

Introduction: In the wake of the Supreme Court's *Kelo vs. New London* decision in which the Tidewater Libertarian Party submitted an amicus brief to the court supporting the damaged home owners and opposing the taking, 44 states have taken action to restrict the use of eminent domain for economic development purposes. The State of Virginia was one of the first to address the issue of eminent domain abuse and the protection of private property rights.

Resolution  
Support for House Joint Resolution No. 693,  
Related to Taking or Damaging of Private Property

WHEREAS, the Tidewater Libertarian Party (TLP) finds that it is of paramount importance to protect private property from Local, State, and Federal government eminent domain powers to take private property for private use; and

WHEREAS, the United States Supreme Court in *Kelo v. City of New London* held by a 5-4 decision that government may seize the home, small business, or other private property of one owner and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development; and

WHEREAS, This Resolution is in response to the above stated controversial ruling by the United States Supreme Court; and

WHEREAS, this Resolution is adopted to support prohibiting transfers of private property without the owner's consent, if the transfer is for purposes of economic development rather than public use and for providing just compensation; and

WHEREAS, the TLP is of the opinion that eminent domain powers should be limited to such public projects as water/sewer lines, roads, streets, public parks, public buildings, electricity development and other similar projects that benefit the public as a whole and that the power of eminent domain should not be used simply to further private economic development; and

WHEREAS, it is appropriate for the TLP to take action, consistent under the State of Virginia Constitution, to support restoring vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property rights against unreasonable government use of power of eminent domain; and

WHEREAS, the protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our nation's founders and the essence of what they fought for in the defense of their homes and private property; and

WHEREAS, Thomas Jefferson famously wrote on April 6, 1816, the protection of such rights is "the first principle of association, 'the guarantee to every one of a free exercise of his industry, and the fruits acquired by it,'" and

WHEREAS, the TLP supports House Joint Resolution No. 693, agreed to by the Senate on February 22, 2011, and the House of Delegates on February 23, 2011, and will be considered for its second vote in the Virginia General Assembly convening in January 2012, that would clarify government's exercise of its power of eminent domain to be limited only for public use, rather than for economic development, and this standard of protection would apply to all exercises of eminent domain power by the local, and state governments; and

WHEREAS, it is appropriate for the Virginia Beach delegation and the Virginia General Assembly, to take appropriate action, consistent with the Constitution of the United States and the Virginia Constitution, to restore the vital protections of the Fifth Amendment and to protect private property rights against unreasonable government use of the power of eminent domain; now, therefore, be it

RESOLVED by the Tidewater Libertarian Party, Executive Committee, that the General Assembly of Virginia support and advocate for the passage of a resolution related to the taking or damaging of private property, limiting the government's use of eminent domain and to protect the private property rights of its citizens; and be it

RESOLVED FURTHER, that the Chairman, Tidewater Libertarian Party, provide copies of this resolution to the Lieutenant Governor, Attorney General, President Pro Tempore of the Virginia Senate and the Speaker of the House, and to the senators and delegates comprising the Virginia Beach delegation to the Virginia General Assembly.

Approved by the General Membership at their Annual Meeting on this seventh day of January, 2012.