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September 15, 2010

Shapiro and Burrus on Judicial Takings and Scalia's Shifting Sands

Ilya Shapiro (Cato) and Trevor Burrus (Cato) have posted [Judicial Takings and Scalia's Shifting Sands](#), forthcoming in the *Vermont Law Review*, Vol. 35. The abstract:

In this article, we examine the background of the judicial takings doctrine, discuss the Supreme Court's ruling in *Stop the Beach*, react to that decision in light of Cato's amicus brief, and contrast Justice Antonin Scalia's views of Substantive Due Process as expressed in *Stop the Beach* with that in another high-profile case whose plurality opinion he joined, *McDonald v. City of Chicago*, to argue that the judicial takings doctrine is necessary to a robust constitutional protection of property rights.

Matt Festa

September 15, 2010 in [Beaches](#), [Caselaw](#), [Coastal Regulation](#), [Constitutional Law](#), [Eminent Domain](#), [Environmental Law](#), [Federal Government](#), [Judicial Review](#), [Property Rights](#), [Scholarship](#), [State Government](#), [Supreme Court](#), [Takings](#) | [Permalink](#)

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