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Developer Wants To Seize Supreme Court Justice's Home

Home Would Be Replaced With 'Lost Liberty' Hotel

POSTED: 10:52 am EDT June 29, 2005

WEARE, N.H. -- Following a Supreme Court ruling last week that gave local governments power to seize private property, someone has suggested taking over Justice David Souter's New Hampshire farmhouse and turning it into a hotel.

"The justification for such an eminent domain action is that our hotel will better serve the public interest as it will bring in economic development and higher tax revenue to Weare," Logan Darrow Clements of California wrote in a letter faxed to town officials in Weare on Tuesday.



AP Image

David Souter

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Souter, a longtime Weare resident, joined in the 5-4 court decision allowing governments to seize private property from one owner and turn it over to another if doing so would benefit a community.

The letter dubbing the project the "Lost Liberty Hotel" was posted on conservative radio show host Rush Limbaugh's Web site. Clements said it would include a dining room called the "Just Desserts Cafe" and a museum focused on the "loss of freedom in America."

A message seeking comment from Souter was left at his office Wednesday morning. The court has recessed and Souter was still in Washington, one of his secretaries said.

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A few police cruisers were parked on the edge of Souter's property Tuesday.

"It was a precaution, just being protective," said Lt. Mark Bodanza.

Clements is the CEO of Los Angeles-based Freestar Media that fights "abusive" government through a Web site and cable show. He plans to move to New Hampshire soon as part of the Free State Project, a group that supports limiting government powers, the Monitor reported.

SURVEY

Do you think local governments should be able to seize people's homes and businesses for private development?

- Yes.
 No.

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The letter was passed along to the board of selectmen. If the five-member board were to endorse the hotel project, zoning laws would have to be changed and the hotel would have to get approval from the planning board. Messages seeking comment were left with Laura Buono, board chairwoman.

"Am I taking this seriously? But of course," said Charles Meany, Weare's code enforcement officer. "In lieu of the recent Supreme Court decision, I would imagine that some people are pretty much upset. If it is their right to pursue this type of end, then by all means let the process begin."

Souter's two-story colonial farmhouse is assessed at a little more than \$100,000 and brought in \$2,895 in property taxes last year.

The Supreme Court case involved the city of New London, Conn. The justices ruled that City Hall may take over property through eminent domain to make way for a hotel and convention center.

In his majority opinion, Justice John Paul Stevens said New London could pursue private development under the Fifth Amendment, which allows governments to take private property if the land is for public use. He said the project the city has in mind promises to bring more jobs and revenue.

At least eight states - Arkansas, Florida, Illinois, Kentucky, Maine, Montana, South Carolina and Washington - forbid the use of eminent domain for economic development unless it is to eliminate blight. Other states either expressly allow private property to be taken for private economic purposes or have not spoken clearly to the question.

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