



Lost Justice, Long Island

November 15, 2024

You can't win them all.

The Institute for Justice and its clients, Ben and Hank Brinkmann, [suffered a defeat](#) in a recent eminent domain case, *Brinkmann v. Southold, New York*, when the U.S. Supreme Court declined to take the case.

IJ notes that the three justices in favor, Thomas, Gorsuch, and Kavanaugh, “took the unusual step of recording their votes publicly.” But four votes were needed.

The two brothers own a chain of hardware stores. In 2016, they found an apparently ideal place for a new store in Southold, New York.

Although the property they bought was commercially zoned, the town government imposed one arbitrary and expensive obstacle after another to prevent construction. Finally, it used eminent domain to seize the property.

Though blatant, the town’s arrogant and capricious behavior was accepted by lower courts.

“Government shouldn’t be able to get away with these abuses of power,” the brothers say, “and shining a light on them like we did with the help of IJ will continue to build public support so that one day no one will have to go through what we have.”

Sometimes, when the bad guys go all out to violate the rights of people who are willing to go all out to defend those rights, unfortunately it’s the bad guys who “win,” if you want to call getting away with it a victory.

But the good fight is itself a kind of victory, and it will lead to victories for others.

This is Common Sense. I’m Paul Jacob.