

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.