

## [Justice Scalia Predicts \*Kelo v. City of New London\* Will be Overturned](#)

When we think of some of the most well-recognized and controversial decisions from our judicial system, cases like [Roe v. Wade](#) (abortion) and [Dred Scott v. Sandford](#) (slavery) come to mind. Within our group of right of way professionals, we obviously think [Kelo v. City of New London](#) is a huge deal, as it allows for the use of eminent domain for purely economic purposes. But does it rank up there with the others? It does, according to US Supreme Court Justice Scalia.

According to an [ABA Journal article](#), Justice Scalia was recently speaking to a group of students at Chicago-Kent School of Law, and he predicted *Kelo* will be overturned: **"I do not think that the *Kelo* opinion is long for this world,"** Scalia said. He went on to compare *Kelo* to the other cases mentioned above, noting it ranks among the top cases in which the court made a "mistake of political judgment." (Justice Scalia is not alone -- see another [recent apology](#) for the decision by Justice Palmer.)

While Justice Scalia notes that the US Supreme Court has made mistakes of law

it has made very few mistakes of political judgment, of estimating how far ... it could stretch beyond the text of the Constitution without provoking overwhelming public criticism and resistance. *Dred Scott* was one mistake of that sort. *Roe v. Wade* was another. ... And *Kelo*, I think, was a third.

On a less serious note, you can also read the [Chicago-Sun Times](#) article on the subject, where Justice Scalia also answers questions such as whether he prefers deep dish or thin crust pizza. (He was in Chicago; how do you think he responded?)