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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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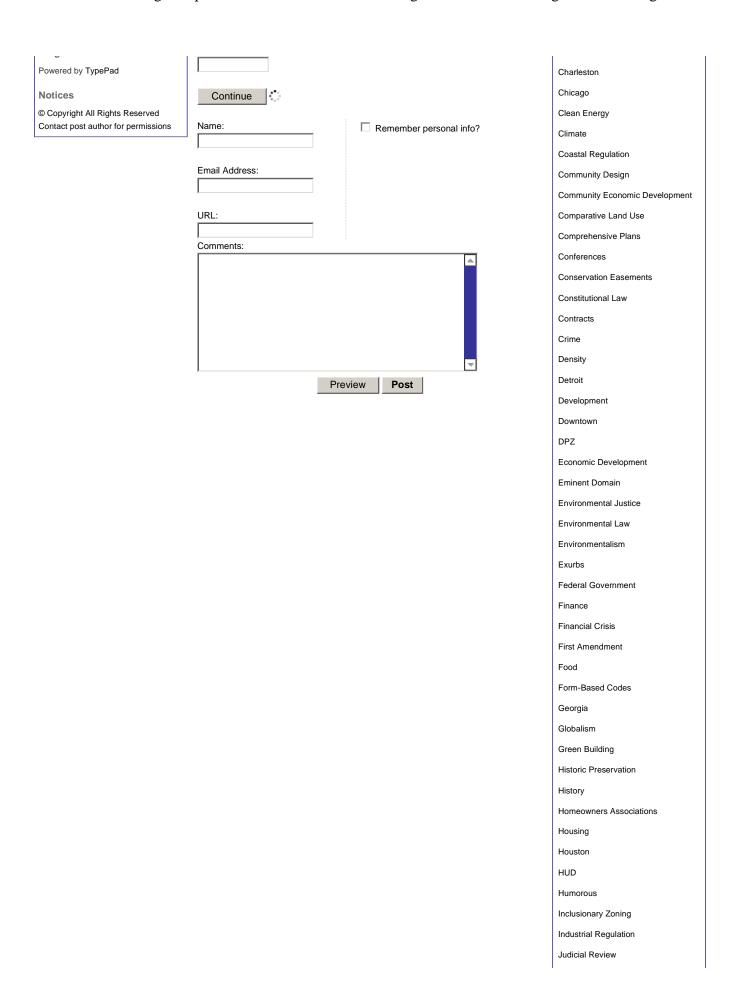
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