Eminent Domain and the American Lust for Land

In discussing property rights and the issue of eminent domain, there is no stauncher advocate against its abuse than Carla T. Main. Published in October of 2007, “Bulldozed: Eminent Domain and the American Lust for Land” follows the story of an American family faced with the reality of losing their property and business in the context of economic development taking. Interspersed with a true story, there is a detailed discussion of the history of Eminent Domain in America as well as Main’s own personal experience as a lawyer specialized in defending the victims of Eminent Domain. In broader terms, the book reflects on the long standing debate about the American legal system and the practice of transferring property from one private party to another under the “public use” clause which is often justified by arguments about the need for economic development.

The book frames and highlights the growing public concern especially among Americans in underdeveloped towns and regions about the possible losing of property to Eminent Domain and the increasing power of big business and its huge influence on government that sometimes overrides the individual pursuit of the so-called “the American Dream”. The author seeks to examine these complex issues by following the true story of the Gore family of Freeport in Texas fighting to retain their property rights.
Wright Gore grew up in a very poor family working in cotton fields, moving between various jobs from filling up gas to driving laundry truck. From this humble beginning, he and his family built one of the most successful and well known seafood businesses in Texas. Main describes the Gore’s family story as being the very embodiment of the American Dream pursuit. That dream quickly turned into a nightmare when the Gore family discovered that a new marina was planned to be built on the exact same location as their waterfront property. The Freeport Economic Development Corporation, at the behest of H. Walker Royall who belonged to a powerful Texas oil family, had plans to build a large, new, tourist-attracting marina. The local government’s justification for transferring the property from one private party, the Gore family, to another, the Marina developer, under the “public use” clause was based on the need to use the land to advance economic development of the community as a whole. The City of Freeport had economic problems and building a new waterfront marina was seen as a better use of the property that can produce greater public value after development.

The Eminent Domain cases evoke strong reactions in America due to their implications on strongly-held beliefs about individual rights and personal aspirations. There were numerous cases on Eminent Domain in the U.S. Eminent Domain cases typically are found in developing communities, coastal areas and waterfront regions as these are the most desired real estate for economic developers. Like so many other Americans with waterfront property, the Gore family has worked extremely hard for many years to obtain what they have. The only difference between the Gore’s and the many other multitudes of Eminent Domain victims is the tenacity with which they fought against the odds. This legal battle on Eminent Domain took them on a long and expensive public campaign and cost of over $1 Million to both State and Federal courts.
A key component in fighting this seemingly overwhelming battle in the public sphere was the creation of a website by Wright III. Wright III wanted to find a way to honor his grandfather’s time and effort spent on the land they were now being forced to defend. It was also an attempt to draw public attention to emotionally charge issue and how average people can fight against deeply vested interests. In this case it was against a highly influential oil tycoon who might have manipulated the system for his own self-interests. The website gave a detailed report of all the issues the Gore’s family was facing, as well as information about the family and their current experiences with Eminent Domain. The website allowed the many different families whose homes were also in jeopardy to learn about the Gore’s fight back and nurture new ways for organizing collectively to lobby against Eminent Domain. They used simple but effective language on the website to summarize the situation in a very simple and clear cut manner: “you will stay poor, he’ll get richer.”

Unfortunate as it may be, fighting Eminent Domain is an extremely difficult and expensive task. This is also hindered by the fact that most City Governments fail to play fair in Eminent Domain cases, typically resorting to questionable practices to get their way. Walker showed this by creating multiple lawsuits against the Gore family in response to the website. These suits included libel, defamation of character, civil conspiracy, and even a breach of contract suit in regard to a verbal contract made with the defendants over the phone from over a year prior.

It was July 2006 when Pappy finally left this world, and with his passing came a calming of the rough legal seas. After long battle with the Gore family over their waterfront property, the Freeport Economic Development Corporation finally gave in and decided to build their marina around the Gore’s existing property. Due to this change, the plan was also changed from a
private marina to a public one to accommodate the Gore’s business. This is an extremely rare example of a normal family overcoming the odds and triumphing over the seemingly “evil” corporation as it was seen in the public eyes. Despite the local government’s plan to give the land to a powerful developer, the Gore family was able to keep their land in the end, and hold on to their piece of the American Dream.

Even though the Gore’s were successful, this is not the norm. Most people faced with this same situation do not have the same tenacity, will, or ability to fight. Some face the prospect of losing their properties as a result of corporate voraciousness or government’s failure to act in a balanced and fair manner. Main used this book to not only provide hope to those living with these same problems, but also to warn the rest that no one is immune from the taking of their property and businesses on the basis of Eminent Domain.