

Private Property and Public Use
Poletown Neighborhood Council v. City of Detroit (1981)
410 Mich. 616

In *Poletown v. Detroit*, an unincorporated association called the Poletown Neighborhood Council and ten residents of the so-called Poletown area of Detroit brought an action against the city of Detroit in order to prevent the city's condemnation of land in Poletown. The land was to be given to General Motors Corporation so that they could build two new assembly plants. Under the Michigan Constitution, the power of eminent domain, or the taking of land by the government with compensation provided, can only be secured if it is for a "public use." The plaintiffs argued that the takings in this instance were not for a public use because the land was being given to a private corporation, but the defendants urged that the ultimate purpose of the takings was to provide jobs to the people of Detroit and alleviate the public problem of unemployment.

At the Wayne County Circuit Court, judge George T. Martin ruled against the plaintiffs, concluding that the use of eminent domain was public. He also dismissed the plaintiffs' argument that their social and cultural environment in Poletown was protected by the Michigan Environmental Protection Act. The plaintiffs then appealed to the Michigan Supreme Court by leave granted prior to decision by the Court of Appeals.

Five Supreme Court Justices including Chief Justice Coleman signed a *per curiam* opinion in which they upheld the trial court decision. In it, they found that there is no difference in Michigan law between a public use and a public purpose, despite the plaintiffs' claims, and since the eminent domain takings in this case had a public purpose, they were constitutional. They also noted that, in cases like this the public purpose must be significant and not merely incidental. In *Poletown*, the economic relief to be provided by the takings was found to be significant in light of the "severe economic conditions facing the residents of the city and state."

Justices Fitzgerald and Ryan each wrote dissenting opinions, with Ryan signing on to Fitzgerald's. Ryan's was much longer and more detailed than either of the other opinions, and was filed over a month after the case was decided. He provided an in-depth analysis of the contract between GM and Detroit's Economic Development Corporation, concluding that the city and its residents were being taken advantage of by GM, who knew that the city was in dire need of economic relief. He also argued that the terms "public purpose" and "public use" had distinct meanings and were not used interchangeably in the Michigan Constitution. Thus, he found that the condemnations may have had a public purpose, but they were not put to a public use.

In 2004, the Michigan Supreme Court heard *County of Wayne v. Hathcock*, where all seven Justices agreed to overrule *Poletown*, finding that in most cases a government may not condemn land with eminent domain power in order to transfer it to a private owner. Justice Young's majority opinion in *Hathcock* contains several references and citations of Justice Ryan's dissent in *Poletown*.