Presentation of Norman J. Latker
at Conference on Technology Transfer -
University Opportunities and Responsibilities
Case Western Reserve University - October 15, 1974

Anything identified as opinion, of course, in no way represents Administration or Department of Health, Education, and Welfare policy.

On the eve of this country's bicentennial anniversary, I think it appropriate to revisit the Constitution and its framers to refresh our memories on the birth of the intellectual property clause.

As we all know, the Constitution was drafted in the context of a struggle with a government which had abused its obligations to defend the rights of its citizens. Thus, it was no accident that the salient portion of the Constitution drafted for the purpose of protecting your liberties made the Government the servant and protector and not the master of your individual rights.

Thus, the fifth amendment of the Bill of Rights provides that:

> "No person shall . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

It appears that the absence of any one of the three words, "life" -- "liberty" -- or "property" could have the effect of negating the other two. This seems especially true if you were not guaranteed the right of "property" under the conditions specified, since private "property"