

Senate Rejects Sen. Larry Craig's Unconstitutional Assault on States, Localities and Parks

Proposal would deny ALL federal funds for five years if state or town protected public parks
Earthjustice, Press Release, December 13, 2007

Contact: Glenn Sugameli, Earthjustice (202) 667-4500

Washington, D.C. – The following statement is from Glenn Sugameli, Senior Legislative Counsel at Earthjustice, and head of the Judicial Nominations Project regarding U.S. Senate's 37Y-58N rejection today of an amendment to the Farm Bill. This proposal would allow farm and grazing land to be condemned for private use, pipelines, roads, and prisons, but would ban all such local, state, and federal use of eminent domain to acquire land for a public park, recreation, open space, conservation or similar purposes:

“Under Idaho Senator Larry Craig’s draconian proposal, even a single, inadvertent taking of any amount of land would automatically shut off all federal funding and financial assistance for five years to an entire state or locality. If the original owner died or a storm damaged the property, it would be impossible to end this five-year fund cutoff of even the most essential federal funds.

“Sen. Larry Craig's proposal would cost lives and cause untold suffering by denying states and localities funds needed to save people from deadly flu epidemics, natural disasters, toxic pollution, and other threats. To do this in order to deter protection of public parks and open spaces is unconscionable and incomprehensible.

“Sen. Larry Craig’s amendment would inflexibly ban an approach towards public parks that was recognized as a quintessential public use since the time of the Founders. In 1896, the Supreme Court unanimously recognized that using eminent domain to acquire land for Gettysburg National Battlefield Park was “not only a public use” it had “the purpose of protecting and preserving the whole country.”

“No Senator who voted for Sen. Larry Craig’s amendment can claim to respect state and local government rights. His approach would unconstitutionally render state and local governments obsolete. If Congress could do this for an incidental, inadvertent taking of less than an acre, threatened loss of all federal funds could bludgeon states and localities into submission on every issue and federally micromanage every traditional local and state government function.

“Senator Larry Craig’s amendment would have imposed a draconian infringement on federalism and the traditional rights of state and local governments, devastating the ability of states, localities and the Federal governments to create and protect public parks, conserve essential resources and recreation areas, and preserve open spaces.

“We are pleased the Senate saw through Senator Craig’s delusional amendment and voted to keep it out of this important bill.”