



Syllabus

SUPREME COURT OF THE UNITED STATES

348 U.S. 26

Berman v. Parker

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 22 Argued: October 19, 1954 --- Decided: November 22, 1954

The District of Columbia Redevelopment Act of 1945 is constitutional, as applied to the taking of appellants' building and land (used solely for commercial purposes) under the power of eminent domain, pursuant to a comprehensive plan prepared by an administrative agency for the redevelopment of a large area of the District of Columbia so as to eliminate and prevent slum and substandard housing conditions -- even though such property may later be sold or leased to other private interests subject to conditions designed to accomplish these purposes. Pp. 28-36.

- (a) The power of Congress over the District of Columbia includes all the legislative powers which a state may exercise over its affairs. Pp. 31-32.
- (b) Subject to specific constitutional limitations, the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation enacted in the exercise of the police power, and this principle admits of no exception merely because the power of eminent domain is involved. P. 32.
- (c) This Court does not sit to determine whether or not a particular housing project is desirable. P. 33.
- (d) If Congress decides that the Nation's Capital shall be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way. P. 33.
- (e) Once the object is within the authority of Congress, the right to realize it through the exercise of eminent domain is clear. P. 33.

(f) Once the public purpose has been established, the means of executing the project are for Congress and Congress alone to determine. P. 33.

(g) This Court cannot say that public ownership is the sole method of promoting the public purposes of a community redevelopment project, and it is not beyond the power of Congress to utilize an agency of private enterprise for this purpose, or to authorize the taking of private property and its resale or lease to the same or other private parties as part of such a project. P. 34. [p27]

(h) It is not beyond the power of Congress or its authorized agencies to attack the problem of the blighted parts of the community on an area, rather than on a structure-by-structure basis. Redevelopment of an entire area under a balanced integrated plan so as to include not only new homes, but also schools, churches, parks, streets, and shopping centers is plainly relevant to the maintenance of the desired housing standards, and therefore within congressional power. Pp. 34-35.

(i) The standards contained in the Act are sufficiently definite to sustain the delegation of authority to administrative agencies to execute the plan to eliminate not only slums, but also the blighted areas that tend to produce slums. P. 35.

(j) Once the public purpose is established, the amount and character of the land to be taken for the project and the need for a particular tract to complete the integrated plan rests in the discretion of the legislature. Pp. 35-36.

(k) If the Redevelopment Agency considers it necessary in carrying out a redevelopment project to take full title to the land, as distinguished from the objectionable buildings located thereon, it may do so. P. 36.

(l) The rights of these property owners are satisfied when they receive the just compensation which the Fifth Amendment exacts as the price of the taking. P. 36.

117 F.Supp. 705, modified and affirmed. [p*28]

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