



Written by [James Murphy](#) on November 25, 2019

Kamala Harris Threatens to “Snatch” Patents of Non-compliant Companies

At a campaign stop in Muscatine, Iowa, on Friday, Democrat presidential candidate Kamala Harris [suggested](#) that, as president, she would be willing to go so far as to seize a company’s intellectual property should they not be willing to follow her rules.

“My plan, as a candidate for president, on these drug prices is as follows: We are going to set drug prices based on fair market,” Harris told supporters. “So, essentially what we’re going to do — and you can visit the website if you will, and if not, get you some documents — but essentially what we’re going to do is set drug prices so that American consumers are charged a price for drugs that’s the average price that’s being charged around the globe.”

“And there’s a huge difference, insulin being an example,” she went on. “The other thing is this, if people don’t want to cooperate with that, I’m also going to do the next thing, which is this: A lot of drugs, prescription medication, was born out of the federal funding for the research and development of that drug. Your taxpayer dollars. So, for any drug where they fail to play by our rules, and if that drug came about by federal funding for what’s called R and D, research and development, I will snatch their patent so that we will take over.”

In her plan, Harris would “require pharmaceutical companies to set fair prices for prescription drugs and tax profits made from abusive drug prices at a rate of 100 percent.”

Who, exactly, determines when a drug price is “abusive?” Bureaucrats? Harris herself?

“These profits will go back directly to consumers. And if Congress refuses to act within 100 days, the Harris administration will investigate price-gouging by pharma companies on her own and take executive action to lower the cost of their drugs,” according to the Harris plan.

Even Harris’s leftist followers wondered if such a policy was legal. The candidate was enthusiastic and channeled Barack Obama with her response: “Yes, we can do that! Yes, yes, we can do that! Yes, we can do that. The question is whether you have the will to do it. I have the will to do it.”

Actually, she can’t do that. While [U.S. patent law does sometimes](#) allow the government to use a private patent for public use, it cannot simply seize a private patent without proper compensation to the inventor — be it an individual or a company. Also, almost all laws and regulations governing such use of private patents have to do with national security uses. It’s highly unlikely that medication prices would fall under such auspices.

So, in order to make good on her promise, Harris would need a compliant Congress to pass new laws.





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She would also need a sympathetic federal court system to deal with the legal challenges that were certain to come. Taking intellectual property is not simply a matter of signing an executive order.

Others were quick to point out the flaws in Harris's plan. Representative Dan Crenshaw (R-Texas) [pointed out](#), "Nope. Patents are unequivocally protected in the U.S. Constitution. Even if they weren't, it doesn't take a genius to understand that stealing peoples' property after they make it means THEY WON'T MAKE IT ANYMORE. Fewer drugs, fewer cures. Bad policy."

Andrew Clark, a rapid response director for the Trump campaign, [tweeted](#), "A) No, actually, you cannot do that. B) Also, the government does not (and should not!) manufacture drugs. C) This is terrifying."

Harris isn't the only Democrat candidate proposing that the federal government steal private patents. Mayor Pete Buttigieg — the current frontrunner [according to some polls](#) — also plans to confiscate patents in order to lower prescription-drug costs.

"Patents are a privilege guaranteed by the American people to innovators. Pharmaceutical companies found abusing that privilege through irresponsible pricing should face real consequences. Under certain circumstances, the federal government has the power to acquire intellectual properties rights from pharmaceutical companies," Buttigieg's [plan](#) states.

Apparently, those "certain circumstances" are in the eye of the beholder. You can make a case that national security might be a reason to confiscate a patent. Making that case for price control of medication is much more difficult. If that case can be made, it can be applied to almost anything, and patents would become meaningless.

The ironic thing here is that pretty much every Democrat candidate is accusing President Trump of acting like an autocrat. Their own plans show that, given the power of the presidency, Democrats would definitely act in authoritarian ways, using the power of the presidency to steal the intellectual property of others.

And as Clark pointed out, "This is terrifying."

Photo: AP Images

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