1. In his Kelo dissent, Justice Thomas argued “it is most implausible that the Framers intended to defer to legislatures as to what satisfies the Public Use Clause, uniquely among all the express provisions of the Bill of Rights. We would not defer to a legislature’s determination of the various circumstances that establish, for example, when a search of a home would be reasonable...” Does the level of deference granted by the judiciary to any rational legislative decision that an eminent domain seizure serves a “public purpose” mean that the courts have effectively delegated their power to interpret the Public Use clause to legislatures? Or does the judiciary still exercise meaningful review of “public purpose” takings?

2. In the U.S. our government pays the owner of the property directly if a taking of their land occurs, but if our country takes over land in a foreign country our government reimburses the foreign government and not the actual land owner. Should our foreign policy change on this matter?

3. In the wake of Hurricane’s Katrina and Rita, should State and Local governments use offensively the power of eminent domain to condemn damaged or undamaged property along the coast line (for example within 2 miles inland from mean high tide) to create natural environmental “buffer zones” for the protection of the public from storm surge and related hurricane action, prevent further construction of residential or commercial development, and open such property to the public as parks and recreational areas? If so, with what effects? Should such action be limited to residential as opposed to commercial (tax base!!) properties?

4. Should FEMA, who underwrites and administers the Federal Flood Insurance Program, using our tax dollars, be granted the right, by federal statute, to utilize eminent domain to condemn damaged properties and prevent re-building or reconstruction?

5. Are “slums”, defined for this context as “blighted areas which contain unlivable and non-repairable housing, are potentially dangerous to their inhabitants, consume a disproportionate amount of the city budget for police, fire, health and safety” (economic factor) - subject to eminent domain condemnation in light of Justice Thomas dissent in Kelo when compared with the holding in Berman?

6. Texas SB 7, Chapter 2206, §2206.001-c-10, allows for a taking for a waste disposal project. At what point should the taking stop? That is, how valuable is the land adjacent to the waste disposal site? Should there be a mandatory green belt or buffer around the site that is owned by the governmental entity?

7. A bit of an aside, are the vast holdings of some religious organizations exempt from takings? Aren’t they typically exempt from property taxes? How sacrosanct are (or should be) cemeteries in relation to takings and condemnations? (Many businesses and homeowners were affected by the diversion of the current Katy Freeway expansion around a local cemetery.)