

Supreme court kelo v. the city u5



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Activist Judges Activist judges are a serious problem in the United States. Instead of simply applying the laws of the land—laws which have been made by duly elected legislators—they choose to apply unsupportable interpretations of the law. This is especially bad when it comes to the Constitution or the powers of the federal government. Activist judges often think that the government can solve all the people's problems, so they find ways to give it more power. Kelo is a great example of this. The activist judges on the Supreme Court permitted the state to take away people's private property simply because the new owners had a development plan. The eventual plan fell through. The case was an unmitigated disaster and is a great piece of evidence suggesting courts should mind their own business. The case hinged on the definition of "public use" in the fifth amendment of the Constitution. Justice Clarence Thomas issued a powerful dissent in which he took the majority to task: "Allowing the government to take property solely for public purposes is bad enough, but extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful." This dissent says it all. The unintended consequences of the activist judges' rulings are unfair and unjust. The problem with activist judges is that they undermine our democracy. They are not elected officials and are not responsive to the public. They live in an abstract world where they rarely see the consequences of their actions. Unfortunately, President Obama is keen on selecting more activist judges to sit on the bench of the Supreme Court.

Kanner, Gideon. " Kelo v. New London: Bad Law, Bad Policy and Bad Judgment". *The Urban Lawyer* 38 (2006).