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**Develop Don't Destroy Attorneys File Brief with US Supreme Court
*High Court's Decision Could Kill Bruce Ratner's Nets Arena/High-rise Proposal***

BROOKLYN—Develop Don't Destroy Brooklyn (“DDDB”) has submitted an *amici curiae* (“friend of the court”) brief to the United States Supreme Court in support of the petitioners in *Kelo v. The City of New London*, a case that could overturn decades of abuse of the Constitutionally-granted power to seize private property (“eminent domain”). The brief was filed by Norman Siegel (former Executive Director of the New York Civil Liberties Union) and Steven Hyman and Richard Farren of the law firm McLaughlin & Stern, LLP. The Supreme Court's decision, expected by or before June 2005, will have major ramifications on Bruce Ratner's proposed high-rise and arena complex in Prospect Heights, Brooklyn. Ratner's proposal includes the possible use of eminent domain by New York State and City, who would take 11-13 acres of private property in Prospect Heights, Brooklyn and transfer it to Mr. Ratner's development firm, Forest City Ratner.

In February 2004, Develop Don't Destroy Brooklyn (DDDB) hired Mr. Siegel and McLaughlin & Stern to represent residents, business and property owners in the proposed Ratner footprint. DDDB spokesperson Daniel Goldstein said, “We are ecstatic to file this brief in support of the petitioners in this historic case. We have great faith that the Court will make the right decision and restrict the use of eminent domain to its original public use intentions. We have contended all along that Mr. Ratner's proposed use of eminent domain is an egregious abuse of the law. Within the next half year, we fully expect the Supreme Court to vindicate our position.”

The power of eminent domain, established by the Fifth Amendment to the Constitution, was intended to allow government seizure of private property for a “public use.” Over the past decades “public use” has been broadly expanded by many courts to include claims of “economic development” and increased tax revenue. But in the past few years, some state courts have turned back this tide of abusive interpretation. The Supreme Court, in hearing *Kelo*, beginning in February, has given hope to property rights advocates and property owners across the country that the highest court in the land will reinvigorate the “public use” limitation and prohibit eminent domain takings for the purpose of “economic development.”

Mr. Siegel said: “The use of eminent domain has run amok, both here in New York State and across the country. We hope that the United States Supreme Court will hold in *Kelo* that the Fifth and Fourteenth Amendments to the United States Constitution limit the power of government to condemn private property for public use, but not permit it for private economic development. The decision in the *Kelo* case could substantially change the way in which eminent domain is implemented. We look forward to the end of the abuse of eminent domain.”

The epidemic of eminent domain abuse is not just statewide, but a plague across the nation. Groups from around the country—including such diverse organizations as the Property Rights Foundation of America, the American Farm Bureau Federation, the Pacific Legal Foundation, and the Rutherford Institute— have also filed their own *amicus* briefs in support of the petitioners in *Kelo*.

To download a copy of the amicus brief: www.dddb.net/public/DDDBamicusbrief.pdf

For more information on *Kelo*: http://www.ij.org/cases/property/new_london.shtml

DEVELOP DON'T DESTROY BROOKLYN leads a broad-based community coalition fighting for development that will unite our communities instead of dividing and destroying them.