



Written by [Joe Wolverton, II, J.D.](#) on April 7, 2023

## Tennessee Suing to Seize Farmers' Property to Make Way for Ford EV Factory

“The Supreme Power cannot take from any Man any part of his Property without his own consent. For the preservation of Property being the end of Government, and that for which Men enter into Society, it necessarily supposes and requires, that the People should have Property, without which they must be supposed to lose that by entering into Society, which was the end for which they entered into it, too gross an absurdity for any Man to own. Men therefore in Society having Property, they have such a right to the goods, which by the Law of the Community are theirs, that no Body hath a right to take their substance, or any part of it from them, without their own consent; without this, they have no Property at all.” — John Locke, *Second Treatise of Government*, § 138



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Ford Motor Company has announced a \$5.6 billion electric truck and battery plant to be built in rural Tennessee northeast of Memphis, and the state of Tennessee is so willing to bend over backward for the carmaker that it is prepared to seize the property of farmers in order to facilitate Ford's building project.

Here's a bit of the legislative contortions that led to the decision to build "Blue Oval City" in the Volunteer State, as [reported by Reason](#):

In return for picking Tennessee, state lawmakers overwhelmingly approved legislation that would grant Ford \$884 million in state incentives. That includes a \$500 million grant from the state's current budget surplus and \$384 million for site preparation, including \$200 million for road improvements and \$138.2 million for infrastructure and demolition services.

The bill also apportioned \$745,100 to fund the Megasite Authority of West Tennessee, an 11-person board with the power to execute contracts on behalf of the development. It can also take privately-owned land, via eminent domain, in order to facilitate construction of the facility and supporting infrastructure.

Eminent domain. Two words that could not be more antithetical to the American concept of primacy of private property.

For readers unfamiliar with this brand of bullying, here's a brief definition of eminent domain:

Eminent domain refers to the authority claimed by government and its agents to seize private property for public use, provided the owner receive "just compensation" for his property.



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Supporters of this scheme point to the Fifth Amendment as authority. The Fifth Amendment reads, in relevant part:

[N]or shall private property be taken for public use, without just compensation.

Here's what William Blackstone had to say about the confiscation of private property for the "public good:"

So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested, than in the protection of every individual's private rights.

My next witness is the Baron Montesquieu, who, with Blackstone, are the two men most often quoted by our Founding Fathers. In his *The Spirit of the Laws*, Montesquieu echoes Blackstone's statement of the supremacy of private property:

It is a paralogism to say, that the good of the individual should give way to that of the public.... the public good consists in everyone's having his property, which was given him by the civil laws, invariably preserved.

The last of the influential writers I'll call to the stand is Cicero, who insisted that the laws passed in Rome redistributing private property were invalid "because the community was established with no other view than that everyone might be able to preserve his property."

Lawmakers in Tennessee apparently haven't studied Locke, or Montesquieu, or Blackstone, or Cicero. Here's the next part of the story, as [reported by Tennessee Lookout](#):

According to the Tennessee Department of Transportation, the state is seeking 35 separate tracts, either through purchase or eminent domain, in order to construct a series of road connections and widenings that will link the 4,100-acre BlueOval Ford campus to the new Exit 39 off I-40 to accommodate throngs of workers and truck traffic.

Thus far, the state has taken possession of 15 tracts — two through court proceedings, Nichole Lawrence, a spokesperson said. Of the remaining 20 tracks, Lawrence said the state is in negotiation with property owners. It's unclear how many land owners the state has sued. In Haywood County alone, court records show, the state has filed seven lawsuits seeking to take property for the new interchange.

The government is suing private property owners, asking the judiciary to collude with them in denying to the owners of this land the most basic benefit of government: the protection of the right of private property.



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Marvin Sanderlin, a longtime local farmer with 400 acres, is one of the landowners being targeted by the state government. According to court documents, the state has taken him to court to confiscate 10 acres of his land. The land stands between the Ford plant and the interstate. The state filed the complaint after Sanderlin rejected the state's offer of \$3,750 per acre.

Even before the announcement of the planned construction of the Ford plant, land in the area was selling for about \$10,000 per acre. Since the announcement, the value has skyrocketed, with listings offering land in the area for as much as \$200,000 an acre.

With those numbers in mind, under no reasonable definition would an offer of \$3,750 an acre qualify as "just compensation."

As Sanderlin explained it, as quoted by the Tennessee Lookout:

You can't buy no land here for \$3,500 an acre. You can't buy a swamp here for \$3,500. I told them this is the biggest ripoff there is. They want your land, but they don't want you to participate in the wealth.

James Madison declared the purpose of the government in the following statement delivered at the Virginia Constitutional Convention in 1829:

It is sufficiently obvious, that persons and property are the two great subjects on which Governments are to act; and that the rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right.

As it stands, the state is carrying on in its lawsuits seeking to force landowners to "sell" their property for far below market value so that it may keep its \$884 million promise to Ford, even if that means destroying the very thing government was instituted by people to protect: the right to property.



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