city believed it was remedying a "future blight" because Coca-Cola stated they needed a "buffer zone" between the commercial and residential districts. *Id.* Enforcing a broad interpretation of "public use" tramples the rights of private property owners because it allows the government to seize land from private owners so that someone else may use it "better." *See also Cnty. of Wayne*, 684 N.W.2d at 786. This rule is unworkable because it allows takings under the pretext of "future blights," leaving the government with no incentive to monitor or provide public benefits once private corporations assume control of their newly acquired property. *99 Cents Only Stores*, 237 F.Supp.2d at 1130; Ilya Somin, *Controlling the Grasping Hand: Economic Development Takings After Kelo*, 15 Sup. Ct. Econ. Rev. 183, 197 (2007). Under this new standard, the government now has the authority and license to transfer property from lower-class individuals to those with "disproportionate influence and power in the political process." *Kelo*, 545 U.S. at 505 (Thomas, J., dissenting); *Eychaner*, 141 S. Ct. at 2423. For these reasons, the broad interpretation of public use significantly impedes private property rights. *Kelo*, 545 U.S. at 499.

D. ***Kelo*'s public purpose test is unworkable and disrupts other areas of law.**

Another factor that favors overturning precedent is whether a decision disrupts other areas of law. *Dobbs*, 597 U.S. at 268. *Kelo*'s test has created a circuit split on whether the government's

intent is a factor in determining if a taking is constitutional. *See Cottonwood Christian Ctr.*, 218 F.Supp.2d at 1229. Some courts have held that when the government acts in bad faith, but for a "public use," the taking is still unconstitutional. *Id.*; *Kelo*, 545 U.S. at 490.

For example, in *Cottonwood Christian Center v. Cypress Redevelopment Agency*, the district court enjoined the State of California from seizing religious land to build a retail shopping center. *Cottonwood Christian Ctr.*, 218 F.Supp.2d at 1229. Although the State said the taking was for economic development, the court reasoned that to determine whether the taking was constitutional, it had to look beyond the government's stated purpose to determine whether that purpose was genuine. *Cottonwood Christian Ctr.*, 218 F.Supp.2d at 1229. In contrast, the second circuit in *Brinkmann v. Town of Southold* upheld a taking brought by the city, despite the real motivation of the taking being to prevent the plaintiffs from using their property. *Brinkmann v. Town of Southold*, 96 F.4th 209, 221 (2d Cir. 2024). There, the court refused to look into the government's motive, instead holding that so long as the town's stated use was public, the motive was irrelevant. *Id.*

Many other court decisions show a split on whether "bad faith" takings are unconstitutional or whether the government's motive is even a relevant factor. *See, e.g.*, *99 Cents Only*, 237 F.Supp.2d at 1125; *Eychaner*, 141 S. Ct. at 2423; *Brinkmann*, 96 F.4th at 221; *Cottonwood Christian Ctr.*, 218 F.Supp.2d at 1129; *Town of Nahant v. 12.5 Acres of Land+/- Situated in Nahant*, No. 2177CV00936, 2024 Mass. Super. LEXIS 37, 65 (2024). After expanding the meaning of "public use," this Court has set no standard to determine the constitutionality of takings made in "bad faith." *Kelo*, 545 U.S. at 480. As a result, lower courts have a more difficult time implementing the new "broad scope" public use standard. *Id.* This current standard is more complicated and impractical to administer than the previous "use by the public" test, making it

unworkable and easily misapplied. *Id.* at 479. To be sure, none of the earlier categories of recognized takings—public ownership, public use by common carriers, or removing blight—require an analysis of government motive. *See id.*

This Court's overly broad interpretation of the Takings Clause also impacts other areas of the law. *Cabrera v. Maddock*, No. 1:10-cv-00611-LJO-MJS (PC), 2015 U.S. Dist. LEXIS 70646 *1, *20-21 (E.D. Cal. 2015); *see generally NLRB v. Canning*, 573 U.S. 513 (2014) (warning that overly broad interpretations could transform narrowly tailored constitutional provisions into broad weapons). By departing from the plain meaning of the words of the Fifth Amendment, this Court allows broad deference in determining all constitutional rights, effectively allowing courts to constrict or expand the law unjustly. *See NLRB v. Canning*, 573 U.S. at 570. Certainty in the law is of fundamental importance. *Knick v. Twp. of Scott*, 588 U.S. 180, 204–205 (2019). Thus, this Court should not allow overly broad readings of constitutional rights. *Id.*

E. Most states restrict private takings for public use, rejecting the broad interpretation of *Kelo*.

The absence of reliance on *Kelo* is another reason why the decision should be overturned. *Dobbs*, 597 U.S. 268. Since *Kelo* was decided, eleven states have amended their constitutions, and over forty states have enacted statutes to protect property rights from private takings for economic development. *See e.g.*, Tex. Const. Art. I, § 17(b); N.H. REV. STAT. ANN. § 498-A:2 (VII)(b); DEL. CODE ANN. tit. 29, § 9501A; Diana Berliner, *Looking Back Ten Years After Kelo*, 125 Yale L. J. 82, 84 (2015). These statutes and amended constitutions show an overwhelmingly negative reaction to this Court's holding. *Id.* Further, the parties in *Kelo* did not develop the land that was taken for so-called "economic development," showing that not even the original parties to *Kelo* relied on this Court's decision. Ilya Somin, *Will There Finally be Some Development on the Land Condemned in Kelo v. City of New London?*, Reason, (May 6, 2023, 5:57 PM)

https://reason.com/volokh/2023/05/06/will-there-finally-be-some-development-on-the-land-condemned-in-kelo-v-city-of-new-london/.

New Hampshire expressly outlaws government takings for "private economic development and private commercial enterprises," even though they may increase revenue and employment opportunities. N.H. REV. STAT. ANN. § 498-A:2 (VII)(b). Similarly, Texas has amended the definition of "public use" in its constitution to exclude takings transferred to a private entity for economic development or enhancement of tax revenues. Tex. Const. Art. I, § 17(b). In Delaware, "public use" only includes the use of the land by the general public and the creation of public utilities. DEL. CODE ANN. tit. 29, § 9501A. Additionally, eminent domain proceedings in Delaware can only be initiated to remove a blighted area, a structure beyond repair, an abandoned area, or if there is a threat to public health and safety. *Id.* These statutes and constitutions illustrate a fundamental rejection of *Kelo* and incorporate the plain meaning of "public use." *Id.*; N.H. REV. STAT. ANN. § 498-A:2 (VII)(b); Tex. Const. Art. I, § 17(b).

This overwhelmingly negative reaction to the Court's decision highlights exactly why *Kelo* should be overturned. Diana Berliner, *Looking Back Ten Years After Kelo*, 125 Yale L. J. 82, 84 (2015). In any other area of the law, this Court would not likely deny protection of an explicit constitutional right and allow states to vary in the level of protection provided. *Id.* It is then unclear why this Court, in *Kelo*, allows states to decide how far to infringe on the right to private property. *Id.* Allowing states to vary in how they choose to protect or infringe on private property rights undermines the purpose of a Constitution and depreciates its value in our society. *Id.* For this reason and the reasons stated above, this Court should overturn the holding in *Kelo* and remand for further proceedings.

II. Claims under the Fifth Amendment's Takings Clause are self-executing because the amendment itself provides a remedy.

The Fifth Amendment to the Constitution states that private property cannot be taken for public use without just compensation. U.S. CONST. amend. V. The legal standard for determining whether the Takings Clause is self-executing is a question of law, which is reviewed de novo. *Grondin v. Curi*, 262 Conn. 637, 649 (2003); *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913 (D.C. Cir. 2015). "[T]he Government is under an implied obligation to make just compensation to the owner," and additional legislation is not required. *United States v. Great Falls Mfg. Co.*, 112 U.S. 645, 653 (1884). Prior to the Tucker Act and 42 U.S.C. § 1983, claims for governmental takings were brought to Congress solely under the Fifth Amendment. *See Norwood v. Baker*, 172 U.S. 269, 276 (1898). Additionally, this Court has consistently recognized that the Takings Clause is inherently self-executing. *First English Evangelical Lutheran Church v. Cnty. of L.A.*, 482 U.S. 304, 315 (1987); *United States v. Clarke*, 445 U.S. 253, 257 (1980) (noting the self-executing character of the Fifth Amendment). The Fourteenth Amendment incorporates the Takings Clause to the states, allowing an individual to invoke the right to just compensation regardless of whether the action comes from state or federal authorities. *Knick*, 588 U.S. at 202 n.8.

A. By providing a remedy, the Takings Clause is in a class of its own and cannot be compared to other constitutional amendments.

To establish a cause of action for a Fifth Amendment takings claim, a plaintiff must demonstrate a protectable property interest taken by state action. *See Phillips v. Wash. Legal Found.*, 524 U.S. 156, 164 (1998). This Court has long recognized that an individual may bring a claim for just compensation as soon as the government has taken their property. *Id.* at 189. Despite this Court holding that the Fifth Amendment is self-executing, no clear precedent answers whether

a plaintiff has a cause of action arising directly under the Takings Clause. *DeVillier v. Tex.*, 601 U.S. 285, 292 (2024). However, the absence of precedent "demonstrates only that constitutional concerns do not arise when property owners have other ways to seek just compensation." *Id.* Thus, the Thirteenth Circuit was wrong to hold that there is no cause of action. R. at 10.

Furthermore, there are times when property owners do not have other ways to seek just compensation. *Jacobs v. United States*, 290 U.S. 13, 15 (1933). For example, in *Jacobs v. United States*, the government's construction of a dam caused severe water overflow, damaging private lands. *Id.* at 15. While the property owners in that case brought suit under the Fifth Amendment and the Tucker Act, this Court held that the private owners were entitled to just compensation because the government's duty to pay is expressed in the Fifth Amendment. *Id.* This Court further held that no additional statutory recognition, such as the Tucker Act, was necessary to assert the claim. *Id.* at 16. Instead, this Court reasoned that the claim was founded upon the Constitution and rested solely on the Fifth Amendment. *Id.*

Similarly, when this Court faced a takings claim without other statutory authority cited in *First English Evangelical Lutheran Church v. County of Los Angeles*, it was determined that the Takings Clause established a separate basis for legal action. *First English Evangelical Lutheran Church*, 482 U.S. at 315–16 (applying this concept to both inverse condemnation and eminent domain proceedings). Additionally, four circuits have held that the Takings Clause provides a cause of action without the need for additional statutory recognition. *Wis. Cent. Ltd. v. Pub. Serv. Comm'n of Wis.*, 95 F.3d 1359, 1368 (7th Cir. 1996). The Seventh Circuit, for example, has held that the Takings Clause is in a class of its own and "unlike other constitutional deprivations . . . provides both the cause of action and the remedy." *Id.* The Fourth Circuit has held the same, reasoning that the Constitution authorizes a cause of action against the government, cutting out the

need for additional statutory recognition. *See Mann v. Haigh*, 120 F.3d 34, 37 (4th Cir. 1997). Only two circuits, the Fifth and the Ninth, have effectively prohibited courts from hearing Takings Clause claims unless the government is gracious enough to afford them another statute to bring a cause of action. *DeVillier v. Tex.* 63 F.4th 416, 433 (2023), *aff'd* 601 U.S. 285 (2024). The holdings from the Fifth and the Ninth Circuits are poorly reasoned and effectively reduce the Takings Clause to nothing. *Id.* Judge Oldham notes that the Fifth Circuit's denial of a cause of action "reflects a deeply ahistorical understanding of takings litigation" and ignores this Court's holding in *First English*. *Id.* at 434. Thus, expressly "reject[ing] the Solicitor General's contention that Takings Claims are actionable only under § 1983 or some other federal statutory cause of action." *Id.*; *See generally Knick*, 588 U.S. at 180 (holding that just compensation claims are entitled to be heard under the Fifth Amendment).

B. This Court has repeatedly held that the Takings Clause is self-executing.

This Court has recognized time and time again that "the doctrine of *stare decisis* is of fundamental importance to the rule of law." *Welch v. Tex. Dep't of Highways & Pub. Transp.*, 483 U.S. 468, 494 (1987); *United States v. IBM*, 517 U.S. 843, 855–56 (1996); *Hilton v. S.C. Pub. Rys. Comm'n*, 502 U.S. 197, 202 (1991); *Payne v. Tenn.*, 501 U.S. 808, 827 (1991) ("*Stare decisis* is the preferred course because it promotes the evenhanded, predictable, and consistent development of legal principles . . . and contributes to the actual and perceived integrity of the judicial process."). This Court has consistently held that the Takings Clause is self-executing and should not defy decades of this Court's holdings on the matter. *Knick*, 588 U.S. at 192; *First English*, 482 U.S. at 315.

For example, in *Knick v. Township of Scott*, a property owner sued to enjoin the Township from forcing her to open her small, family cemetery to the public. *Knick*, 588 U.S. at 186. While

it wasn't the primary consideration, this Court did acknowledge that because the Takings Clause is self-executing, "a property owner has a constitutional claim for just compensation at the time of the taking." *Id.* at 192. This Court further held that the actions by the government to return the land did not alleviate the constitutional harm of the taking. *Id.* "[W]here the Government's activities have already worked a taking of all use of property, no subsequent action by the Government can relieve it of the duty to provide compensation." *Id.* (citing *First English*, 482 U.S. at 321). The holding in *Knick* shows this Court's understanding that the Takings Clause is self-executing. *Knick*, 588 U.S. at 192.

Furthermore, this Court has recognized the self-executing nature of the Takings Clause for over ninety years. *Jacobs*, 290 U.S. at 18. Justice Thomas, in the dissent of *San Diego Gas & Electric Company*, opined that

> The suits were based on the right to recover just compensation for property taken by the United States for public use in the exercise of its power of eminent domain. That right was guaranteed by the Constitution. . . . The form of the remedy did not qualify the right. It rested upon the Fifth Amendment. Statutory recognition was not necessary. A promise to pay was not necessary. Such a promise was implied because of the duty to pay imposed by the Amendment.

San Diego Gas & Elec. Co. v. San Diego, 450 U.S. 621, 654-55 (1981). Today, this Court should hesitate to overturn the right of property owners to bring a claim as soon as the government takes their property, departing from decades of tradition. *Kisor v. Wilkie*, 588 U.S. 558, 586-87 (2019); *Eickmeyer v. United States*, 10 Cl. Ct. 179, 182 (1986). Reversing the self-executing nature of the Takings Clause will have far-reaching implications, potentially exposing property owners to unjust infringement without just compensation. *See generally Knick*, 588 U.S. at 180 (holding that just compensation claims can be brought as soon as the property is taken). For example, in this case, the State of New Louisiana does not provide Karl Fischer with just compensation, leaving him

with no remedy. R. at 2. Upholding the Thirteenth Circuit's decision would effectively prevent property owners from having their day in court. R. at 10. Conversely, reversing the Thirteenth Circuit's decision reinforces the constitutional protections afforded to protect private property rights and obligates the government to provide just compensation. *Id.*

1. **The Takings Clause holds significant importance as it was the first provision to be applied to the states.**

In 1897, the Fifth Amendment was the first constitutional provision to be applied to the states through the Fourteenth Amendment. *Chi., Burlington & Quincy R.R. v. Chi.*, 166 U.S. 226, 241 (1897); *AFT Mich. v. State*, 866 N.W.2d 782, 793 (Mich. 2015). The Takings Clause was incorporated to restore takings claims to the "full-fledged constitutional status the Framers envisioned when they included the Clause among the other protections in the Bill of Rights." *Knick*, 588 U.S. at 189. Any interpretation that weakens the self-executing nature of the Takings Clause diminishes its importance and standing among the other Bill of Rights provisions. *Dolan v. City of Tigard*, 512 U.S. 374, 392 (1994).

For example, in *Murr v. Wisconsin*, state regulations constituted a taking by preventing land owners from selling or developing their lot, depriving them of the right to use their property. *Murr v. Wis.*, 582 U.S. 383, 390-91 (2017). Although this Court held that the regulation did not require just compensation, this Court heavily discussed the importance of the Takings Clause as applied to the states. *Id.* at 394. This Court opined that property rights have historically been essential to our society because they preserve the freedom of individuals to shape their own destiny rather than being subject to the control of the government. *Id.*

Additionally, historical evidence demonstrates that one of the primary reasons for incorporating the Bill of Rights—specifically the Takings Clause—to the states was to protect constitutional property rights from state government abuse. *See* Ilya Somin, *Knick v. Township of*

Scott: Ending a "Catch 22" that Barred Takings Cases from Federal Court, 2018–19 Cato Supreme Ct. Rev.153, 161; *see generally Knick*, 588 U.S. 180 (discussing the history of takings litigation). Furthermore, the most prominent consideration for the drafters of the Fourteenth Amendment was the protection of private property rights. HAROLD HYMAN & WILLIAM WIECEK, EQUAL JUSTICE UNDER LAW: CONSTITUTIONAL DEVELOPMENT 1835–75, 395–97 (New American Nation 1982). The Framers recognized that the protection of private property is indispensable to the promotion of individual freedom. *Cedar Point Nursery*, 594 U.S. at 147. Therefore, any holding by this Court that the Takings Clause is not self-executing blatantly disregards the fundamental importance seen through the Framers' values. *Id.*

2. Claims were brought under the Takings Clause before the enactment of 42 U.S.C. § 1983 and the Tucker Act.

The concept of just compensation for the government's taking of property can be traced back 800 years to the Magna Carta. *Horne v. Dep't of Agric.*, 576 U.S. 351, 358 (2015) (noting that the Takings Clause goes back more than 800 years to clause twenty-eight of the Magna Carta). In the 1641 Massachusetts Body of Liberties, property taken by the government was required to be compensated: "No mans Cattel or goods of what kinde soever shall be pressed or taken for any publique use or service, . . . [a]nd if his Cattle or goods shall perish or suffer damage in such service, the owner shall be suffitiently recompenced." THE MASSACHUSETTS BODY OF LIBERTIES (1641), https://history.hanover.edu/texts/masslib.html. After 1641, but before the Tucker Act and 42 U.S.C. § 1983, individuals seeking just compensation from the federal government had to pursue their claims through private acts of Congress. *Libr. of Cong. v. Shaw*, 478 U.S. 310, 316 (1986). However, since the enactment of the Tucket Act and 42 U.S.C. § 1983, takings actions have continued to be brought solely under the Fifth Amendment. *DeVillier*, 601 U.S. at 287.

For example, in *DeVillier v. Texas*, the State took a property owner's land for stormwater storage. *Id.* The owner sued for just compensation under the Takings Clause, arguing that the Constitution allowed him to bring a cause of action. *Id.* While this Court remanded the case because Texas afforded a place to vindicate the owner's rights, this Court acknowledged that states are required to assure that the Constitution will be upheld and be the "supreme law of the land." *Id.* at 293 (citing *Alden v. Me.*, 527 U.S. 706, 755 (1999)). This Court did not hold that the property owner needed to cite another authority to have a claim, thus allowing the property owner to bring his case solely under the Fifth Amendment. *See generally DeVillier*, 601 U.S. at 285 (failing to discuss the ability to bring a Takings Clause claim under only the Fifth Amendment).

Additionally, instances where municipalities sought equitable relief under the Fifth Amendment suggests that relief is allowed through the Takings Clause. *See Dohany v. Rogers*, 281 U.S. 362, 364 (1930); *Norwood*, 172 U.S. at 276. Courts have played a vital part in shaping the availability of relief under the Takings Clause, especially in cases where additional statutory remedies were unavailable. *See Dohany*, 281 U.S. at 364; *Norwood*, 172 U.S. at 276; *DeVillier*, 601 U.S. at 287. If the Takings Clause is not self-executing, the Constitution would offer no immediate remedy for individuals whose property was taken. Brief for Amici Curiae at 7, Devillier v. Tex., 601 U.S. 285 (2024) (No. 22-913). As a result, property owners would be entirely dependent on Congress for a place to vindicate these rights. *Id.* This will lead to inconsistent results, where some governmental takings are compensated based on available statutes provided through the state, while others are left unable to bring a claim to protect their rights. *Id.*

3. The legislative intent of the Tucker Act and 42 U.S.C. § 1983 was to waive federal and state sovereign immunity.

The Tucker Act intended to waive federal sovereign immunity when government actors violate constitutional rights. *United States v. White Mt. Apache Tribe*, 537 U.S. 465, 472 (2003).

Similarly, 42 U.S.C. § 1983 allows suits against a state that has deprived individuals of federal constitutional rights. *Connick v. Thompson*, 563 U.S. 51, 60 (2011). Therefore, the issue of whether a Fifth Amendment claim can be brought on its own depends on whether the government waives its immunity, not whether the clause is self-executing. *See In re Fin. Oversight & Mgmt. Bd.*, 41 F.4th 29, 46 (1st Cir. 2022). While other constitutional amendments require an additional statutes, such as 42 U.S.C. § 1983, no other constitutional provision mandates a specific remedy like the Takings Clause mandates just compensation. *Id.*

In *Knick*, the State took a landowner's property, claiming she violated a city ordinance. *Knick*, 588 U.S. at 106. The landowner sued to enjoin the State from encroaching on her property rights. *Id.* The district court dismissed the claims because the landowner failed to exhaust her state remedies before filing in federal court. *Id.* This Court overruled the decision in *Williamson County Regional Planning Commision v. Hamilton Bank*, which required property owners to seek just compensation through state court procedures before bringing a federal takings claim. *Id.* at 206; *Williamson Cty. Reg'l Planning Comm'n v. Hamilton Bank*, 473 U.S. 172, 200 (1985). The *Knick* decision confirmed that the Takings Clause guarantees property owners the right to receive just compensation at the time of taking. *Id.* This means that property owners do not have to wait to be denied relief before vindicating their rights, confirming the legislature's intent when enacting the statutes. *Id.*

Unlike other amendments that protect rights without specifying how those rights should be remedied, the Takings Clause expressly states the remedy. U.S. CONST. amend. I; U.S. CONST. amend. V; U.S. CONST. amend. XIV. The State may argue that all other constitutional amendments require additional statutory recognition, but by mandating the remedy, the Takings Clause is blatantly self-executing. U.S. CONST. amend. V. By waiving immunity through statutes like the

Tucker Act and 42 U.S.C. § 1983, Congress has reinforced the idea that individuals must have a clear path to seek compensation when the government takes their property. 42 U.S.C. § 1983; 28 U.S.C. § 1491. The legislative intent behind the Tucker Act and 42 U.S.C. § 1983 is to expand the protections afforded by the Fifth Amendment's Takings Clause. 42 U.S.C. § 1983; 28 U.S.C. § 1491. Furthermore, the self-executing nature of the Takings Clause highlights the fundamental importance of property rights, ensuring that just compensation is mandated without the landowner having to point to additional authority. *First English Evangelical Lutheran Church.*, 482 U.S. at 315.

C. The Fourteenth Amendment applies the Takings Clause to the states.

It is contradictory to assert that the Fifth Amendment is not self-executing in the context of the Fourteenth Amendment. *See United States v. Al-Hamdi*, 356 F.3d 564, 573 n.11 (4th Cir. 2004). This is because "[s]tates and their officers are [also] bound by obligations imposed by the Constitution." *Alden*, 527 U.S. at 754–55. This Court "has consistently applied the Takings Clause to the states, and in so doing recognized, at least tacitly, the right of a citizen to sue the state under the Takings Clause for just compensation." *Manning v. Mining & Mins. Div. of the Energy, Mins. & Nat. Res. Dep't*, 140 N.M. 528, 531 (N.M. 2006). If the Fifth Amendment is not self-executing, it implies that the responsibility of ensuring due process lies exclusively with the state legislature, which cuts against the purpose of the Fourteenth Amendment. *Knick*, 588 U.S. at 184–85.

At least two cases show that citizens can sue the states under the Takings Clause for violations of federal law. *Palazzolo v. R.I.*, 533 U.S. 606, 614–15 (2001); *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1027–30 (1992). In *Lucas v. South Carolina Coastal Council*, a landowner brought a takings claim after the State restricted private development on their beach. *Lucas*, 505 U.S. at 1008–09. This Court allowed the landowner's claim to proceed under the Fifth and

Fourteenth Amendments. *Id.* Similarly, in *Palazzolo v. Rhode Island*, the State's restriction on the landowner's property led to an invalid taking. *Palazzolo*, 533 U.S. at 632. This Court reiterated the rule from *Lucas* by holding that the landowner could sue the State for just compensation under the Fifth and Fourteenth Amendments. *Id.*; *Lucas*, 505 U.S. at 1008–09.

It is illogical to prohibit individuals from asserting self-executing claims under the Fifth Amendment when the Fourteenth Amendment was explicitly created to protect individual rights from state encroachment. *See Al-Hamdi*, 356 F.3d at 573 n.11. The Fourteenth Amendment's Due Process Clause safeguards against unjust state actions, including the unlawful taking of private property. *Dusenbery v. United States*, 534 U.S. 161, 167 (2002). By shifting the responsibility to the states, the federal government would abdicate its constitutional duty to protect private property rights. *See Pakdel v. City & Cnty. of S.F.*, 594 U.S. 474, 477 (2021). This allows states to avoid their federal constitutional duty to provide just compensation, undermining the framework that protects property rights. *Id.* Individuals barred from asserting taking claims directly under the Fifth Amendment would be left vulnerable to state governments, like New Louisiana, that seize property without providing just compensation. *Knick*, 588 U.S. at 184–85. The idea that individual property rights are subject to state discretion does not comport with the history of the Takings Clause, which "has become part of our constitutional culture." *Lucas*, 505 U.S. at 1028. The Fourteenth Amendment ensures that no state can infringe upon fundamental rights without offering due process. *See Al-Hamdi*, 356 F.3d at 573 n.11. Prohibiting self-executing claims under the Fifth Amendment would undermine the protections that the Fourteenth Amendment was designed to enforce. *Id.* For this reason and the reasons stated above, we ask this Court to hold that the Takings Clause is self-executing, thereby guaranteeing Karl Fischer a right to relief under the Fifth Amendment.

CONCLUSION

The impact of *Kelo v. City of New London* has been disastrous for private property rights and raises questions about the balance between individual rights and governmental authority. This Court's current "public purpose" standard allows private entities to undermine individual property rights, illustrating why this Court should return to the narrow the meaning of "public use" to exclude speculative economic development. If the current standard is allowed to remain, the sanctity of private property would be subject to the government's abuse of eminent domain proceedings. The holding in *Kelo* has sparked concern across many states, calling for more protection for landowners by narrowing what qualifies as "public use."

Additionally, the language in the Takings Clause makes it self-executing, thereby creating a cause of action, which protects against governmental overreach. This Court should hold the Takings Clause is self-executing because of the historical context of the Takings Clause, the fundamental importance of private property ownership, and the Framers' intent when drafting the Fifth Amendment. By holding that the Takings Clause is self-executing, this Court ensures that states cannot disrespect the Constituion, thus upholding foundational principles of individual property rights. This Court should overturn *Kelo* and return to the fundamental principles of liberty that the Framers intended for property owners, and clearly establish that the Takings Clause is self-executing, thereby giving plaintiffs a cause ofaction without requiring additional statutory authority.

Respectfully submitted,

/s/ Team 15
Attorneys for Petitioner

CERTIFICATE OF SERVICE

We certify that a copy of Petitioner's brief was served upon Respondent, The State of New Lousiana, through the counsel of record by certified U.S. mail return receipt requested, on this, the 21st day of October, 2024.

/s/ Team 15
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