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SENATE JOINT MEMORIAL 8036

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State of Washington                      59th Legislature                      2006 Regular Session

By Senator Benton

Read first time . Referred to .

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6            the State of Washington, in legislative session assembled, respectfully  
7            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

15           WHEREAS, This interpretation of the eminent domain power infringes  
16           upon the most fundamental of rights and endangers property owners  
17           across the nation; and

18           WHEREAS, Article I, section 8 of the Constitution states, in part  
19           "Congress shall have the power to ... promote the progress of science

1 and useful arts, by securing for limited times to authors and inventors  
2 the exclusive right to their respective writings and discoveries"; and

3 WHEREAS, The exclusive right of authors and inventors to their  
4 intellectual property is being subjected to increased infringement and  
5 threats of infringement by both public and private entities, ranging  
6 from global piracy to illegal sharing of content files on college  
7 campuses to government abrogation; and

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

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

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

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