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HEADLINE: Detroit Residents Forced off Land for Stadium

BYLINE: Sean Hannity, Alan Colmes, Jeff Goldblatt

GUESTS: John Greenberg, Alan Ackerman

BODY:

COLMES: Welcome back to "Hannity and Colmes."

As Detroit gets ready to host Super Bowl XL, some local business owners won't be celebrating. The city used eminent domain to seize their land and build Ford Field. So you'd think they'd make a fortune off the deal, right?

Well, FOX's Jeff Goldblatt has the story.

(BEGIN VIDEOTAPE)

UNIDENTIFIED MALE: This is the biggest event in the city since I've been in the business.

JEFF GOLDBLATT, FOX NEWS CORRESPONDENT (voice-over): It might seem this cab driver would be happy his hometown of Detroit is hosting Super Bowl XL. He's not.

JAMES WINGATE JR., FOUGHT EMINENT DOMAIN: I guess they feel they don't have to pay us. And just take advantage of us.

GOLDBLATT: For 30 years the family of James Wingate Jr. operated a cab fleet on family owned property...

WINGATE: This was our parking lot here.

GOLDBLATT: ... in downtown Detroit. But the Wingates were one of at least 20 landowners forced to sell to the local government stadium authority, because it deemed the property essential for a new pro-football baseball stadium complex.

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That stadium authority took the property in 1997 through what's called eminent domain, which gives the government the power to seize land for the good of the public.

Detroit's current mayor, Kwame Kilpatrick.

KWAME KILPATRICK, MAYOR OF DETROIT: The land acquisition that was done there was huge.

GOLDBLATT: More than 130 parcels of land total. Some of the landowners agreed to the government's offer, but the Wingates went to court to challenge their \$175,000 buy out and won. A jury set the worth of one third of an acre at \$1.25 million. Last summer the Michigan court of appeals affirmed the decision.

DARIUS DYNKOWSKI, WINGATE ATTORNEY: The landowners have sacrificed a great deal in order for the city to move forward, and they only want to be treated fairly in this process.

GOLDBLATT (on camera): The Wingates had been paid about a tenth of what the court says they're owed for their former property, which today is being used as a staging area for the Super Bowl. Other than to say that it hopes to eventually resolve this matter, the stadium authority refused comment.

(voice-over) Wingate's attorney has filed a motion to compel payment. He says government officials have no incentive for immediate payout, because state law sets a low rate for interest payments.

DYNKOWSKI: It really saves them money to hang onto the money as long as they can, which is at great detriment to our client who needs the money in order to survive.

GOLDBLATT: Without that money, Wingate says he's a few months away from closing shop. He's relocated to a rundown neighborhood from where he'll manage a downsized fleet for the Super Bowl.

WINGATE: I only have two vehicles in the streets, so I won't be able to profit from this big event.

GOLDBLATT: In Detroit, Jeff Goldblatt, FOX News.

(END VIDEOTAPE)

COLMES: And joining us now, John Greenberg, who lost his land to eminent domain to build the stadium. And Alan Ackerman, an attorney for the Detroit property owners.

And, John, let me start with you. As I understand it you got some money but not the full jury award. What happened?

JOHN GREENBERG, LOST LAND TO EMINENT DOMAIN: That's correct. They gave us the amount of money that they thought they should pay, but, in the meantime, the jury made an award that was considerably higher and the court issued an order that they should pay that amount.

The -- the stadium authority then went ahead and appealed the case. And the appellate court affirmed the lower court's decision. And in the meantime, the stadium authority has not offered another penny.

COLMES: And you're out of your home, right? You lost the home? It's gone?

GREENBERG: No, it wasn't a home. It was a piece of land that we had invested in, and we've lost the value of our investment. It's been nine years that we haven't seen the money.

COLMES: Alan Ackerman, what can be done? What do you do?

ALAN ACKERMAN, ATTORNEY FOR DETROIT PROPERTY OWNERS: Well, Alan, what do you here is that

you have to put yourself in a position of getting these appeals done. The appeal is now done for the last six months, and hopefully, the stadium authority will pay what it owes, which is another approximately \$220,000. They originally offered \$30,000.

COLMES: I don't know how you -- the government, first of all, they take the land using eminent domain. You have a court that's supposed to be able to enforce the law, and the city isn't obeying the court. Can this go up to a higher court?

ACKERMAN: No. What happens is the judge is going to have to hold the city in contempt. And when the city gets -- it's not the city by the way. This is the stadium authority. It's not the fault of the city of Detroit or Wayne County. It's a separate authority.

HANNITY: Alan, it's almost like...

ACKERMAN: Like you get with every stadium around the country.

HANNITY: It's almost like they're -- they're like trying to steal from these people. They wouldn't have a stadium. Look, eminent domain for schools and bridges and for the betterment of the town or the city I don't really have a problem with, although they must pay premium rates, meaning if it's worth \$100,000 you should get closer to \$200,000. I think that should be the way that it works.

ACKERMAN: I'd be very happy if my people just got the \$100,000. If they were just made whole, I'd be happy and even that's not necessarily happening.

HANNITY: Yes. But I mean, what makes them think that they can, you know, not pay attention to a court order? What makes them think that they can take these people's property, "See you later" and not pay them? I don't get the mentality there.

ACKERMAN: Communities have frequently waited until the court physically orders them to pay a judgment. They go through a jury trial. They'll appeal it. If they lose the appeal, they have to pay it. They go back to the trial court. The trial court enters an order.

HANNITY: But this is 10 years. By that time, you know, an innocent American citizens, you know, who knows depending on your age you may be dead. You know?

ACKERMAN: It's devastating. It's devastating. And the stadium authorities throughout the country are very similar. They're set up by the local governments. And the people who really pay for this are you and I, because we pay on it on the auto rentals. We pay for the hotel tax.

HANNITY: Absolutely.

ACKERMAN: And we pay extra money for the game.

HANNITY: You know something? That's a disgrace.

ACKERMAN: What are we doing?

COLMES: Hey, John, I guess you're not going to the Super Bowl?

GREENBERG: No, I wish. I'm not going to the Super Bowl.

HANNITY: Considering it's your land, I mean, you should be able to go. Go.

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COLMES: They should give you a free ticket. Thank you both very much for being with us tonight. Really appreciate it.

And by the way, don't forget to e-mail us your stories of eminent domain abuse at ItCouldHappentoYou@FOXNews.com. All one word.

And up next a FOX News exclusive. Mexican troops may be operating right on the U.S. border. Why? Well, you won't see this video anyplace else, and you'll learn more about it when we come back on "Hannity and Colmes."

HANNITY: Finally, tonight, for the second time in two weeks, law enforcement officials say men carrying heavy duty weapons and wearing what appear to be Mexican Army uniforms have been crossing into the United States in Hudspeth County. Now, that's just east of El Paso, Texas, border.

Ben Swann from our El Paso affiliate, KFOX, shot this exclusive video of the latest incident on Tuesday.

(BEGIN VIDEOTAPE)

BEN SWANN, KFOX CORRESPONDENT (voice-over): This is exclusive video of two Mexican soldiers on the U.S.-Mexico border, a border that, according to the Mexican consulate, soldiers are supposed to be at least three miles away from at all times.

You can see from this video they are not far from the international boundary, probably less than 10 yards.

(on camera) I don't want to get too much on that. Yes, this is exactly what you are talking about now, those are the military uniforms that you're talking about.

UNIDENTIFIED MALE: This is a new type of garment. We haven't seen this. This is the first time I've seen the tan. They're wearing tan uniforms with a green ranger, built proof vests. They had weapons slung across the shoulders and moving down our way, just I saw one crossing through this bottom here and moving in.

SWANN: As we're just backing up, we're just talking to the viewers here for a minute, too. And this is the kind of situation that could become very dangerous.

UNIDENTIFIED MALE: Maybe when the incident, things were hot (ph). It might have got left. I don't know what the case may be.

SWANN: And we've heard this because we've been here. Sounds like they're trying to pull something out, some kind of vehicle. And that video showed you just a minute ago, clearly, there are some kind of personnel here wearing some kind of uniform and they are heavily armed.

So -- and as you can see, as the deputy was telling us, really there is no place for us to take cover. So we're actually going to move back and get away from this area. Because clearly this is not the kind of situation that we want to find ourselves in.

(voice-over) So, how did we get this video?

UNIDENTIFIED MALE: Well, here, they were doing kind of like a flanking maneuver. They were moving to the east and the west of us. And then, in this, you know, where there's, you know, approximately between civilian clothes and military personnel, there's approximately 20 people here that are armed. And there's two of us, and we're calling for backup.

(END VIDEOTAPE)

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HANNITY: You can see, it's becoming a big problem at the borders. We don't have enough troops or infrastructure there, border agents and infrastructure.

COLMES: The consulate, by the way, denies that the troops, Mexican troops are by the border. They say those are not -- they may be security forces but not the army.

HANNITY: Bottom line is, we're not controlling our borders. And it doesn't seem to be putting more resources (ph)...

(CROSSTALK)

HANNITY: That is all the time we have left this evening. As always, thank you for being with us. Stay tuned. Greta Van Susteren is coming up next. And she -- there she is. She'll go "On the Record" tonight -- Greta.

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