

The AMERICAN INTEREST

Divided Over a House

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Susette Kelo is an unlikely movie heroine, and her struggle against the City of New London's decision to take her house in the name of urban renewal—played out in community meetings, courtroom hearings, and awkward television interviews—lacks the stuff of cinematic legend. But writer-director Courtney Balaker, adapting Jeff Benedict's book by the same name, has turned her story into a compelling little movie complete with well-known Hollywood actors. *Little Pink House* doubles as a libertarian David vs. Goliath epic and a surprisingly sensitive portrayal of the dilemma facing American communities in economic decline.

As the movie begins, we see Kelo (Catherine Keener) coming home from her job as a paramedic to find her husband passed out drunk. Wordlessly, and accompanied by a rather sentimental piano score, she concludes this chapter of her life and goes in search of a new beginning. She finds it in a dilapidated little house next to the Thames River in Connecticut. She buys it, pours her hard work into fixing it up, and paints the exterior "Odessa Rose"—or, to everyone else's eyes, pink. The movie paints Kelo as a responsible, hard-working citizen trying to stake out her place in a downscale community, and making a real go of it. She even starts up a romantic relationship with her fourth-hand furniture seller. Her life is decidedly unglamorous, but distinctly hopeful.

Her adversaries appear as moderately cartoonish movie villains. We first meet Governor John Rowland (Aaron Douglas), who is never named in the film, as he consults a political fixer in a bar, asking the man to deliver the City of New London unto him for use in a development scheme. The fixer puts him in league with Charlotte Wells (Jeanne Tripplehorn), the president of a fictional local college (she's meant to represent real-life Connecticut College President Claire Gaudiani). Rowland and company arrange to have Wells appointed as head of the long-dormant New London Development Corporation. The governor expects her to clear all obstacles to securing part of the deindustrialized town for a new Pfizer development, in order to reverse its failing fortunes. (We are treated to a liberal dose of Viagra jokes at Pfizer's expense throughout the proceedings.) The movie portrays the governor and his cronies as corrupt—fair enough, given that Rowland later served time for corruption and Pfizer's promised development turned out to be a total dud.

Notwithstanding these broad brushstrokes, *Little Pink House* renders the tensions between the development and anti-development crowds with sensitivity. We know which side has the filmmakers' sympathies, but to their credit, they do not portray the protagonist and her allies as

having more answers for their community's problems than they actually did. We get a quick shot of Wells kicking off some kind of young professionals' event, making big promises to turn New London around for the benefit of the larger community. While we know cynicism has brought her there, she manages to gather some real youthful energy behind the idea of a city with a brighter future. Unfortunately, those who envision such a future must see Kelo's neighborhood as nothing more than blight; they imagine the residents should be thrilled to sell their houses at market rates.

The movie portrays Kelo and her neighbors, on the other hand, as aging and focused on the past; some want merely to die in their homes. There is not a single child in sight. They have nothing but contempt for the idea of "Pfizer as savior," but neither do they think about how their community will survive. Upon meeting Kelo for the first time, one character says that at least her work as a paramedic must be reliable, given the way people in the neighborhood keep dropping. That said, these people come off as quiet, dignified, and even admirable. Kelo eventually says that she wants above all to be left alone in her home, unmolested by someone else's idea of what progress should look like. That feeling has a long and venerable pedigree in American history—but, then again, so does the relentless push for progress, often with little regard for those on the losing side.

That conflict between American values helped make the 2005 Supreme Court case that bore the heroine's name, *Kelo v. City of New London*, something of a sensation. To Kelo's knights in shining armor, the libertarian public-interest firm Institute for Justice (IJ), the filmmakers, and the majority of the audience at the screening I attended at Washington's Cato Institute, it was patently obvious that the Constitution's provision for government takings, justly compensated, should never permit the government to take land from one private party and simply give it to another. The film ably represents that constitutional argument, but also airs New London's rebuttal: Development schemes almost always end up facilitating such transfers anyway; requiring a government to retain complete control over its takings would defeat the purpose. More importantly, far-sighted communities must have the power to determine which kinds of plans best serve their long-term goals. As a result, any legal case becomes a question of who should have the final judgment: the community's elected representatives, or judges. Unfortunately, the movie makes this choice seem easier than it is: It portrays the city council's members, who appear just once, as pusillanimous servants of the wealthy. Yet it's hardly true that local governments always squelch "the little guys," or that judges always come to their rescue.

Indeed, the Supreme Court itself did not come to the rescue. The majority opinion in *Kelo*, penned by Justice John Paul Stevens (and joined by Justices Anthony Kennedy, David Souter, Ruth Bader Ginsburg, and Stephen Breyer), argued not that New London made judicious or effective use of its eminent domain power, but that judges are not well positioned to second-guess local governments. The dissent, written by Justice Sandra Day O'Connor (and joined by Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas), decried the new law of "reverse Robin Hood," in which cities can take property from the poor and give it to the rich whenever they deem it economically advantageous.

To my mind, the story then takes a happier turn, which the movie acknowledges only in a quick flash of text at the end. Riding an unexpectedly widespread political backlash against the court's decision, Kelo's fight moved from the courts to the state legislatures. IJ partnered with organizations across the political spectrum, including the NAACP and ACLU, to win by democratic processes what they could not accomplish judicially. In his book *The Grasping Hand*, Law Professor Ilya Somin details those efforts, which resulted in the reform of eminent domain laws in more than 40 states, affording citizens protections that the Constitution, according to *Kelo v. New London*, does not guarantee.

The movie gives a small glimpse of what this movement would become, showing us how Kelo reluctantly takes on the role (at IJ's urging) of political campaigner. In mobilizing her neighbors against an external threat, she calls forth a communal purpose she had never felt before, transforming from a solitary seeker of peace into the standard-bearer of public spiritedness. In one scene, Wells (the developer) tells a large group of community members that redeveloping their neighborhood will make New London a better place; Kelo immediately retorts, "Who decides what a better place is?!" She could not have put it better. The struggle over this exact question defines political life in a self-governing, democratic system.

One is tempted to say that this political blossoming redeems her loss in court, but Susette Kelo herself would not say so. She was crusading to save her home; the political battle mattered far less. Though present at the screening, she clearly found it painful to relive the saga that ended in the demolition of her beloved waterfront home in service of empty rhetoric. While answering questions, she touchingly described herself as a simple person who wished most of all to return to her quiet life before all this happened. Somin notes that some of her neighbors endured even more harrowing displacements than Kelo did. We cannot take much comfort from democratic victories, he argues; even after the state reforms, homeowners' property rights have considerably fewer safeguards today than prior to the Supreme Court's ruling.

Little Pink House does not fit neatly into the political scene of 2018—and perhaps because of that, I found it especially valuable to ponder its quandaries. We now have a high-stakes fight developing between NIMBYs and YIMBYs ("not" or "yes" "in my back yard") that seems increasingly central to political conflict, although in confusingly cross-partisan ways. As IJ's Scott Bullock noted at the screening, President Donald Trump has said he supports the *Kelo* decision 100 percent—not surprising, considering that eminent domain has enabled not a few of his real-estate developments over the years. On the other hand, the film has an anti-corporate, small-is-beautiful, communitarian ethos that seems central to Trump's 2016 campaign appeal—not to mention Bernie Sanders'. Both Democrats and Republicans are struggling with factions that do not find economic development, especially the kind driven by multinational corporations, worth prioritizing, and *Little Pink House* portrays the inherent nobility of resisting self-appointed agents of progress. But such struggle does not provide a viable way of life for future generations, who, through their scant presence in the film, seem to be voting with their feet and prioritizing other problems. Bulldozing people's cherished homes for corrupt political reasons is an obvious miscarriage of justice, but less literal bulldozers are coming for many Americans' way of life, and mere assertions of rights may not be enough to turn them away.