

1 **Economic Redevelopment does not meet the**
2 **Requirements of “Public Use” Clause**
3 **Concerning the Use of Eminent Domain**
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5 **WHEREAS** in the US Supreme Court case of Kelo v. City of New London the City
6 condemned Ms. Kelo’s home for economic development where Pfizer wanted to build a
7 manufacturing plant;

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9 **WHEREAS** the US Supreme Court held that economic redevelopment is a public use
10 under the Fifth Amendment of the US Constitution;

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12 **WHEREAS** Washington’s Constitution expressly prohibits taking private property for
13 private uses and several notable cases have allowed condemnation for private uses;

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15 **WHEREAS** if we let stand the Supreme Court’s decision that economic redevelopment
16 is a “public use” then Justice Sandra Day O’Connor’s observations as a dissenting judge
17 in the Kelo Case holds true: “The specter of condemnation hangs over all property.
18 Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any
19 home with a shopping mall, or any farm with a factory”;

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21 **WHEREAS** the Washington State Democratic Party believes that private property
22 should not be taken by another private party simply because the new owner’s use
23 might generate more taxes, jobs, or economic growth, etc.; and

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25 **WHEREAS** reforms are necessary to preserve the peaceable enjoyment of private
26 property;

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28 **THEREFORE BE IT RESOLVED** that the Washington State Democratic Central
29 Committee call on all Legislators to support such legislation which prohibits the use of
30 eminent domain for economic redevelopment for private profit and defines “public
31 use” as substantial use by the public.
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34 Submitted by the Agriculture and Rural Caucus to the Washington State Democratic
35 Central Committee for consideration at its October 9, 2010 meeting in Moses Lake. (Date
36 Submitted 9/22/2010)

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38 The WSDCC Resolutions Committee “AMENDED THIS RESOLUTION AND
39 RECOMMENDED A PASS” at its October 8, 2010 meeting in Moses Lake.

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41 The WSDCC “PASSED” this resolution at its October 9, 2010 meeting in Moses Lake.