

Testimony of Susette Kelo
Before the Senate Judiciary Committee of the U.S. Congress
September 20, 2005

I thank Chairman Specter and the rest of the Senate Judiciary Committee for the opportunity to testify about legislation to cut off funding to governments that abuse eminent domain law.

My name is Susette Kelo and I live in New London, Connecticut. I am the Kelo in *Kelo v. City of New London* – the now-infamous U.S. Supreme Court case in which the Court ruled that private property, including my home, could be taken by another private party who promises to create more jobs and taxes with the land. Just last week, three of my neighbors were served with eviction notices, telling them they have between 30 and 90 days to leave their homes. I received just such a notice five years ago, the day before Thanksgiving, which marked the beginning of my fight to defend what is rightfully mine. A news report recently informed me to expect another notice to leave in the coming days. Thankfully, the Governor has just recently ordered that the evictions be halted – at least for now, while the state contemplates changing its eminent domain laws.

I sincerely hope that Congress will do what judges and local legislators so far have refused to do for me and for thousands of people like me across the nation: protect our homes under a plain reading of the U.S. Constitution. Federal lawmakers should pass legislation that will withhold federal development funding for cities that abuse eminent domain for private development – such as the one that could take my home, which received \$2 million in federal funds. What we have now at the local, state and federal level amounts to “government by the highest bidder,” and that has got to stop.

I would like to tell you a little more of my story so you can hopefully see why the law needs to be changed.

In 1997, I searched all over for a house and finally found this perfect little Victorian cottage with beautiful views of the water. I was working then as a paramedic and was overjoyed that I was able to find a beautiful little place I could afford on my salary. I spent every spare moment fixing it up and creating the kind of home I always dreamed of. I painted it salmon pink, because that is my favorite color.

In 1998, a real estate agent came by and made me an offer on the house on behalf of an unnamed buyer. I explained to her that I was not interested in selling, but she said that my home would be taken by eminent domain if I refused to sell. She told me stories of her relatives who had lost their homes to eminent domain. Her advice? Give up. The government always wins.

So why did the City and the New London Development Corporation (NLDC) want to kick us out? To make way for a luxury hotel, up-scale condos, and other private developments that could bring in more taxes to the City and possibly create more jobs. The poor and middle class had to make way for the rich and politically connected. As quickly as the NLDC acquired homes in my neighborhood, they came in and demolished them, with no regard for the remaining residents who lived there, most of whom were elderly.

In late 1999, after graduating from nursing school, I became a registered nurse and began working at Backus hospital in Southeastern Connecticut. Early in 2000, the public hearings were eventually held, and the Fort Trumbull plan was finalized. Our homes were not part of that plan. By that time, I had met a man who shared my dreams and the two of us spent our spare time and money fixing up our house. We got a couple of dogs, we planted flowers, I braided my own rugs, we found a lot of antiques which were just perfect for our home, and Timmy – who is a stone mason – did all kinds of stone work around the house. When I first bought it, it had been run down. Today it is beautiful.

On the day before Thanksgiving in 2000, the sheriff taped a letter to my door, stating that my home had been condemned by the City of New London and the NLDC. We did not have a very pleasant holiday, and each Thanksgiving since has been bittersweet for all of us; we're happy that we are still in our homes, but afraid we could be thrown out any day. The following month, the Institute for Justice agreed to represent us. Without them, none of us would be here today. None of us could have afforded the tremendous legal costs that we would have incurred over the years.

A year later, in 2001, we went to trial in New London, and after hearing 10 different reasons why our homes were being seized – from so-called “park support,” to roads, to a museum, to warehousing – the judge decided no one could give him a straight answer and he overturned the demolition sentences on our homes.

Then one night in late 2002, I was working at the hospital in the emergency room when a trauma code was called and a man who had been in a car accident was wheeled into the trauma room. To my horror, after several minutes of working alongside doctors and nurses I realized it was my partner Tim. For two weeks he lay in a coma and we did not know if he would live or die. He finally pulled through and although permanently disabled, it was a miracle he was finally able to walk out alive two months later.

While he was still hospitalized, the Connecticut Supreme Court heard our case. A while later, after Tim was well enough, we made it official by getting married. We still had no idea if we would get to keep our home, as the Connecticut court would take 15 months to reach a decision. When they ruled against us by a 4-3 decision, we were stunned. Our lives were on hold for another year as we waited for the U.S. Supreme Court to hear our case. We had high hopes that the Supreme Court would protect our home, but by one vote, they let us and all other Americans down.

My neighborhood was not blighted. It was a nice neighborhood where people were close. Even though many of the homes have been destroyed, the people that remain are still neighbors and good friends. We don't want to leave.

None of us asked for any of this. We were simply living our lives, working, taking care of our families and paying our taxes.

The City may have narrowly won the battle on eminent domain, but the war remains, not just in Fort Trumbull but also across the nation.

What is happening to me should not happen to anyone else. Congress and state legislatures need to send a message to local governments that this kind of abuse of power will not be funded or tolerated.

Special interests – who benefit from this use of government power – are working to convince the public and legislatures that there isn't a problem, but I am living proof that there is. This battle against eminent domain abuse may have started as a way for me to save my little pink cottage, but it has rightfully grown into something much larger – the fight to restore the American Dream and the sacredness and security of each one of our homes.

Thank you very much for your time.