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Writing Workshop

The Shadow of Eminent Domain

Eminent Domain, an imposing combination of words, is a topic full of controversies about which many Americans know very little. Eminent Domain constitutionally gives the American government the right to seize the property of any citizen at any given time. Over the years, many court cases have addressed this subject and how the government acted unjustly in the process of taking private land. One instance of such an occurrence developed along the border of two countries already experiencing serious political tensions.

Anyone living in the United States of America over the 2016-2017 Presidential campaign heard about building a border wall which is referring to the Mexican-American border and the issues the two countries have encountered with immigration (6). However, not many people know that a fence already exists where the wall is to be built. In 2006, Congress issued the Secure Fence Act (5), initiating the construction of a fence to be built along the border between Mexico and the United States. Much of this fence is on land that was previously privately owned. Executing the act of Eminent Domain, the government seized the privately owned land. The government offered compensation money for the land, and most property owners took the offer, believing it to be reasonable. Other landowners recognized that the offer was too low, but when they confronted the government workers, they learned that the only way to receive fair compensation was to go to court. Only those wealthy enough to afford lawyers managed to negotiate more payment for their land, while those who couldn’t afford a lawyer were forced to take the deal originally offered to them. Ray Loop, a local farmer, who was offered $210,000 for his land, decided to take the case to court, and received $1.4 million for 11 acres (3). Ray’s cousins, on the contrary, did not go to court, and were compensated $400,000 for 20 acres (3). After an investigation by the Texas Tribune, it was discovered that Homeland Security quietly waived legal safeguards for the landowners by navigating around laws written to ensure fair compensation (3). They offered low deals, and did not ensure the identities of the owner’s in some cases. In one instance, a farmhand was paid for property that he did not even own (3). And, some of the property owners are still caught up in lawsuits, trying to receive the money that was rightfully theirs.

Through all of this, the landowners had hoped that the fence might bring a level of security. They often worried whether those crossing over the border were harmless victims who sought sanctuary, or drug dealers looking for some extra cash. The landowners believed that the fence might cease the constant immigrant traffic. However, that has not happened because of the 1,900 mile border (2), only 654 (3) miles of fence have been built. Additional problems exist with the current fence, which includes large gaps in the fence, and the fence is easy to climb, despite being eighteen feet tall (3). The result is that the flow of immigrants continues, and landowners are left with unresolved lawsuits.

Eminent Domain cases such as this do not appear just along the Mexican border. Throughout the United States, the government has seized property from private landowners, for various purposes such as building roads or government buildings. Another occurrence of unjust Eminent Domain was the Kelocase, which took place in 2007, in New London Connecticut. The government forced several families from their homes in order to build a pharmaceutical facility, except, the project failed due to a lack of proper financing (5). The project was moved to another town, and the seized land in New London was left empty. Eminent Domain is more common than believed and from 2001 to 2014, 62,000 people had property seized from them, with 2.5 billion dollars given in compensation (4). Not all incidences involving Eminent Domain are unjust, but many result in lawsuits for the citizens involved. By understanding citizen’s legal rights and the meaning of Eminent Domain, Americans will be more knowledgeable of what to do if the government begins to seize their property.

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