



**Conservatives  
for  
Property Rights**

November 15, 2018

The Honorable Mitch McConnell  
Majority Leader  
S-230 The Capitol  
Washington, D.C. 20510

The Honorable Paul Ryan  
Speaker of the House  
H-232 The Capitol  
Washington, D.C. 20515

Dear Mr. Majority Leader and Mr. Speaker:

Conservatives for Property Rights, a coalition of conservative and libertarian organizations dedicated to first principles of private property rights, urges you to include the language of the Private Property Rights Protection Act, H.R. 1689, curbing abuse of eminent domain post-Kelo, in must-pass legislation before the conclusion of this lame-duck session.

CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence.

We urge you to ensure that the Private Property Rights Protection Act, sponsored by Rep. James Sensenbrenner (R-Wis.), is enacted before the conclusion of the 115th Congress. As you know, this bill has already passed the House without dissent.

The Fifth Amendment to the Constitution protects citizens from being deprived of “life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” *Kelo v. New London* (2005) gutted this fundamental civil liberty when the Supreme Court reinterpreted “public use” to mean “public purpose,” including taking property from one private property owner on behalf of another private entity.

As Justice Sandra Day O'Connor wrote in dissent in *Kelo*, “Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms.”

This practice puts property owners at risk. People in the most vulnerable communities across America are susceptible now to being victimized by certain corporations and development firms. Rural areas also face risk. In the past, farmers have ceded their land for railways, highways, and other transportation projects. Current law leaves them at the mercy of these same corporations and firms.

H.R. 1689 would freeze federal funds to any state that steals land from a private entity for the purposes of transferring it to another. It would also bar the federal government from using eminent domain for economic development.

The rights to life, liberty, and property have been a cornerstone of our Republic since its founding. However, following the Kelo decision, eminent domain threatens property rights and is subject to abuse. It is imperative that Congress act immediately to relieve permanently this threat to fundamental property rights. The lame-duck session presents the best hope of remedying a misguided judicial ruling, while Republican majorities remain in control of both House and Senate and the political leverage exists to achieve this goal.

Conservatives for Property Rights strongly supports immediate action on H.R. 1689, the Private Property Rights Protection Act, to rectify eminent domain. We cannot allow this opportunity to secure property rights to pass without success. Thank you!

Sincerely,

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Executive Director  
Conservatives for Property Rights

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Vice President of Legislative Affairs  
FreedomWorks

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Dick Patten  
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