

The Village of Hebron

Office of the Mayor

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Honorable Chairman Ney, Committee Members and guests:

Thank you for allowing me the opportunity to address the committee this morning. As Mayor of the Village of Hebron I want to welcome everyone to our community for this important event.

The Fifth Amendment to the Constitution of the United States allows for the government taking of private property for the "public good" through the application of due process and fair compensation. Clearly, many of the roads, utility infrastructure, schools, flood control reservoirs, and numerous other projects that improve the quality of life for all would not be possible if it were not for this law.

I believe that while the eminent domain process can yield great benefit for communities it can also inflict significant hardship on private property owners who have their own vision for their property. They have a right to that vision and the government should be hesitant to impose a different one. The need to strike a balance between the "Public Good" and the "Property rights of the individual" should always be uppermost in the minds of elected officials.

It seems to me that the taking of property from one private individual and giving/selling it to another private individual/business is unlikely to be what the framers of the Fifth Amendment had in mind. When the taking is done solely to enhance the revenue stream for the government by expanding the tax base, I believe it is beyond the boundaries of expectation of the electorate.

There is no question that any of our homes would produce more jobs and taxes if they were turned into an office building site, and every small business would produce more jobs and taxes if it were torn down and a Lowe's or Wal-Mart were constructed. If that's the definition of the "public good" to be used then everything we own as individuals is in jeopardy as soon as some private business delivers their plan or vision to the local council.

Our country has always supported a strong system of protecting private property rights. I believe that the process of "eminent domain" is a necessary tool for the betterment of our communities and public safety and health and should continue. As with many laws, the interpretation of this one seems to have expanded beyond what most Americans would consider to be "common sense". I am one of those Americans.

I support the efforts of your Committee to investigate what may appear to some as abuses of the eminent domain process. I also would encourage our representatives at all levels that any restriction of the process be approached with great caution. This is a law that has helped provide an American infrastructure that is the envy of most of the world. It will continue to be needed as we move forward as an innovative and progressive society.

Those of us who have the privilege of serving our communities simply cannot forget that we have a responsibility to protect and defend the rights of the private individual as we strive to improve the quality of life for all.

Thank you for the opportunity to share these comments with you today.

Original signed by

Clifford L. Mason
Mayor