

Eminent Domain Simulation: Defining “Public Use”

Subject: Civics / U.S. Government

Grade Level: 10–12 (strong AP Gov alignment)

Time Required: 1 class period

Lesson Type: Simulation, deliberation, constitutional analysis

Prerequisite Knowledge:

- Fifth Amendment
 - Basic understanding of constitutional rights and government powers
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Teacher Purpose & Framing

This simulation is designed to move students beyond memorizing the Fifth Amendment and into **interpreting it**. Students must wrestle with a central constitutional tension:

Does economic development qualify as “public use”?

The lesson intentionally presents a morally uncomfortable scenario where **economic benefit conflicts with individual property rights**, particularly those of vulnerable populations.

Constitutional Foundation (Teacher Review)

Before beginning the simulation, students should review the relevant language of the **Fifth Amendment**:

“...nor shall private property be taken for public use, without just compensation.”

Key Terms to Emphasize:

- **Eminent Domain**
- **Public Use**
- **Just Compensation**

Make it clear that the Constitution **allows** eminent domain—but does **not clearly define** public use.

The Simulation Scenario: City of Mytown

Context

The city of **Mytown** is experiencing:

- High unemployment
- Declining downtown activity
- Limited economic growth

A **national developer** proposes building a **large shopping mall** in the center of downtown.

Proposed Benefits

- 1,000 new jobs
 - Increased tax revenue
 - Revitalization of the downtown area
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The Cost

To build the mall, the city must use **eminent domain** to remove **100 homeowners**.

Key facts:

- Homes are older and of limited market value
 - Compensation will not be enough for owners to purchase comparable homes
 - Most homeowners are **low-income and elderly**
 - The developer has issued a **deadline**
 - The developer is already considering a nearby city **45 minutes away**
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Student Roles

Students serve as the **City Council of Mytown**.

Their task is to decide whether to:

- Approve the use of eminent domain
- Reject the proposal
- Attempt to renegotiate terms

Student Worksheet / Deliberation Prompts

1. Identify the Issues

Students should identify **multiple layers** of the problem, including:

- Economic growth vs. individual rights
 - Public good vs. private harm
 - Fairness of compensation
 - Impact on vulnerable populations
 - Long-term vs. short-term benefits
 - Constitutional interpretation of “public use”
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2. Identify Possible Outcomes

Students must explain **likely consequences** of each major choice:

- Approving eminent domain
- Rejecting the project
- Delaying or renegotiating

Encourage consideration of:

- Economic effects
 - Political fallout
 - Legal challenges
 - Public trust
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3. Decision

What will you do as the City Council?

Students must clearly state their decision.

4. Justification

Guided Class Discussion (Post-Simulation)

After decisions are shared, lead the class through these core questions:

1. **How did you define “public use”?**
2. **Does job creation meet the constitutional standard?**
3. **Is just compensation fair if it is legal but insufficient?**
4. **Should economic desperation change constitutional interpretation?**
5. **Who benefits most—and who bears the cost?**

Encourage students to acknowledge **reasonable disagreement**.

Teacher Insight: Why This Lesson Works

- Forces students to interpret—not recite—the Constitution
 - Highlights ambiguity in constitutional language
 - Centers equity and power dynamics
 - Mirrors real-world policy debates
 - Creates no “easy” or morally clean answer
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Assessment Options

- Written council decision (1–2 pages)
 - Small-group deliberation summary
 - Exit ticket: *“How should public use be defined?”*
 - AP-style short response tying facts to constitutional language
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Optional Extension (Highly Recommended)

After the simulation, reveal that the Supreme Court **has ruled on similar cases**, and allow students to compare their reasoning to judicial reasoning **without initially naming the case**.

This reinforces:

- Judicial interpretation
- Living Constitution vs. original intent
- Limits of constitutional clarity

Teacher Reflection Note (Internal Use)

This lesson pairs exceptionally well with:

- Property rights
- Federalism
- Economic inequality
- Judicial power

Students consistently report that this simulation **changes how they view constitutional rights.**