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Eminent-domain reform long overdue

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The U.S. Supreme Court ruling of two years ago that gave governments the power to seize people's homes and land for private redevelopment purposes was bound to lead to abuses, and so it has. According to New Jersey Public Advocate Ronald K. Chen, his office has detailed a number of examples in which government has misused the power of eminent domain and citizens' "rights have been violated."

None of this comes as any surprise. Even before the court's decision could be put into practice it was evident that the broadened rules would embolden some local governments to wield their new and expanded power of condemnation indiscriminately, without a clear and overriding public purpose in mind. And so it has gone.

The bigger question these days is: What can be done to repair New Jersey's eminent-domain law? Or, more to the point: Why haven't state lawmakers done anything up to now to fix the problem? This puzzle isn't so tough to solve.

New Jersey's eminent-domain rules are fatally flawed because they "lead to people losing their homes without real evidence that their neighborhood is blighted," said Chen, and because people are stripped of their property without the fair and just financial compensation they are supposedly guaranteed under the law.

Amen.

And both are gross injustices.

Cynics claim, with cause, that these ills continue to go unaddressed because so many of the legislators whose support is needed to amend or erase the rules also stand to benefit politically or personally from plans for private redevelopment projects at home.

If so, those ladies and gentlemen of the Legislature do their broader constituency and the state an enormous disservice, all for the sake of their self-serving ends.

The truth is, New Jersey is inflicting extensive harm upon itself the longer it waits to correct this assault on private-property rights. The course must be altered — sooner rather than later.

Justice John Paul Stevens, in his majority opinion for the high court, said states are within their rights to pass additional laws restricting condemnation if residents are overly burdened. A number already have. May New Jersey be the next.

One early proposal by Assemblymen Michael J. Panter, D-Monmouth, would for example have restricted the use of eminent domain to its original purpose and limits. That remains a worthy and equitable goal, and a workable one at that, the sort of cure that New Jersey needs.

This page has long held that eminent domain is a heavy-handed and undemocratic weapon and should be avoided whenever possible. The court's decision, regrettably, promoted the exact opposite effect, transforming eminent domain into more prevalent a weapon than is healthy or wise. Unless good sense is brought to bear, its unfettered use will only become more common and damaging.

Citizens can and should help themselves by calling, writing and e-mailing their state representatives to close the door opened by the Supreme Court. For telephone numbers and e-mail addresses of lawmakers, go to thnt.com under the heading "News to Use."

In Middlesex County, those legislators are:

- 14th District: Republican Assemblyman Bill Baroni, Democratic Assemblywoman Linda Greenstein and Republican Sen. Peter Inverso.
- 17th District: Assemblymen Upendra Chivukula and Joseph Egan and Sen. Robert Smith, all Democrats.
- 18th District: Assemblymen Peter Barnes III and Patrick Diegnan and Sen. Barbara Buono, all Democrats.
- 19th District: Assemblymen Joseph Vas and John Wisniewski and Sen. Joseph Vitale, all Democrats.

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