



**For Immediate Release**

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**WLF URGES HIGH COURT TO REVIEW  
TAKINGS CASE FROM FEDERAL CIRCUIT**  
*(Franklin Savings Corp. v. United States)*

The Washington Legal Foundation (WLF) filed a brief in the United States Supreme Court urging the Court to review and reverse a decision from the U.S. Court of Appeals for the Federal Circuit which dismissed a takings claim by the owners of a thrift savings institution. In *Franklin Savings Corp. v. United States*, the lower court ruled that since the savings industry is a heavily regulated industry, the government may effectively take over the private institution and deplete its assets without having to pay compensation to its owners under the Takings Clause of the Fifth Amendment.

In its brief filed on behalf of itself and the Allied Educational Foundation, WLF argued that if the decision were allowed to stand, it would threaten the property rights of many other heavily regulated businesses and industries, and would be at odds with prior Supreme Court decisions. For example, the Supreme Court ruled in 2003 that wireless telephone spectrum licenses which are heavily regulated by the Federal Communications Commission (FCC) were subject to protection by the Takings Clause. Airport landing slots and aviation routes which cost the airlines millions of dollars are heavily regulated by the Federal Aviation Administration (FAA). Those valuable property interests would also be at risk if the lower court ruling were allowed to stand. As WLF argued in its brief, "in the modern regulatory state, there are numerous other sectors of the economy that are just as consistently and intrusively regulated" as the financial savings industry.

"The federal government should not be permitted to confiscate private property just because it is heavily regulated," said Paul Kamenar, WLF's Senior Executive Counsel upon filing the brief. "Otherwise, all regulated businesses are subject to having their property rights stripped away," Kamenar added.

The petition for *Franklin Savings Corp.* was filed by Carter Philips of Sidley Austin Brown & Wood LLP. WLF's brief was filed with the *pro bono* assistance of Brian Brooks, Garrett Wotykyms, and Schan Duff of the law firm O'Melveny & Myers LLP in Washington, D.C. The Supreme Court is expected to decide next month whether to review the case.

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For information, contact Paul Kamenar, Senior Executive Counsel, at 202-588-0302. A copy of WLF's brief is available on its website at [www.wlf.org](http://www.wlf.org).