
Testimony of Susette Kelo
Lead plaintiff, *Kelo v. City of New London*
United States House Committee on the Judiciary
Subcommittee on the Constitution & Civil Justice
Hearing on the Private Property Rights Protection Act of 2013
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I thank the House Judiciary Subcommittee on the Constitution and Civil Justice for the opportunity to testify about legislation to cut off funding to governments that abuse eminent domain for private development.

My name is Susette Kelo and I used to live in New London, Connecticut. I am the Kelo in *Kelo v. City of New London* – the 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.

I sincerely hope that Congress will do what the U.S. Supreme Court 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 from cities that abuse eminent domain for private development – such as the one that took my home, which received \$2 million in federal funds. What we had in the wake of this decision at the local, state and federal level amounted to “government by the highest bidder,” and while eminent domain abuse has slowed down thanks to a national backlash to the decision, it still exists and 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. We made it 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 after was bittersweet for all of us; we were happy to still be 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, we would not have been able to fight, because 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. We didn't want to leave.

All of this was for nothing. After spending close to \$80 million in taxpayer money, there has been no construction whatsoever and the neighborhood to this day remains a barren field, home to weeds and feral cats. And in 2009, Pfizer—the lynchpin of the plan—announced that it was closing its research and development headquarters and leaving New London for good, just as its tax breaks were about to expire.

Fortunately, my home was saved and moved to a new location, and is now the home of a local preservationist. Property rights activists from across the country have visited it to pay tribute to our fight.

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. In response to the Supreme Court's decision, 44 states have changed their eminent domain laws. Some laws are great and others need improvement, but the bottom line is that state legislators have heard the public's outrage over this decision and responded. Congress has yet to do so.

What happened to me should not happen to anyone else. Congress needs to send a message to local governments that this kind of abuse of power will not be funded or tolerated.

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.