

HEINONLINE

Citation: 10 Chap. L. Rev. 235 2006-2007



Content downloaded/printed from
HeinOnline (<http://heinonline.org>)
Thu Jul 17 10:21:54 2014

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.

A Bibliography of Sources on “Public Use” in Eminent Domain

Lauren A. Wiggins and Timothy Sandefur***

1840

Note, *Constitution of the State of South Carolina and of the United States*, 22 AM. JURIST & L. MAG. 434 (1840).

1871

Note, *Municipal Aid to Railroads*, 5 AM. L. REV. 754 (1871).

1872

Comment, *Is the Iowa Law, That “Cattle are Free Commoners,” Constitutional?*, 6 W. JURIST 297 (1872).

1873

Comment, *The Taking and Flowage of Lands for Mill Purposes*, 7 ALB. L.J. 305 (1873).

1885

Comment, *Eminent Domain—Public Use*, 32 ALB. L.J. 477 (1885).

Note, *Eminent domain can only be exercised for—Legislature of Missouri has no power to authorize city to issue bonds for private benefit—Public use*, 19 AM. L. REV. 313 (1885).

1891

Alfred Roland Haig, *The Law of Eminent Domain in Pennsylvania*, 39 AM. L. REG. 449 (1891).

Note, *Eminent Domain—Powers of Cemetery Associations—Constitutional Law*, 44 ALB. L.J. 527 (1891).

1894

Charles C. Dickinson, *Leading Limitations upon the Exercise of*

* First Year Law Student, U.C. Davis School of Law.

** Staff Attorney, Pacific Legal Foundation. J.D. 2002, Chapman University School of Law; B.A. 1998, Hillsdale College.

the Right of Eminent Domain, 1 CORNELL L.J. 1 (1894).

1896

Leonard M. Daggett, *Taking Corporate Shares by Right of Eminent Domain*, 5 YALE L.J. 205 (1896).

1900

JOHN LEWIS, A TREATISE ON THE LAW OF EMINENT DOMAIN IN THE UNITED STATES (2d ed. 1900).

1902

Note, *The Extent of the Power of Eminent Domain*, 15 HARV. L. REV. 399 (1902).

1903

Comment, *Due Process of Law*, 37 AM. L. REV. 801 (1903).

Hon. Alton B. Parker, *Due Process of Law*, 11 AM. LAW. 431 (1903).

Christopher G. Tiedeman, *Government Ownership of Public Utilities*, 16 HARV. L. REV. 476 (1903).

1906

Note, *Public Use in Eminent Domain*, 6 COLUM. L. REV. 46 (1906).

1909

PHILIP NICHOLS, THE POWER OF EMINENT DOMAIN (1909).

Edward S. Corwin, *The Supreme Court and the Fourteenth Amendment*, 7 MICH. L. REV. 643 (1909).

1910

Book Note, 10 COLUM. L. REV. 491 (1910) (reviewing PHILIP NICHOLS, THE POWER OF EMINENT DOMAIN (1909)).

Note, *Constitutional Law—Eminent Domain—Public Use*, 10 COLUM. L. REV. 665 (1910).

1912

Francis J. Swayze, *Judicial Construction of the Fourteenth Amendment*, 26 HARV. L. REV. 1 (1912).

1914

Note, *Restrictions upon Property Adjacent to Public Parks*, 27

HARV. L. REV. 486 (1914).

Note, *Estates in Fee Simple—Determinable Fees in America—Property Taken by Eminent Domain*, 27 HARV. L. REV. 388 (1914).

Comment, *Public Use in Eminent Domain*, 23 YALE L.J. 274 (1914).

H. C. K., *Constitutional Law: Limitation of the Fourteenth Amendment on the Eminent Domain Power of the States in Comment on Recent Cases*, 2 CAL. L. REV. 318 (1914).

1917

Book Note, 65 U. PA. L. REV. 711 (1917) (reviewing PHILIP NICHOLS, *THE LAW OF EMINENT DOMAIN* (2d ed. 1917)).

Edward S. Corwin, *The Extension of Judicial Review in New York: 1783–1905*, 15 MICH. L. REV. 281 (1917).

PHILIP NICHOLS, *THE LAW OF EMINENT DOMAIN* (2d ed. 1917).

1918

Comment, *What Constitutes a Public Use*, 32 HARV. L. REV. 169 (1918).

1920

Comment, *Actionable Injuries in Street Regulation*, 33 HARV. L. REV. 451 (1920).

Comment, *Condemnation of Property Against Use for Apartment Building*, 18 MICH. L. REV. 523 (1920).

William E. Britton, *Constitutional Changes in Eminent Domain in Illinois*, 2 U. ILL. L. BULL. 479 (1920).

Note, *Necessity for Acquiring Property Sought to be Condemned*, 15 ILL. L. REV. 278 (1920).

1921

Note, *Eminent Domain—Public Use—Condemnation of Property Already Devoted to Public Use*, 7 VA. L. REV. 656 (1921).

1927

Comment, *Constitutional Law—Eminent Domain—Michigan Constitutional Provision*, 26 MICH. L. REV. 194 (1927).

1928

Annotation, *Public Benefit or Convenience as Distinguished from*

Use by the Public as Ground for the Exercise of the Power of Eminent Domain, 54 A.L.R. 7 (1928).

1929

Note, *Constitutional Law—Due Process—Excess Condemnation*, 29 COLUM. L. REV. 1151 (1929).

Edgar Bronson Tolman, *Eminent Domain—Taking for Public Use—Places of Historical Interest*, 15 A.B.A. J. 291 (1929).

1930

T. D. Havran, *Eminent Domain and the Police Power*, 5 NOTRE DAME LAW. 380 (1930).

M. R. Konvitz, Note, *Municipal Corporations—Eminent Domain—Limitations*, 7 N.Y.U. L. Q. REV. 743 (1930).

1931

Joseph M. Cormack, *Legal Concepts in Cases of Eminent Domain*, 41 YALE L.J. 221 (1931).

1935

Note, *Constitutional Law: Slum Clearance and Eminent Domain*, 20 CORNELL L.Q. 486 (1935).

Note, *The Power of a State to Condemn Land for a Federal Park*, 44 YALE L.J. 1458 (1935).

T. S. McPheeters, Jr., Note, "Public Use" in Federal Eminent Domain, 20 ST. LOUIS L. REV. 140 (1935).

Samuel L. Samuel, Comment, *State and Federal Power of Eminent Domain*, 4 GEO. WASH. L. REV. 130 (1935).

1936

Note, *Slum Clearance and Low-Cost Housing Program as Public Use*, 35 MICH. L. REV. 148 (1936).

John W. Brabner-Smith & V. Joyce Brabner-Smith, *The National Housing Program*, 30 ILL. L. REV. 557 (1936).

Note, *Eminent Domain for Slum Clearance Purposes*, 5 GEO. WASH. L. REV. 131 (1936).

Note, *Eminent Domain: Slum Clearance and Low-Cost Housing Program As Public Use*, 22 CORNELL L.Q. 161 (1936).

1937

Robert H. Skilton, *Governmental Efforts in Slum Clearance*, 11

TEMP. L.Q. 538 (1937).

Wayne E. Babler, Comment, *Public Housing and Slum Clearance as a "Public Use,"* 36 MICH. L. REV. 275 (1937).

1938

J. B. Steiner, *Excess Condemnation*, 3 MO. L. REV. 1 (1938).

1940

Note, *Validity of California Housing Acts*, 8 GEO. WASH. L. REV. 862 (1940).

Recent Case, *Power of the United States to Condemn Land Devoted by a State to a Public Use*, 24 MINN. L. REV. 870 (1940).

Philip Nichols, *Condemnation for Public Housing*, 5 LEGAL NOTES ON LOC. GOV'T 122 (1940).

Philip Nichols, Jr., *The Meaning of Public Use in the Law of Eminent Domain*, 20 B.U. L. REV. 615 (1940).

Robert P. Kneeland, Recent Decision, *Power of the Federal Government to Condemn Land in Public Use for an Inconsistent Federal Use*, 39 MICH. L. REV. 163 (1940).

1941

Robert Keeton, Note, *Constitutionality of Low-Cost Housing and Slum-Clearance Legislation*, 19 TEX. L. REV. 181 (1941).

1942

Arthur Lenhoff, *Development of the Concept of Eminent Domain*, 42 COLUM. L. REV. 596 (1942).

Myres S. McDougal & Addison A. Mueller, *Public Purpose in Public Housing: An Anachronism Reburied*, 52 YALE L.J. 42 (1942).

1944

Comment, *Urban Redevelopment*, 54 YALE L.J. 116 (1944).

1945

Julius H. Miner, *Some Constitutional Aspects of Housing Legislation*, 39 ILL. L. REV. 305 (1945).

1946

Note, *Public Use in Eminent Domain*, 21 N.Y.U. L.Q. REV. 285 (1946).

1947

Andrew L. Weil & Amelia Scigliano, Comment, *Urban Redevelopment*, 9 U. PITT. L. REV. 74 (1947).

Note, *Eminent Domain*, 22 IND. L.J. 346 (1947).

1948

Harold Gondelman & Edward T. Tait, Note, *A Municipal Transit Authority for Pittsburgh: A Solution if Bankruptcy Reorganization Fails*, 10 U. PITT. L. REV. 29 (1948).

Note, *Applicability of the Fourteenth Amendment to Private Organizations*, 61 HARV. L. REV. 344 (1948).

1949

Note, *Eminent Domain—Public Use—Necessity*, 20 TENN. L. REV. 624 (1949).

Note, *The Public Use Limitation on Eminent Domain: An Advance Requiem*, 58 YALE L.J. 599 (1949).

William H. Brown, Jr., *Urban Redevelopment*, 29 B.U. L. REV. 318 (1949).

James S. Holmberg, Comment, *Municipal Powers and the Public Purpose Doctrine*, 21 ROCKY MOUNTAIN L. REV. 277 (1949).

1950

Lloyd S. Elkins, Jr., Note, *Power to Condemn Dwelling-houses and Surrounding Premises for Highway Purposes*, 28 N.C. L. REV. 403 (1950).

JULIUS L. SACKMAN & RUSSELL D. VAN BRUNT, NICHOLS' THE LAW OF EMINENT DOMAIN (3d ed. 1950).

1951

Morree Levine, Note, *Public Use, Public Policy and Recent Developments in the Law of Eminent Domain*, 1 BUFF. L. REV. 147 (1951).

1952

Charles J. Fain, *The Use of the Power of Eminent Domain by Missouri Electric Cooperatives*, 17 MO. L. REV. 159 (1952).

1953

Note, *Incentives to Industrial Relocation: The Municipal*

Industrial Bond Plans, 66 HARV. L. REV. 898 (1953).

Marvin H. Kraus, Recent Case, *Urban Redevelopment Projects*, 22 U. CIN. L. REV. 514 (1953).

Daniel R. Mandelker, *Public Purpose in Urban Redevelopment*, 28 TUL. L. REV. 96 (1953).

1954

Comment, "Conservation"—A New Area for Urban Redevelopment, 21 U. CHI. L. REV. 489 (1954).

Charles F. Barnwell, Note, *Slum Clearance and Public Housing*, 3 J. PUB. L. 261 (1954).

Robert Kratovil & Frank J. Harrison, Jr., *Eminent Domain—Policy and Concept*, 42 CAL. L. REV. 596 (1954).

Walter Marston Sharman, *Some Recent Developments in Community Redevelopment Laws*, 6 HASTINGS L.J. 80 (1954).

1955

Note, *Public Use as a Limitation on Eminent Domain in Urban Renewal*, 68 HARV. L. REV. 1422 (1955).

Patricia Frohman, Recent Case, *Public Parking Facilities—Failure to Control Rates Charged as Determinative of Public Use*, 23 GEO. WASH. L. REV. 778 (1955).

Corwin W. Johnson, *Constitutional Law and Community Planning*, 20 LAW & CONTEMP. PROBS. 199 (1955).

Donald F. Oosterhouse, Recent Decision, *Public Use Requirement and the Power of Eminent Domain*, 53 MICH. L. REV. 883 (1955).

1956

Recent Case, *Condemnation of Property for Lease of Parking Facilities to Private Operators is for Public Use Despite Preclusion of State Control Over Parking Rates*, 104 U. PA. L. REV. 1114 (1956).

Gardner Cromwell, *Condemnation and Redevelopment*, 28 ROCKY MOUNTAIN L. REV. 535 (1956).

Bernard V. Fultz, Comment, *Billboard Regulation in Ohio*, 17 OHIO ST. L.J. 116 (1956).

1957

Jack J. Kitchin, Note, *What is a Public Use in Eminent Domain?*, 4 ST. LOUIS U. L.J. 316 (1957).

1958

Roger P. Marquis, *Constitutional and Statutory Authority to Condemn*, 43 IOWA L. REV. 170 (1958).

1959

Duncan S. MacAffer, Note, *What Constitutes a Public Use*, 23 ALB. L. REV. 386 (1959).

1960

George F. Fox, Jr., Note, *Power of Urban Redevelopment Agency to Condemn Private Property for Resale to Private Individuals*, 34 TUL. L. REV. 616 (1960).

1961

Jan Z. Krasnowiecki & James C. N. Paul, *The Preservation of Open Space in Metropolitan Areas*, 110 U. PA. L. REV. 179 (1961).

1962

Allison Dunham, *Griggs v. Allegheny County in Perspective: Thirty Years of Supreme Court Expropriation Law*, 1962 SUP. CT. REV. 63 (1962).

Harold E. Hurst, *Constitutional Law: The Validity of Urban Renewal in Colorado*, 39 DICTA 149 (1962).

Recent Decision, *Condemnation to Prevent Incipient Blight of Area*, 29 BROOK. L. REV. 160 (1962).

1963

Stephen S. Boynton, Note, *Components of Eminent Domain: An Ancient Tool for Contemporary Use*, 15 S.C. L. REV. 943 (1963).

Note, *Condemnation of Private Property for a Non-Public Purpose*, 9 N.Y. L.F. 364 (1963).

Ernest M. Haddad, Note, *Constitutional Restrictions on the Use of Public Authorities in the New England States*, 43 B.U. L. REV. 122 (1963).

Frank J. Miele, Recent Decision, *Condemnation of Predominantly Vacant Area with No Physical Blight*, 38 NOTRE DAME LAW. 210 (1963).

1964

Note, *State Constitutional Limitations on the Power of Eminent Domain*, 77 HARV. L. REV. 717 (1964).

MARTIN ANDERSON, THE FEDERAL BULLDOZER: A CRITICAL

ANALYSIS OF URBAN RENEWAL, 1949–1962 (1964).

John S. Detlor, *Public Use—Why and What: Why Is "Public Use" Required*, 3 WILLAMETTE L.J. 11 (1964).

Hans Linde, *Justice Douglas on Freedom in the Welfare State: Constitutional Rights in the Public Sector*, 39 WASH. L. REV. 4 (1964).

Roger L. McManus, Recent Decision, *Broader Powers to Take Private Property for Public Use*, 62 MICH. L. REV. 1065 (1964).

Joseph L. Sax, *Takings and the Police Power*, 74 YALE L.J. 36 (1964).

John Allen Stephens, "Public Use" for Purposes of Eminent Domain, in *Iowa*, 13 DRAKE L. REV. 95 (1964).

1965

Note, *Taking of a Fee Simple for Obtaining Construction Materials for Highway*, 50 IOWA L. REV. 1270 (1965).

Recent Development, *Purely Economic Justifications Sufficient to Permit Exercise of Federal Eminent Domain Power—United States v. Certain Parcels of Land*, 64 MICH. L. REV. 347 (1965).

Note, "Public Use" as a Limitation on the Exercise of the Eminent Domain Power by Private Entities, 50 IOWA L. REV. 799 (1965).

W. Paul Gormley, *Urban Redevelopment to Further Aesthetic Considerations: The Changing Constitutional Concepts of Police Power and Eminent Domain*, 41 N.D. L. REV. 316 (1965).

Julius L. Sackman, *The Right to Condemn*, 29 ALB. L. REV. 177 (1965).

Michael J. Schimberg, Recent Decision, *Economic Saving to the Government as the Sole Motivation for the Taking*, 40 NOTRE DAME LAW. 234 (1965).

J. Michael Warren, Comment, *Conservation and Rehabilitation of Housing: An Idea Approaches Adolescence*, 63 MICH. L. REV. 892 (1965).

Harold Wimberly, Comment, *Compensation for Public Use—Congressional Action and the Fifth Amendment*, 32 TENN. L. REV. 615 (1965).

1966

Daniel B. Benbow, *Public Use as a Limitation on the Power of Eminent Domain in Texas*, 44 TEX. L. REV. 1499 (1966).

Harold D. Colston, Note, *Public Use in North Carolina*, 44 N.C. L. REV. 1142 (1966).

James J. Costello, *Challenging the Right to Condemn*, 1966 U. ILL. L.F. 52 (1966).

Ralph W. Dau, Comment, *Problems in Condemnation of Property Devoted to Public Use*, 44 TEX. L. REV. 1517 (1966).

J. Harold Mimbs, Comment, *The Meaning of the Term "Public Use"—Its Effect on Excess Condemnation*, 18 MERCER L. REV. 274 (1966).

Eugene J. Morris et al., *Variations in Land Use Controls*, 1 REAL PROP. PROB. & TR. J. 431 (1966).

Michael Nachwalter, *Substantive Due Process in Florida*, 21 U. MIAMI L. REV. 99 (1966).

Robert Tate, Note, *Requirement of Public Use for Expenditure of Public Funds: A Reappraisal of the Narrow Doctrine*, 28 U. PITT. L. REV. 329 (1966).

1967

Edward R. Lawrence, Jr., *Leasing of Air Space Above Public Buildings—The Public Use Doctrine and Other Problems*, 28 U. PITT. L. REV. 661 (1967).

Emerson G. Spies, *Property*, 53 VA. L. REV. 223 (1967).

Hazel Armenta Straub, Note, *Diminishing Property Rights*, 69 W. VA. L. REV. 170 (1967).

Larry A. Strickland, Note, *Condemnation of Private Property Which Is to be Traded for Property Needed in a Public Project Is Unconstitutional*, 5 HOUS. L. REV. 198 (1967).

1968

David L. Callies, *Commonwealth of Puerto Rico v. Rosso: Land Banking and the Expanded Concept of Public Use*, 2 PROSPECTUS 199 (1968).

Roger A. Cunningham, *Scenic Easements in the Highway Beautification Program*, 45 DENVER L.J. 167 (1968).

Wm. Ronald Hulen, *Abusive Exercises of the Power of Eminent Domain—Taking a Look at What the Taker Took*, 44 WASH. L. REV. 200 (1968).

Laurence V. Senn, Jr., Note, *The Public Use Requirement*, 46 N.C. L. REV. 663 (1968).

1969

Comment, *The Public Use Doctrine: "Advance Requiem" Revisited*, 1969 LAW & SOC. ORD. 688 (1969).

Robert E. Capron, *Excess Condemnation in California—A Further Expansion of the Right to Take*, 20 HASTINGS L.J. 571 (1969).

1970

John D. Johnston, Jr., *Land Use Control*, 1969/70 ANN. SURV. AM. L. 49 (1970).

John D. Johnston, Jr., *Developments in Land Use Control*, 45 NOTRE DAME LAW. 399 (1970).

Henry W. McGee, Jr., *Urban Renewal in the Crucible of Judicial Review*, 56 VA. L. REV. 826 (1970).

1972

Martin J. King, Comment, *Rex Non Protest Peccare??? The Decline and Fall of the Public Use Limitation on Eminent Domain*, 76 DICK. L. REV. 266 (1972).

1978

Lawrence Berger, *The Public Use Requirement in Eminent Domain*, 57 OR. L. REV. 203 (1978).

1980

Errol E. Meindinger, *The "Public Uses" of Eminent Domain: History and Policy*, 11 ENVTL. L. 1 (1980).

1983

Susan Crabtree, Note, *Public Use in Eminent Domain: Are There Limits After Oakland Raiders and Poletown?*, 20 CAL. W. L. REV. 82 (1983).

Steven M. Crafton, Comment, *Taking the Oakland Raiders: A Theoretical Reconsideration of the Concepts of Public Use and Just Compensation*, 32 EMORY L.J. 857 (1983).

Laura Mansnerus, Note, *Public Use, Private Use, and Judicial Review in Eminent Domain*, 58 N.Y.U. L. REV. 409 (1983).

Thomas Ross, *Transferring Land to Private Entities by the Power of Eminent Domain*, 51 GEO. WASH. L. REV. 355 (1983).

1984

Note, *Takings Clause*, 98 HARV. L. REV. 225 (1984).

William Epstein, *The Public Purpose Limitation on the Power of Eminent Domain: A Constitutional Liberty Under Attack*, 4 PACE L. REV. 231 (1984).

Cass R. Sunstein, *Naked Preferences and the Constitution*, 84 COLUM. L. REV. 1689, 1723-27 (1984).

1985

Thomas J. Coyne, Note, *Hawaii Housing Authority v. Midkiff: A Final Requiem for the Public Use Limitation on Eminent Domain?*, 60 NOTRE DAME L. REV. 388 (1985).

James Geoffrey Durham, *Efficient Just Compensation as a Limit on Eminent Domain*, 69 MINN. L. REV. 1277 (1985).

RICHARD A. EPSTEIN, *TAKINGS: PRIVATE PROPERTY AND THE POWER OF EMINENT DOMAIN* (1985).

Mark C. Landry, Note, *The Public Use Requirement in Eminent Domain—A Requiem*, 60 TUL. L. REV. 419 (1985).

1986

Russell A. Brine, Note, *Containing the Effect of Hawaii Housing Authority v. Midkiff on Takings for Private Industry*, 71 CORNELL L. REV. 428 (1986).

Amy E. Kellogg, Note, *Hawaii Housing Authority v. Midkiff: The Continued Validity of the Public Use Doctrine*, 47 OHIO ST. L.J. 521 (1986).

Thomas W. Merrill, *The Economics of Public Use*, 72 CORNELL L. REV. 61 (1986).

1988

Monica Whalen, *The Case of Eastlake Stalls: Washington's State of Confusion Regarding the Public Use Limitation on Eminent Domain* (March 1988) (unpublished student research paper, University of Washington School of Law) (on file with Marian Gallagher Law Library, University of Washington School of Law).

1993

Dennis J. Coyle, *Takings Jurisprudence and the Political Cultures of American Politics*, 42 CATH. U. L. REV. 817 (1993).

Jan G. Laitos, *The Public Use Paradox and the Takings Clause*, 13 J. ENERGY NAT. RESOURCES & ENVTL. L. 9 (1993).

Jed Rubenfeld, *Usings*, 102 YALE L.J. 1077 (1993).

Glen E. Summers, Comment, *Private Property Without Lochner: Toward a Takings Jurisprudence Uncorrupted by Substantive Due Process*, 142 U. PA. L. REV. 837 (1993).

1994

Thomas Darren Barker, Comment, *Public Use, Private Taking and Economic Growth or Disney's Latest E(minent Domain)-Ticket Attraction*, 21 W. ST. U. L. REV. 547 (1994).

1995

Roger Clegg, *Reclaiming the Text of the Takings Clause*, 46 S.C. L. REV. 531 (1995).

Douglas T. Kendall & James E. Ryan, "Paying" for the Change: Using Eminent Domain to Secure Exactions and Sidestep Nollan and Dolan, 81 VA. L. REV. 1801 (1995).

Elizabeth A. Taylor, Note, *The Dudley Street Neighborhood Initiative and the Power of Eminent Domain*, 36 B.C. L. REV. 1061 (1995).

1996

Kevin L. Cooney, Note, *A Profit for the Taking: Sale of Condemned Property After Abandonment of the Proposed Public Use*, 74 WASH. U. L.Q. 751 (1996).

Buckner F. Melton, Jr., *Eminent Domain, "Public Use," and the Conundrum of Original Intent*, 36 NAT. RESOURCES J. 59 (1996).

1998

Donald J. Kochan, "Public Use" and the Independent Judiciary: Condemnation in an Interest-Group Perspective, 3 TEX. REV. L. & POL. 49 (1998).

1999

Joseph J. Lazzarotti, *Public Use or Public Abuse*, 68 UMKC L. REV. 49 (1999).

Edward D. McKirdy, *The New Eminent Domain: Public Use Defense Vanishing in Wake of Growing Privatization of Power*, 155 N.J. L.J. 1145 (1999).

Jennifer Maude Klemetsrud, Note, *The Use of Eminent Domain for Economic Development*, 75 N.D. L. REV. 783 (1999).

Nathan Alexander Sales, Note, *Classical Republicanism and the Fifth Amendment's "Public Use" Requirement*, 49 DUKE L.J. 339 (1999).

2000

Frank Aiello, Note, *Gambling with Condemnation: An Examination of Detroit's Use of Eminent Domain for Riverfront*

Casinos, 46 WAYNE L. REV. 1639 (2000).

Tim Benedict, Note, *The Public-Use Requirement in Washington After State ex rel. Washington State Convention & Trade Center v. Evans*, 75 WASH. L. REV. 225 (2000).

Keasha Broussard, Comment, *Social Consequences of Eminent Domain: Urban Revitalization Against the Backdrop of the Takings Clause*, 24 LAW & PSYCHOL. REV. 99 (2000).

Mark A. Graber, *Naked Land Transfers and American Constitutional Development*, 53 VAND. L. REV. 73 (2000).

Stephen J. Jones, Note, *Trumping Eminent Domain Law: An Argument for Strict Scrutiny Analysis Under the Public Use Requirement of the Fifth Amendment*, 50 SYRACUSE L. REV. 285 (2000).

Peter J. Kulick, Comment, *Rolling The Dice: Determining Public Use in Order to Effectuate A "Public-Private Taking"—A Proposal to Redefine "Public Use"*, 2000 L. REV. MICH. ST. U. DETROIT C.L. 639 (2000).

Pioneer Institute for Public Policy Research, *The Power To Take: The Use of Eminent Domain in Massachusetts* White Paper No. 15 (Dec. 2000) (prepared by Michael Malamut).

Lara Womack, *Private Property and the Power of Eminent Domain*, 28 REAL EST. L.J. 307 (2000).

2001

Peter Sepulveda, Comment, *The Use of the Eminent Domain Power in the Relocation of Sports Stadiums to Urban Areas: Is the Public Purpose Requirement Satisfied?*, 11 SETON HALL J. SPORT L. 137 (2001).

Derek Werner, Note, *The Public Use Clause, Common Sense and Takings*, 10 B.U. PUB. INT. L.J. 335 (2001).

2002

Matthew P. Harrington, *"Public Use" and the Original Understanding of the So-Called "Takings" Clause*, 53 HASTINGS L.J. 1245 (2002).

Brian R. Harris, Note, *Private Road or Public Use? The Landlocked Property Dilemma: A Constitutional and Economic Analysis of Private Road Acts*, 80 U. DET. MERCY L. REV. 149 (2002).

Jennifer J. Kruckeberg, Note, *Can The Government Buy Everything?: The Takings Clause and the Erosion of the "Public Use" Requirement*, 87 MINN. L. REV. 543 (2002).

Eric Douglas Larson, *The Walser Decisions and Constitutional Condemnation Conundrums*, 29 WM. MITCHELL L. REV. 499 (2002).

2003

DANA BERLINER, *PUBLIC POWER, PRIVATE GAIN* (2003).

Steve P. Calandrillo, *Eminent Domain Economics: Should "Just Compensation" Be Abolished, and Would "Takings Insurance" Work Instead?*, 64 OHIO ST. L.J. 451 (2003).

Nicole Stelle Garnett, *The Public-Use Question as a Takings Problem*, 71 GEO. WASH. L. REV. 934 (2003).

Nancy K. Kubasek, *Time to Return to Higher Scrutiny in Defining Public Use*, 27 RUTGERS L. REC. 3 (2003).

Camarin Madigan, *Taking for Any Purpose?*, 9 HASTINGS W.-NW J. ENVTL. L. & POL'Y 179 (2003).

Thomas J. Posey, Note, *This Land Is My Land: The Need for a Feasibility Test in Evaluation of Takings for Public Necessity*, 78 CHI.-KENT L. REV. 1403 (2003).

Wendell E. Pritchett, *The "Public Menace" of Blight: Urban Renewal and the Private Uses of Eminent Domain*, 21 YALE L. & POL'Y REV. 1 (2003).

Timothy Sandefur, *A Natural Rights Perspective on Eminent Domain in California: A Rationale for Meaningful Judicial Scrutiny of "Public Use,"* 32 SW. U. L. REV. 569 (2003).

Mary Kay Schuft, Note, *Walser Auto Sales, Inc. v. City of Richfield*, 644 N.W.2d 425 (Minn. 2002): *Why the Minnesota Decision That Seemed So Wrong Was Right*, 26 HAMLINE L. REV. 463 (2003).

Jeffery W. Scott, *Public Use And Private Profit: When Should Heightened Scrutiny Be Applied to "Public-Private" Takings?*, 12 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 466 (2003).

Jennifer M. Young, Recent Development, *The Constitutionality of a Naked Transfer: Mandatory Lease-to-Fee Conversion's Failure To Satisfy a Requisite Public Purpose in Hawai'i Condominiums*, 25 U. HAW. L. REV. 561 (2003).

2004

Alan T. Ackerman, *The Changing Landscape and Recognition of the Public Use Limitation: Is Hathcock the Precursor of Kelo?*, 2004 MICH. ST. L. REV. 1041 (2004).

Mark Brnovich, *Condemning Condemnation: Alternatives to Eminent Domain* (Goldwater Inst., Pol'y Rep. No. 195, 2004).

Eric R. Claeys, *Public-Use Limitations and Natural Property Rights*, 2004 MICH. ST. L. REV. 877 (2004).

Benjamin D. Cramer, Note, *Eminent Domain for Private Development—An Irrational Basis for the Erosion of Property Rights*, 55 CASE W. RES. L. REV. 409 (2004).

Steven J. Eagle, *The Public Use Requirement and Doctrinal Renewal*, 34 ELR 10999 (2004).

Micah Elazar, Comment, *"Public Use" and the Justification of Takings*, 7 U. PA. J. CONST. L. 249 (2004).

James W. Ely, Jr., *Thomas Cooley, "Public Use," and New Directions in Takings Jurisprudence*, 2004 MICH. ST. L. REV. 845 (2004).

Lee Anne Fennell, *Taking Eminent Domain Apart*, 2004 MICH. ST. L. REV. 957 (2004).

William A. Fischel, *The Political Economy of Public Use in Poletown: How Federal Grants Encourage Excessive Use of Eminent Domain*, 2004 MICH. ST. L. REV. 929 (2004).

Paul Gessing, *Eminent Domain Abuse: If They Can't Tax It, They'll Just Take It*, NATIONAL TAXPAYERS UNION ISSUE BRIEF 148, Aug. 25, 2004, http://www.ntu.org/main/press_issuebriefs_printable.php?PressID=636&org_name=NTU.

James E. Krier & Christopher Serkin, *Public Ruses*, 2004 MICH. ST. L. REV. 859 (2004).

Katherine M. McFarland, Note, *Privacy and Property: Two Sides of the Same Coin: The Mandate for Stricter Scrutiny for Government Uses of Eminent Domain*, 14 B.U. PUB. INT. L.J. 142 (2004).

Adam Mossoff, *Foreword: The Death of Poletown: The Future of Eminent Domain and Urban Development after County of Wayne v. Hathcock*, 2004 MICH. ST. L. REV. 837 (2004).

Ralph Nader & Alan Hirsch, *Making Eminent Domain Humane*, 49 VILL. L. REV. 207 (2004).

Keith E. Sealing, *Real Property Law*, 54 SYRACUSE L. REV. 1359 (2004).

Ilya Somin, *Overcoming Poletown: County of Wayne v. Hathcock, Economic Development Takings, and the Future of Public Use*, 2004 MICH. ST. L. REV. 1005 (2004).

Bruce Tepper, *Federal Court Limitations on Redevelopment Agencies*, L.A. LAW., Mar. 2004, at 12.

Corey J. Wilk, *The Struggle Over the Public Use Clause: Survey*

of Holdings and Trends, 1986–2003, 39 REAL PROP. PROB. & TRUST J. 251 (2004).

2005

Peter M. Agnetti, Comment, *Are You Still Master of Your Domain? Abuses of Economic Development Takings, and Michigan's Return to "Public Use" in County of Wayne v. Hathcock*, 79 ST. JOHN'S L. REV. 1259 (2005).

Jacob E. Amir, *A Review of Takings Under Kelo v. New London in Light of General Constitutional Principles and its Impact Upon Zoning Laws Restricting Socially Unacceptable Enterprises*, 32 WESTCHESTER B.J. 13 (2005).

Joshua E. Baker, Note, *Quieting the Clang: Hathcock as a Model of the State-Based Protection of Property Which Kelo Demands*, 14 WM. & MARY BILL RTS. J. 351 (2005).

Steven E. Buckingham, Comment, *The Kelo Threshold: Private Property and Public Use Reconsidered*, 39 U. RICH. L. REV. 1279 (2005).

Kristi M. Burkard, *No More Government Theft of Property! A Call to Return to a Heightened Standard of Review After the United States Supreme Court Decision in Kelo v. City of New London*, 27 HAMLINE J. PUB. L. & POL'Y 115 (2005).

Joel R. Burcat & Elizabeth U. Witmer, "Fairness and Justice" Ought to Guide the Courts When Reviewing Legislative Determinations of "Public Use", 35 ELR 10108 (2005).

David L. Callies, *Public Use: What Should Replace the Rational Basis Test?*, PROB. & PROP., Mar./Apr. 2005, at 14.

Gabriel I. Chacón, *Generalized Economic Benefit is Insufficient Public Use to Justify Eminent Domain Under the Michigan Constitution*, 36 RUTGERS L.J. 1363 (2005).

Trent Christensen, Note, *From Direct "Public Use" to Indirect "Public Benefit": Kelo v. New London's Bridge from Rational Basis to Heightened Scrutiny for Eminent Domain Takings*, 2005 BYU L. REV. 1669 (2005).

Michael J. Coughlin, Comment, *Absolute Deference Leads to Unconstitutional Governance: The Need for a New Public Use Rule*, 54 CATH. U. L. REV. 1001 (2005).

James W. Ely Jr., *A Welcome Blow for Private Property*, PROB. & PROP., Mar./Apr. 2005, at 13.

Richard A. Epstein, *Kelo: An American Original: Of Grubby Particulars & Grand Principles*, 8 GREEN BAG 2d 355 (2005).

Sara B. Falls, Note, *Waking a Sleeping Giant: Revisiting the*

Public Use Debate Twenty-Five Years After Hawaii Housing Authority v. Midkiff, 44 WASHBURN L.J. 355 (2005).

Ashley J. Fuhrmeister, Note, *In the Name of Economic Development: Reviving "Public Use" As a Limitation on the Eminent Domain Power in the Wake of Kelo v. City of New London*, 54 DRAKE L. REV. 171 (2005).

Elizabeth F. Gallagher, Note, *Breaking New Ground: Using Eminent Domain for Economic Development*, 73 FORDHAM L. REV. 1837 (2005).

Leah Moren Green, Commentary, *The Erie Canal and the American Imagination: The Erie Canal's Effects on American Legal Development, 1817-1869*, 56 ALA. L. REV. 1167 (2005).

Christopher L. Harris & Daniel J. Lowenberg, *Kelo v. City of New London, Tulare Lake Basin Water Storage District v. United States, and Washoe County v. United States: A Fifth Amendment Takings Primer*, 36 ST. MARY'S L.J. 669 (2005).

Sonya D. Jones, Note, *That Land Is Your Land, This Land Is My Land. . . Until the Local Government Can Turn It for a Profit: A Critical Analysis of Kelo v. City of New London*, 20 BYU J. PUB. L. 139 (2005).

M. Ryan Kirkham, Note, *County of Wayne v. Hathcock: The Resurrection of the Public Use Limitation on the Power of Eminent Domain*, 32 N. KY. L. REV. 215 (2005).

Douglas W. Kmiec & Katherine Kmiec Turner, *Property Lost: The Takings Clause in the 2004 Term*, 8 PREVIEW U.S. SUP. CT. CAS. 471 (2005).

Nancy Kubasek & Garrett Coyle, *A Step Backward is Not Necessarily a Step in the Wrong Direction*, 30 VT. L. REV. 43 (2005).

Rachel A. Lewis, Note, *Strike That, Reverse It: County of Wayne v. Hathcock: Michigan Redefines Implementing Economic Development Through Eminent Domain*, 50 VILL. L. REV. 341 (2005).

Julia D. Mahoney, *Kelo's Legacy: Eminent Domain and the Future of Property Rights*, 2005 SUP. CT. REV. 103 (2005).

John B. Nesbitt, *Local Government*, 55 SYRACUSE L. REV. 1207 (2005).

Brent Nicholson & Sue Ann Mota, *From Public Use to Public Purpose: The Supreme Court Stretches the Takings Clause in Kelo v. City of New London*, 41 GONZ. L. REV. 81 (2005).

Alice M. Noble-Allgire, *Property Scholars Take Up Eminent Domain*, PROB. & PROP., Mar./Apr. 2005, at 11.

Arden Reed Pathak, Comment, *The Public Use Doctrine: In Search of a Limitation on the Exercise of Eminent Domain for the Purpose of Economic Development*, 35 CUMB. L. REV. 177 (2005).

Michael Rikon, *Bulldozers at Your Doorstep—The Debris of Kelo v. City of New London*, 7 LIS PENDENS 5 (2005).

Michael A. Ruh, Jr. & Matthew T. Lockaby, *Balancing Private Property Rights with "Public Use": A Survey of Kentucky Courts' Interpretation of the Power of Eminent Domain*, 32 N. KY. L. REV. 743 (2005).

Timothy Sandefur, *A Gleeeful Obituary for Poletown Neighborhood Council v. Detroit*, 28 HARV. J.L. & PUB. POL'Y 651 (2005).

Shelley Ross Saxer, *Eminent Domain, Municipalization, and the Dormant Commerce Clause*, 38 U.C. DAVIS L. REV. 1505 (2005).

Shelley Ross Saxer, *Government Power Unleashed: Using Eminent Domain to Acquire a Public Utility or Other Ongoing Enterprise*, 38 IND. L. REV. 55 (2005).

Glen H. Sturtevant, Jr., Note, *Economic Development as Public Use: Why Justice Ryan's Poletown Dissent Provides a Better Way to Decide Kelo and Future Public Use Cases*, 15 FED. CIR. B.J. 201 (2005).

Alyson Tomme, Note, *Tax Increment Financing: Public Use or Private Abuse?*, 90 MINN. L. REV. 213 (2005).

2006

Adrianne Archer, Comment, *Restricting Kelo: Will Redefining "Blight" in Senate Bill 7 Be the Light At the End of the Tunnel?*, 37 ST. MARY'S L.J. 795 (2006).

D. Benjamin Barros, *Home as a Legal Concept*, 46 SANTA CLARA L. REV. 255 (2006).

Randy J. Bates, II, Note, *What's the Use? The Court Takes a Stance on the Public Use Doctrine in Kelo v. City of New London*, 57 MERCER L. REV. 689 (2006).

Haley W. Burton, Note, *Not So Fast: The Supreme Court's Overly Broad Public Use Ruling Condemns Private Property Rights with Surprising Results*, 6 WYO. L. REV. 255 (2006).

Mark C. Christie, *Economic Regulation in the United States: The Constitutional Framework*, 40 U. RICH. L. REV. 949 (2006).

Charles E. Cohen, *Eminent Domain After Kelo v. City of New London: An Argument for Banning Economic Development Takings*, 29 HARV. J.L. & PUB. POL'Y 491 (2006).

Orlando E. Delogu, *Kelo v. City of New London—Wrongly Decided and a Missed Opportunity for Principled Line Drawing with Respect to Eminent Domain Takings*, 58 ME. L. REV. 17 (2006).

James W. Ely Jr., *Kelo: A Setback for Property Owners*, PROB. & PROP., Jan./Feb. 2006, at 14.

Richard A. Epstein, *The Public Use, Public Trust & Public Benefit: Could Both Cooley & Kelo Be Wrong?*, 9 GREEN BAG 2d 125 (2006).

John Fee, *Eminent Domain and the Sanctity of Home*, 81 NOTRE DAME L. REV. 783 (2006).

Matthew Howsare, *Kelo in South Carolina?: Economic Development Is Not a Public Use for Purposes of Eminent Domain in South Carolina*, 57 S.C. L. REV. 505 (2006).

Gideon Kanner, *The Public Use Clause: Constitutional Mandate or "Hortatory Fluff"?*, 33 PEPP. L. REV. 335 (2006).

Bradley C. Karkkainen, *The Police Power Revisited: Phantom Incorporation and the Roots of the Takings "Muddle"*, 90 MINN. L. REV. 826 (2006).

John C. Keene, *When Does A Regulation "Go Too Far?"—The Supreme Court's Analytical Framework for Drawing the Line between an Exercise of the Police Power And an Exercise of the Power of Eminent Domain*, 14 PENN ST. ENVTL. L. REV. 397 (2006).

Michael A. Lang, Note, *Taking Back Eminent Domain: Using Heightened Scrutiny to Stop Eminent Domain Abuse*, 39 IND. L. REV. 449 (2006).

Honorable Leon D. Lazer, *Takings Cases in the October 2004 Term*, 21 TOURO L. REV. 809 (2006).

Brett D. Liles, Note, *Reconsidering Poletown: In the Wake of Kelo, States Should Move to Restore Private Property Rights*, 48 ARIZ. L. REV. 369 (2006).

Alberto B. Lopez, *Weighing and Reweighing Eminent Domain's Political Philosophies Post-Kelo*, 41 WAKE FOREST L. REV. 237 (2006).

Michael McKnight, Comment, *"Don't Know What a Slide Rule Is For:" The Need for a Precise Definition of Public Purpose in North Carolina in the Wake of Kelo v. City of New London*, 28 CAMPBELL L. REV. 291 (2006).

Thomas W. Merrill, *Six Myths About Kelo*, PROB. & PROP., Jan./Feb. 2006, at 19.

S. William Moore, *"Blight" as a Means of Justifying Condemnation for Economic Redevelopment in Florida*, 35 STETSON L. REV. 443 (2006).

Jeffrey B. Mullan, *My Land is Your Land: Re-examining Massachusetts Eminent Domain Law in Light of Kelo v. City of New London*, BOSTON B.J., May/June 2006, at 18.

John B. Nesbitt, *Local Government*, 56 SYRACUSE L. REV. 931 (2006).

R. Ashby Pate, Casenote, *Use of Eminent Domain to Promote Economic Development Held Constitutional*, 36 CUMB. L. REV. 407 (2006).

Thaddeus L. Pitney, Note, *Loans, and Takings, and Buildings—Oh My!: A Necessary Difference Between Public Purpose and Public Use in Economic Development*, 56 SYRACUSE L. REV. 321 (2006).

David Schultz, *What's Yours Can be Mine: Are There Any Private Takings After Kelo v. City of New London?*, 24 UCLA J. ENVT'L. L. & POL'Y 195 (2006).

David Shultz, *The Property Rights Revolution That Failed: Eminent Domain in the 2004 Supreme Court Term*, 21 TOURO L. REV. 929 (2006).

Judge Robert Simpson & Joshua S. Mazin, *Current Trends in Pennsylvania Land Use*, 77 PA. B. ASS'N Q. 23 (2006).

Bruce Tepper, *The Weight of Kelo*, L.A. LAW., Mar. 2006, at 36.

David A. Thomas, *Why the Public Plundering of Private Property Rights Is Still a Very Bad Idea*, 41 REAL PROP. PROB. & TR. J. 25 (2006).

Paul W. Tschetter, Student Article, *Kelo v. New London: A Divided Court Affirms the Rational Basis Standard of Review in Evaluating Local Determinations of 'Public Use,'* 51 S.D. L. REV. 193 (2006).

