



2

PLF: FEDS WRONG TO LIST POLAR BEAR UNDER ENDANGERED SPECIES ACT



The U.S. Fish and Wildlife Service's decision to list the polar bear under the Endangered Species Act was misguided, and Pacific Legal Foundation is prepared to mount a legal challenge, the Foundation announced today.

"This listing decision is unwarranted and ill-advised," said Reed Hopper, a principal attorney with Pacific Legal Foundation, the nation's leading legal watchdog for property rights and a balanced approach to environmental protection. "Credible estimates put the number of polar bears at as high as 25,000 – five times as many as 50 years ago. Rather than rely on speculative computer models of future events, the proper analysis would rely on actual field data – the best available science – which shows a thriving species. The Endangered Species Act was not intended, nor does it allow, the listing of a thriving species."

"PLF is prepared to challenge this arbitrary listing of the polar bear," said Hopper.

"The polar bear is already among the most protected species in the world," Hopper continued. "According to the Director of the U.S. Fish and Wildlife Service, listing the polar bear under the Endangered Species Act would provide 'very little added protection.' Today's decision conflicts with the Canadian government which has determined that the polar bear is not threatened with extinction in the foreseeable future. Two-thirds of the polar bear populations reside in Canada."

Destructive economic impacts of the listing could be enormous. "This listing could have the effect of imposing severe restrictions on land use, job creation, and normal economic activity, not merely in Alaska but also – if global warming factors are cited in lawsuits based on the listing – throughout the lower 48 states," said Hopper. Moreover, a listing based on global warming theory has the effect of hijacking Congress' constitutional authority to write the laws and regulations that govern us. "Policy making on global warming is the responsibility of the legislative branch," Hopper continued. "It shouldn't be driven by the tail of unelected environmental regulators 'wagging the dog' by using the ESA to impose economic restrictions on broad sections of society."

<http://community.pacificlegal.org/NETCOMMUNITY/Page.aspx?pid=596&srcid=183>

3

Long Branch (NJ) homeowners take fight to appeals court

by Tom Hester (The Star-Ledger - 5/14/08)

A three-judge state appeals court panel heard more than two hours of arguments today in Trenton in the case of 11 Long Branch residents who are fighting an effort by the city to take 36 middle-class homes in a beachfront community through eminent domain and replace them with high-end condominiums.

In what was a very unusual scene for an appeals courtroom, more than 80 Long branch residents and their supporters, many wearing T-shirts opposing the use of eminent domain, crowded into the Justice Complex chamber and created a standing-room only situation.

The judges, following the usual procedure, did not make an immediate decision but questioned attorneys representing the Long Branch government about how the city reached the decision to declare the Marine Terrace, Ocean Terrace and Seaview Avenue neighborhood blighted in 2000.

The case has garnered attention as the use of eminent domain to claim property for redevelopment has become a national issue. Attorneys from the Virginia-based Institute for Justice -- an organization that litigated eminent domain before the U.S. Supreme Court and spearheaded a nationwide reform effort - is representing the homeowners with the support of the state Office of the Public Advocate.

The homeowners are appealing a June 2006 trial court ruling that upheld the city government's decision to condemn their cherished homes for private development. The homeowners want the judges to throw out the city's condemnations or, at minimum, send the case back to the trial court on why the eminent domain attempt violates the laws and Constitution of New Jersey.

www.nj.com/news/index.ssf/2008/05/long_branch_homeowners_take_fi_1.html

1

Chamber Commends U.S. House for Moving to Protect Intellectual Property Rights - May 8, 2008

Tom Donohue, president and CEO of the U.S. Chamber of Commerce, today applauded the U.S. House of Representatives for approving important legislation to strengthen intellectual property rights and enforcement. H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property Act (PRO-IP Act)," would toughen civil and criminal laws against counterfeiting and piracy, provide enhanced resources for enforcement, and improve coordination within the executive branch.

"The U.S. House has taken aggressive action to ensure America's innovation industries continue creating jobs and crossing new scientific and technological frontiers that will lead to solutions for global challenges," said Donohue. "The ball is now in the Senate's court to make sure that this 110th Congress is remembered for taking the necessary steps to protect America's role as a global leader in innovation. By taking proactive measures to combat counterfeiting and piracy, Congress can demonstrate its solidarity with our talented innovators and creators, the workers whose jobs rely on innovation and the consumers who deserve safe and effective products. It will also send an important message that IP theft will not be tolerated."

www.thecaep.com/portal/counterfeiting/default

4

Fifth Amendment



"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a

*Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**"*

For more information on the Property Rights Action Caucus, please visit <http://broun.house.gov/prac>. If you are interested in becoming a member of the Caucus please contact Stephen Kraly at 202.225.4101 or Stephen.Kraly@mail.house.gov.