S-4515.1			

SENATE JOINT MEMORIAL 8036

State of Washington

59th Legislature

2006 Regular Session

By Senators Benton and Roach

Read first time 01/25/2006. Referred to Committee on Judiciary.

- TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,

 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
- REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:
- We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:
- 8 WHEREAS, The Fifth Amendment of the Constitution states, in part 9 "nor shall private property be taken for public use, without just 10 compensation"; and
- 11 WHEREAS, Kelo vs. the City of New London gave local governments and 12 municipalities the power to seize private property for private 13 enterprises in order to increase tax revenue and stimulate economic 14 development, not for any public use or purpose; and
- WHEREAS, This interpretation of the eminent domain power infringes upon the most fundamental of rights and endangers property owners across the nation; and
- WHEREAS, Article I, section 8 of the Constitution states, in part "Congress shall have the power to ... promote the progress of science

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and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries"; and WHEREAS, The exclusive right of authors and inventors to their intellectual property is being subjected to increased infringement and threats of infringement by both public and private entities, ranging from global piracy to illegal sharing of content files on college campuses to government abrogation; and

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WHEREAS, State legislatures and Congress have the duty to limit both public and private infringements of private entities' rights to the use and enjoyment of physical and intellectual property on matters within the authority of the legislatures, and to oppose such violations on matters without their authority;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Congress join with the State Legislatures and work to restore, protect, and enhance intellectual and physical property rights by reviewing present federal law, pending federal legislation, and all trade agreements.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

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