

Columbia Foundation
Articles and Reports
July 2011

Arts and Culture

ALONZO KING'S LINES BALLET

\$40,000 awarded in 2011 for the *World Premiere Collaboration with Christopher Haas*

1. [San Francisco Chronicle, April 5, 2011](#)

'Triangle of the Squinches' review: Duets potent

Review of Alonzo King's Lines Ballet performance in collaboration with Christopher Haas; the writer says, "Like many of Alonzo King's evening-length ballets, his new collaboration with architect Christopher Haas contains about 20 minutes of gripping, urgently beautiful choreography and an hour of intermittently exquisite filler. The gripping parts take place before a wall of stacked, hinged cardboard slats reminiscent of the twisting copper tower that defines the new M.H. de Young Memorial Museum. (Haas, who has since founded his own Haas Architecture, served as project architect for the de Young under Herzog & de Meuron.)"

CALIFORNIA HISTORICAL SOCIETY

\$200,000 awarded since 2005 for the *Living New Deal Project*, including a two-year \$100,000 grant in 2008

2. [San Francisco Chronicle, March 27, 2011](#)

New Deal's legacy in danger of being ruined

Under President Roosevelt's New Deal, public-building activities were designed to lift the country out of the Great Depression by employing millions of people. Author Gray Brechin, director of the Living New Deal Project, notes that workers believed they were building civilization. Inscribed on a New Deal structure in San Diego is Virgil's quote: "The noblest motive is the public good." Today, many Americans take for granted the social benefits and security bestowed upon them by the New Deal, and an understanding of the importance of public service has been lost, as the enemies of New Deal policy have demonized the public good in favor of privatization and profit. [The op-ed is written by Gray Brechin.]

KRONOS QUARTET

\$50,000 awarded in 2009 for *Music Without Borders*

3. [Youtube.com, May 2, 2011](#)

Official announcement of the Polar Music Prize 2011 – Kronos Quartet

Kronos Quartet is announced as the 2011 winner of the Polar Music Prize [video embedded.]

4. [NPR.com, May 3, 2011](#)

The Kronos Quartet's Double Exposure

Kronos Quartet has won two very different prizes. The \$75,000 Avery Fisher Prize is usually awarded by the Lincoln Center for classical musicianship, while the \$155,000 Polar Prize has been awarded to musicians such as Led Zeppelin and Björk.

MAGIC THEATRE

\$263,500 awarded since 1980, including \$50,000 in 2011 for *The Lily's Revenge*

5. [San Francisco Chronicle, April 17, 2011](#)

Taylor Mac goes all out with epic 'Lily's Revenge'

Preview of *The Lily's Revenge*; Loretta Greco, Magic Theatre's artistic director, says, "This may be the most ambitious project the Magic has taken on in its 44-year history. But Taylor is a major artist of our time. He's a genius, and his play is substantial and meaningful and allows us to work with other organizations we wouldn't ordinarily get to work with."

6. [San Francisco Chronicle, April 28, 2011](#)

'The Lily's Revenge' review: 1 crazy bride quest

Review of *The Lily's Revenge*; the writer says, "Excess is the price as well as the glory of Mac's art. In the end, though, "Lily" is a party you'd rather have attended than missed."

7. [San Francisco Bay Guardian, May 3, 2011](#)

Hot house Magic – Taylor Mac's The Lily's Revenge lights up Magic Theatre with earthy flower power

Review of *The Lily's Revenge*, the writer says that the production is "a sprawling, gleefully elaborate five-hour performance spectacle that revolves — with good camp humor, extravagant Theatre of the Ridiculous gestures, and devilishly arch songs set to composer Rachelle Garniez's evocative genre-spanning musical score — around a simple message of brother-sister-otherly love."

PHILHARMONIA BAROQUE

\$20,000 awarded in 2011 for the U.S. premiere of *Into the Bright Lights*

8. [San Francisco Chronicle, March 7, 2011](#)

Philharmonia Baroque Orchestra, Zheng Cao review

Review of *Into the Bright Lights*, the writer says, "The three-song cycle, which received its U.S. premiere in Herbst Theatre on Friday night from Nicholas McGegan and the Philharmonia Baroque Orchestra, features a delicate, appropriately sentimental score by San Francisco composer Nathaniel Stookey. But it is von Stade's texts – confessional, heartfelt and plain-spoken – that carry the piece's true weight."

ROUNDHOUSE

\$30,000 awarded in 2011 from the Columbia Foundation Fund of the Capital Community Foundation for the *Mark Storer Project*, a production at the Roundhouse that will be a culmination of 18 months of work with young performers

9. [The Guardian \(London\), April 29, 2011](#)

The Fat Girl Gets a Haircut and Other Stories – review

4-out-of-five star review of *The Fat Girl Gets a Haircut and Other Stories*; the writer says, "*The Fat Girl Gets a Haircut*, a participatory project created over two years by London teenagers with the performance-maker Mark Storer, who made the remarkable *For the Best*, starts exactly as it means to go on. This 100 minutes is shy, full of symbolism and, like teenagers themselves, secretive about yielding up its meanings. Yet for all its elusive sameyness, it gets you where it hurts."

SAN FRANCISCO PERFORMANCES

\$142,500 awarded since 1986, including \$40,000 in 2011 for the *Silk Road Project*

10. [Youtube.com, August 17, 2009](#)

Silk Road Project: Air to Air (Live From Lincoln Center)

[Linked] Video of Silk Road Ensemble performance of *Air to Air*, a piece in the Silk Road Suite also performed in San Francisco in April 2011

WORLD ARTS WEST

\$25,000 awarded in 2011 for *Welcome to Ohlone Territory: Right of Return*, a series of performances by members of the Ohlone tribal community that will take place as part of the 33rd San Francisco Ethnic Dance Festival in June 2011, and at an evening-length ceremony at the Herbst Theatre in San Francisco in November 2011

11. [ABC7News.com, May 27, 2011](#)

Years later, Ohlone Indians return home to Bay Area

The [linked] video report follows an Ohlone chief, Chairman Cerda and members of the Costanoan Rumsen tribe as they prepare to perform in the World Arts West Ethnic Dance Festival in summer 2011. Cerda's ancestors were among the original indigenous people of Northern California with different tribes living in villages around the San Francisco Bay Area to the Central Valley. According to Cerda, from the 1700s to the 1800s the communities were devastated and pushed to the brink of extinction. Regarding their performance in the festival, Cerda says, "It's very important to us. It's very important because our main thing is for people to know that we're still here."

Human Rights

OUR CHILDREN'S TRUST

A two-year \$200,000 grant awarded in 2011 to develop and file lawsuits, called *Atmospheric Trust Litigation (ATL)*, in states throughout the U.S. and other countries as part of a coordinated legal challenge to governments regarding their duty to preserve the "commons" (air, oceans, forests, et. al.) and the rights of future generations thereto

12. [Associated Press, May 4, 2011](#)

Climate activists target states with lawsuits

Our Children's Trust, a group of attorneys representing children and young adults, begin to file legal actions in every state and the District of Columbia in an effort to force government intervention on climate change. The goal is to have the atmosphere declared for the first time as a "public trust" deserving special protection, a concept that has been used to clean up polluted rivers and coastlines. According to Julie Olson, executive director of Our Children's Trust, state-level lawsuits were filed in California, Colorado, Minnesota, Montana, New Mexico, Oregon and Washington, and a federal lawsuit was filed in California, on May 4, 2011.

13. [The New York Times, May 4, 2011](#)

Suit Accuses U.S. Government of Failing to Protect Earth for Generations Unborn

Our Children's Trust, a coalition of groups concerned about climate change, is suing the federal government for failing to curb greenhouse gas emissions, arguing that key agencies had failed in their duty to protect the earth's atmosphere as a public trust to be guarded for future generations. Similar lawsuits are being filed against states around the country. Most of the individual plaintiffs in the suit, filed in U.S. District Court in San Francisco, are teenagers, a decision made to underscore the intergenerational

nature of the public trust that the earth's atmosphere represents. The suit is relying on the public trust doctrine, which "date back to Roman times."

14. [The New York Times, May 5, 2011](#)

Young Activists Sue U.S., States Over Greenhouse Gas Emissions

Attorneys are filing 52 separate lawsuits and petitions based on this "novel" legal theory: that the government has failed in its duty to protect the atmosphere as a "public trust" for future generations. As a legal theory, the idea that the environment is a public trust has been around for centuries, and has often been used to protect water and wildlife. For instance, the Supreme Court ruled in 1892 that Illinois lawmakers could not give up a large portion of the Chicago harbor to the Illinois Central Railroad because the government was responsible for safeguarding waterways. Julia Olson, an attorney who leads the legal team as executive director of the Oregon-based nonprofit Our Children's Trust, says that the idea has never before been applied to the atmosphere. 16-year-old Alec Looz says, "The legislative and executive branches of our government have failed us. People have been trying to push for real change at the legislative level for a long time, and nothing has worked. That's why we're going after it through the judicial branch of government." Olson continues, "What courts can do is, they can take the politics out of atmospheric protection, and they can put the science back in. They can establish the threshold of what needs to be done, and tell the government, you need to reduce carbon dioxide emissions by 6 percent a year, so we can protect the atmosphere for future generations. We're not trying to tell government the ins and outs of how to do it." [The article also quotes Sharon Duggan, a lead attorney in the cases. The article links to both the California and federal lawsuit filings.]

Public financing of campaigns

AMERICANS FOR CAMPAIGN REFORM

\$50,000 awarded in 2011 for education and advocacy about the need for and benefits of voluntary, small-donor-driven public funding of political campaigns

15. [The New York Times, June 17, 2011](#)

Our Future is at Stake

Americans for Campaign Reform ad in The New York Times advocating public-campaign finance reform.

BRENNAN CENTER FOR JUSTICE

\$50,000 awarded in 2011 for support of the Center's defense of the Arizona public-finance law before the U.S. Supreme Court

16. [The New York Times, March 25, 2011](#)

Arizona's Boon to Free Speech

The editors say, "In two consolidated cases on Monday [May 30, 2011], the Supreme Court will hear argument about an Arizona law that levels the playing field in state elections, by a public financing mechanism called triggered matching funds. These funds support, expand and promote political speech, carrying out a central purpose of the First Amendment. Striking down the mechanism would reduce speech and undermine Arizona's effort to rid itself of political corruption. It would provide new proof that the court is hostile to campaign finance laws without good reason." [New York Times editorial in support of Arizona's campaign-finance law]

17. [The New York Times, March 25, 2011](#)

Free Speech worth Paying For

The Supreme Court will hear a pair of challenges to Arizona's public-campaign-finance law by parties (PACs and candidates for state office) who claim that it infringes on their free-speech rights. The writer

says, “Contrary to the challengers’ claims, the Arizona law doesn’t prevent privately financed candidates from speaking or spending as much as they like, or from raising as much as they like, or from raising as much money as they need. Nor does it place any limits on how much anyone may spend in support or opposition to a candidate. The law simply ensures that, when a candidate relying on private money speaks, the publicly financed candidate has the money to answer.” [op-ed written by Charles Fried and Cliff Sloan, lawyers who submitted an amicus brief on behalf of former elected officials in support of Brennan Center’s defense of Arizona’s campaign-finance law]

18. [USA Today, March 27, 2011](#)

Our view: Leave public financing in elections

The editors say, “The privately financed candidates and interest groups challenging the provision complain that it restricts their free speech rights by discouraging them from spending — because that only leads to more money for their opponents. This might have been a convincing argument if there were evidence it was happening. But the challengers’ evidence at trial was weak, and a study of Arizona elections by political scientists from Fordham, Harvard and Yale showed “no evidence that spending has been chilled.” Moreover, the contention that candidates are intimidated by publicly financed opponents is mystifying. Isn’t it a long-held American principle that the cure for speech you disagree with is more speech of your own? Nothing in Arizona’s law bars privately funded candidates from raising and spending as much as they can and, at a certain point, the public financing system stops matching private money.” [USA Today editorial in support of Arizona’s campaign-finance law]

19. [The Washington Post, March 27, 2011](#)

Court should uphold Arizona campaign law

The editors say, “Do privately funded candidates hesitate before surpassing the spending limit that triggers additional funds to a competitor? No doubt, but this is a strategic decision and not an exercise of government censorship or coercion. If anything, the Arizona law encourages speech — a point made lucidly in an amicus brief written by former Reagan solicitor general Charles Fried on behalf of a bipartisan group of former lawmakers that includes onetime Republican senators Nancy Landon Kassebaum and Alan Simpson and former Democratic senators Bill Bradley and Sam Nunn.” [The Washington Post editorial in support of Arizona’s campaign-finance law]

20. [The New York Times, June 27, 2011](#)

Justices Strike Down Arizona Campaign Finance Law

In a 5-4 decision, the U.S. Supreme Court strikes down the matching-funds provision of Arizona’s campaign-finance law, whereby candidates opting into the public-finance system receive additional funds if their privately funded opponents exceed a specified spending limit. The majority opinion of the court was that these triggered matching funds limited the free speech of the privately financed candidates because such candidates “may be reluctant to spend money to speak if they know that it will give rise to counterspeech paid for by the government”. Supporters of the law say the decision could have been worse. Monica Youn, a lawyer with the Brennan Center for Justice [which represented one of the defendants in the case], says, [despite striking down the matching-funds provision] “Chief Justice Roberts at least recognized that public financing is a valid constitutional option.” Writing for the minority opinion Justice Kagan wrote, “So they are making a novel argument: that Arizona violated *their* First Amendment rights by disbursing funds to *other* speakers even though they could have received (but chose to spurn) the same financial assistance. Some people might call that *chutzpah*. Like citizens across this country, Arizonans deserve a government that represents and serves them all. And no less, Arizonans deserve the chance to reform their electoral system so as to attain that most American of goals. Truly, democracy is not a game.”

COMMON CAUSE

\$100,000 awarded since 2010, including \$50,000 in 2011 for *One Person, One Vote, One Voice*

21. [\(The\) HuffingtonPost.com, March 8, 2011](#)

Pledging Allegiance to Reforming Our System: Vote Yes on Measure H

The Citizens United decision by the U.S. Supreme Court unleashed floods of corporate cash in election campaigns, overturning “a century of laws and decades of legal precedent in the process”. Common Cause protested the Koch brothers [billionaire corporate donors] during their annual meeting in California to raise awareness of their political money trail earlier this year and now is a leading advocate of Measure H in Los Angeles. L.A. talk-radio host Edward Headington writes that campaign-finance laws should be strengthened not weakened, and Measure H in L.A. would lift the cap on public-finance trusts to create a stronger public-financing system and ban prospective private companies with pending bids on City contracts from making campaign contributions. [op-Ed advocating a vote in favor of Measure H on the Los Angeles ballot on March 8, 2011]

22. [YubaNet.com, March 10, 2011](#)

Op-Ed: California Clean Money Campaign: Voters Resoundingly Say "YES" to Fair Elections in Los Angeles

By an overwhelming 3-1 margin, 75% of Los Angeles residents approved Measure H, the Los Angeles clean-money, fair-elections measure. According to Nick Nyhart, president of Public Campaign, "There should be no doubt about it – this is a victory that will boost the fortunes of money and politics reform far beyond LA." California Common Cause worked alongside the California Clean Money Campaign in an effort to get the measure passed.

HABITAT MEDIA

\$125,000 awarded since 2006, including \$100,000 in 2007 for *Priceless*, a feature-length, nonpartisan documentary film that examining citizen efforts to restore a more functional and participatory democracy in the U.S. by means of democratically financed campaigns for elective office

23. [Washington, D.C. Independent Film Festival, March 13, 2011](#)

2011 Award Winners

Habitat Media wins the Grand Jury Prize for Documentary at the Washington, D.C. Independent Film Festival.

PIPER FUND

\$225,000 awarded since 2009, including \$100,000 in 2011 for a donor collaborative that works to raise and re-grant funds on a state-by-state basis to organizations advocating public finance of campaigns at the state and local level

24. [\(The\) HuffingtonPost.com, June 28, 2011](#)

Supreme Court Denies Review of Decision Upholding Constitutionality of Public Financing Law

The U.S. Supreme Court denies a request for the Court to review a decision by the Second Circuit Court of Appeals that upheld the constitutionality of the provisions of the Connecticut public-financing law for the financing of minor party candidates. The writer says, “This is an important victory for the people of Connecticut, for the Connecticut public financing law and for the cause of public financing of elections. It leaves the Connecticut public-financing system intact and free to continue functioning as enacted by the legislature. Today's Supreme Court decision confirms that public financing of elections is alive and well. The battle for public financing of elections nationally and in the states will proceed full steam ahead.” [written by Fred Wertheimer, president of Democracy 21, a Piper Fund grantee.]

PUBLIC CAMPAIGN

\$480,000 awarded since 2003, including \$80,000 in 2010 to continue to provide national leadership to advance understanding of and support for public finance of political campaigns through Public Campaign and the Fair Elections Now Coalition

25. [The Nation, April 7, 2011](#)

Curbing Big Money

Nick Nyhart and David Donnelly write, “Along with their efforts to advance or repeal policies, moneyed interests and their front groups like the US Chamber of Commerce, Karl Rove's Crossroads consortium, and David and Charles Koch's Americans for Prosperity are pushing for structural changes to our political system to ensure that only the voices of the elite are heard and everyone else is left to fend for him- or herself. Across the country, big money is on the march. From the assaults on the collective bargaining rights of nurses, teachers and other public employees to targeted strikes against state Fair Elections public financing laws to numerous attacks on voting rights, deep-pocket conservatives are aggressively seeking to expand their advantage. These forces are also using the courts; in recent arguments before the Supreme Court, they pushed a case designed to limit Arizona's Clean Elections system. Against this rising tide of big money, several proposals would begin to rebalance our election system. Fair Elections–style public financing, a constitutional amendment to reverse the Supreme Court's Citizens United decision, disclosure of the funding behind independent political advertising and shareholder approval policies for corporate political expenditures are all necessary...But to succeed, reform efforts – particularly in the Citizens United age – must become part of a larger fight that gives voice to what average Americans think: that our system listens too much to money and too little to people. Will we allow a few well-heeled, unrepresentative special interests to continue to call the shots and let the rest of America foot the bill? Or will we fight back and revitalize the notion of an America for the many, not the money?” [written by Nick Nyhart, president and David Donnelly, national campaigns director of Public Campaign]

26. [The Sacramento Bee, May 9, 2011](#)

Assaults on workers and voting rights: an organized attack to shift political power

At a Congressional hearing in Wisconsin, Governor Walker of Wisconsin admitted that stripping unions of collective-bargaining rights has nothing to do with saving money. According to Nick Nyhart and Tova Wang, this removed any remaining doubts about the true reasons for such efforts: power. Nyhart and Wang write, “But it's not just the assault on unions that illustrates this deeply troubling agenda. In fact, there is a well-organized and well-funded national attack on several areas crucial to our democracy including the unprecedented onslaught of bills meant to disenfranchise under-represented communities and the evisceration of campaign finance regulation. These assaults on ballot access and electoral competitiveness affects people in every community and threatens the ability of our most marginalized neighbors to exercise their voice in our democracy. And it tips the scales even further to moneyed interests that benefit from reduced citizen participation.” [op-ed co-written by Nick Nyhart, president of Public Campaign]

Marriage equality

CIVIL MARRIAGE COLLABORATIVE

\$950,000 awarded since 2004, including \$75,000 in 2011, for a funder collaborative that awards grants to marriage-equality advocates working to win marriage equality on a state-by-state basis

27. [The New York Times, April 19, 2011](#)

Cuomo Helps Groups Mobilize for Gay Marriage Bill

Four influential groups – Empire State Pride Agenda, Human Rights Campaign, Freedom to Marry, and Marriage Equality New York – form a single organization called New Yorkers United for Marriage to publicly mount a campaign for same-sex marriage legislation, relying on the popular Democratic

governor, Andrew M. Cuomo, to overcome Republican resistance and “their own history of poor coordination”. Evan Wolfson, president of Freedom to Marry, says “Last time, there were lots of players, lots of organizations, lots of good will, but not the truly united effort that has come together to work hand in glove with the governor and legislative leaders.” [The article also quotes Ross Levi, the executive director of the Empire State Pride Agenda, a Civil Marriage Collaborative grantee.]

28. [The New York Times, June 24, 2011](#)

New York Allows Same-Sex Marriage, Becoming Largest State to Pass Law

In a historic moment, New York passes a same-sex marriage bill and Governor Cuomo signs it into law, legalizing marriage equality in the state. In the months leading to this moment, Governor Cuomo helped to coordinate efforts of an alliance of gay-rights organizations [New Yorkers United for Marriage, a group including Empire State Pride Agenda, a Civil Marriage Collaborative grantee] to advocate for passage of the bill.

FREEDOM TO MARRY (FTM)

\$675,000 awarded since 2002, including \$50,000 in 2011 for continuing support of this national-strategy center on marriage equality

29. [Youtube.com, April 7, 2011](#)

Freedom to Marry’s Roadmap to Victory

[Linked] video of Freedom to Marry’s strategy to achieve marriage equality

30. [On Top Magazine, May 11, 2011](#)

Majority of New Yorkers Support Gay Marriage

According to a new poll by the Siena Research Institute, 58 percent of respondents in favor of legalizing same-sex marriage in New York. Evan Wolfson, executive director of Freedom to Marry, says, “This latest poll reporting that a super-majority of New Yorkers support the freedom to marry shows New Yorkers get it. Freedom to Marry is working closely with Governor Cuomo, legislative leaders, and our partner organizations to end marriage discrimination here this Spring, and whether through phone calls, legislative visits, or conversations that prompt more people to take action, now is the time for everyone to pitch in and win New York.” [The article links to the poll.]

31. [Washington Blade, April 14, 2011](#)

Will GOP candidates attack marriage in Iowa, N.H.?

With the 2012 election season on the horizon, questions are being raised about whether potential Republican presidential candidates will attack same-sex marriage in the early primary and caucus states of Iowa and New Hampshire. The issue could come to the fore during the early stages of the 2012 race because it will be the first presidential election in which same-sex marriage is legal in the first two states to hold primaries. Evan Wolfson, president of Freedom to Marry says, “With poll after poll showing majority support nationwide and increasing momentum in favor of the freedom to marry in virtually every part of the population, it’s in the best interests of Republicans to look to the right side of history, not the right-wing.” Wolfson expects that many Republican candidates will “pander to hard-core anti-gay opposition” regardless. He continues, “Such candidates will soon discover that bashing gay families and marriage does not play – and not just in the general electorate, but in states such as Iowa and New Hampshire where non-gay as well as gay family members have seen firsthand how neighbors, kin, and communities are strengthened by the freedom to marry – and the love, commitment and connectedness at its core.”

32. [\(The\) HuffingtonPost.com, April 21, 2011](#)

President Obama on the Freedom to Marry: 'Our Work Is Not Finished'

At a recent speech by President Obama, when asked by an audience member about marriage equality, he responded, "Our work is not finished." Freedom to Marry pens an open letter [linked from report] to President Obama asking for his support for equality and justice [written by Evan Wolfson, president of Freedom to Marry.]

33. [CNN.com, June 15, 2011](#)

Evan Wolfson: 'Ending exclusion from marriage helps families while hurting no one'

Evan Wolfson says, "Six recent polls have shown that a majority of Americans support the freedom to marry, and those who oppose fairness and equality for gay couples and their loved ones are now in the minority. More than 42% of Americans now live in a state with at least some measure of respect and protection for committed gay couples - marriage or some other legal acknowledgement - up from virtually zero just a decade ago. As more and more Americans from all political parties, of all ages, talk about why marriage matters and how ending exclusion from marriage helps families while hurting no one, momentum for closing this chapter of discrimination increases, just as it has in previous struggles in our history. And with more states like New York giving people the chance to see with their own eyes that allowing gay people to share in marriage takes nothing away from anyone else, we can make the case, do the work, and get our country where it needs to be... so we can then tackle together the real problems we all face in these tough times." [This piece is an interview of Evan Wolfson, president of Freedom to Marry. It links to a Freedom to Marry advertisement.]

NATIONAL CENTER FOR LESBIAN RIGHTS

\$210,000 awarded since 2004, including \$150,000 in 2009 to advance the civil and human rights of lesbian, gay, bisexual, and transgendered people and their families through litigation, public-policy advocacy, and public education

34. [CaliforniaProgressReport.com, June 14, 2011](#)

Refusal to Disqualify Gay Judge Paves the Way for Greater Diversity on the Bench

After hearing a controversial motion to vacate former U.S. District Court Chief Judge Vaughn Walker's August 2010 ruling invalidating Proposition 8, Chief Judge James Ware of the federal district court in San Francisco issued a historic decision, ruling that Judge Walker had no obligation to recuse himself from presiding over the Prop 8 trial simply because he is in a committed relationship with a man. Judge Ware's ruling means that Judge Walker's decision that Prop 8 is unconstitutional still stands. In the long-term, it is significant because it means that LGBT people "can serve on the federal bench without fearing that they must disclose intimate details relating to their personal lives anytime they hear a case involving a LGBT litigant or LGBT rights" [written by Shannon Minter, legal director for the National Center for Lesbian Rights.]

Food and Farming

CALIFORNIA CLIMATE AND AGRICULTURE NETWORK (CALCAN)

\$135,000 awarded since 2009, including \$35,000 in 2011 to advance policies that recognize and provide financial rewards for sustainable agricultural practices that mitigate and adapt to climate change

35. [The Davis Enterprise, April 29, 2011](#)

Two Wolk energy bills move forward

California's Senate Committee on Energy, Utilities and Communications approves legislation by state Sen. Lois Wolk to provide Californians with easier access to clean, renewable energy. Wolk says,

“Senate Bill 489 will allow agricultural businesses and homeowners to more easily and economically convert their agricultural byproducts into clean renewable energy and to offset their electricity use, saving them money on their power bills while helping California reach its energy and environmental goals.” The bill is also supported by the Boards of Supervisors in Yolo and Solano counties, the California Farm Bureau, California Climate and Agriculture Network, and Center for Land-Based Learning.

CENTER FOR FOOD SAFETY (CFS)

\$465,000 awarded since 2003, including \$50,000 in 2011 the *California Food and Agriculture Initiative*, which uses policy, legal, and public education tools to promote human health and environmental protection by ensuring that genetically engineered food is appropriately regulated, tested, and labeled; and promotes sustainable food systems that are humane, socially just, ecologically sound, and appropriately scaled

36. [Common Ground magazine, March 2011](#)

Your Government Insists the Food Revolution Will Be Genetically Modified

The spread of genetically modified crops is accelerating. According to the writer, despite claims that they would bring drought resistance and greater yields, virtually all of these crops actually have only one-of-two genetic modifications: the plants either create their own pesticide, or they withstand the effects of particular synthetic pesticides. The widespread adoption of these seeds has led to the rise of so-called “superweeds” – versions of weeds that are resistant to pesticides like Monsanto’s Roundup – as well as the rise of superbugs – insects that are resistant to the pesticide produced by GE seeds. The companies assure the public that these crops are safe, but stonewall independent study of the seeds. USDA has rubber-stamped approval and deregulation of each new crop without studies of its own, in apparent direct violation of several court rulings, including a Supreme Court ruling mandating that they perform Environmental Impact Statements. In particular, USDA has ignored rulings regarding genetically engineered alfalfa. Alfalfa, or (when dried) hay, a staple forage crop for cows, is pollinated by bees. Bees spread pollen, and thus this genetic material, far and wide, threatening organic dairy and meat products. Andrew Kimbrell, executive director of the Center for Food Safety, one of the parties to the lawsuits fighting the alfalfa ruling, calls USDA a “rogue agency.” Kimbrell insists that CFS “will be back in court” to halt the alfalfa decision as well as a sugar-beet ruling. In addition, food processors and manufacturers are likely to sue USDA over its decision to allow genetically modified ethanol corn. There is widespread concern that, as a wind-pollinated crop, ethanol corn will contaminate corn for human consumption.

37. [Common Ground magazine, March 2011](#)

In SF: Epic Court Battle to Determine the Future of Organic Foods

In January 2011, USDA announced the complete deregulation of Monsanto’s genetically engineered Roundup Ready alfalfa. This means unlimited, nationwide commercial planting of this latest GMO, a decision disappointing to organic-food advocates and one that promises a battle to determine the future of organic foods in North America. The Center for Food Safety (CFS) is readying a lawsuit to bring to the Ninth Circuit Court in San Francisco against the USDA and Monsanto to oppose this decision. The Center for Food Safety has stopped GE alfalfa and prevailed against Monsanto and the USDA before. For the past four years, as a result of a lawsuit brought against the USDA by CFS on behalf of farmers, there has been a ban on the planting of GE alfalfa. In 2007, a federal court banned new plantings of GE alfalfa until the USDA completed a comprehensive Environmental Impact Statement (EIS). The Ninth Circuit Court of Appeals twice affirmed the national ban on GE alfalfa planting. In June 2010, the U.S. Supreme Court upheld the ban on Roundup Ready alfalfa until and unless future deregulation occurs. Monsanto is also moving forward on other crops, including GE sugar beets, a step CFS is also fighting in the Ninth Circuit Court of Appeals. The writer says, “This is a crucial time to preserve the integrity of organic foods and protect both our collective health and our environment from the hazards of GE crops.”

38. [FoodSafetyNews.com, March 19, 2011](#)

New Lawsuit Challenges USDA Approval of GE Alfalfa

The Center for Food Safety and Earthjustice file a lawsuit against the USDA over their recent decision to fully deregulate genetically engineered alfalfa despite court rulings that USDA must prepare and complete an EIS before doing so. A plaintiff, Ed Maltby, executive director of the Northeast Alliance of Organic Dairy Producers, says, "Approving the unrestricted planting of GE alfalfa is a blatant case of the USDA serving one form of agriculture at the expense of all others. If this decision is not remedied, the result will be lost livelihoods for organic dairy farmers, loss of choice for farmers and consumers, and no transparency about GE contamination of our foods." According to the article, transgenic contamination of organic alfalfa puts the \$20 billion organic-milk industry at risk, as dairies would lose their source of organic feed.

39. [Grist.org, March 31, 2011](#)

Reversing roles, farmers sue Monsanto over GMO seeds

Genetically modified seed giant Monsanto is notorious for suing farmers in defense of its patent claims. A group of dozens of organic farmers and food activists represented by The Public Patent Foundation (PUBPAT) sues Monsanto. Plaintiffs in the suit represent a broad array of family farmers, small businesses and organizations from within the organic agriculture community who are increasingly threatened by genetically modified seed contamination, despite using their best efforts to avoid it. The plaintiff organizations have over 270,000 members, including thousands of certified-organic family farmers. Dan Ravicher, executive director of PUBPAT, says "This case asks whether Monsanto has the right to sue organic farmers for patent infringement if Monsanto's transgenic seed should land on their property. It seems quite perverse that an organic farmer contaminated by transgenic seed could be accused of patent infringement, but Monsanto has made such accusations before and is notorious for having sued hundreds of farmers for patent infringement, so we had to act to protect the interests of our clients." [As of June 1, 2011, an amended complaint has been filed by the Public Patent Foundation (PUBPAT) in this suit on behalf of family farmers, seed businesses, and organic agricultural organizations, along with two dozen additional plaintiffs including the Center for Food Safety, challenging Monsanto's patents on genetically modified seed.]

40. [Reuters, April 11, 2011](#)

Roundup: Cancer Cause Or Crucial For Food Production?

New studies show the glyphosate, the main ingredient in Monsanto's herbicide Roundup (used in conjunction with crops genetically engineered to respond only to this pesticide) is toxic and may cause cancer and infertility.

41. [Deepak Homebase, April 14, 2011](#)

The Conversation with Deepak Chopra: GE Alfalfa

A conversation with Deepak Chopra, Andrew Kimbrell and Debbie Barker of the Center for Food Safety, and Gary Hirshberg, founder and CEO of Stonyfield Farm, about genetically engineered alfalfa [linked video]

42. [Grist.org, April 19, 2011](#)

USDA moves to let Monsanto perform its own environmental impact studies on GMOs

Last August, Federal Judge Jeffrey White issued a "stinging rebuke" to USDA for its process on approving new genetically modified seeds. He ruled that the agency's practice of deregulating new seed varieties without first performing an environmental-impact study violated the National Environmental Policy Act. Judge White ruled against USDA's 2005 approval of Monsanto's Roundup Ready sugar beets, engineered to withstand doses of the company's own herbicide. White's ruling effectively revoked the approval of Monsanto's beet seeds pending an environmental-impact study, and cast doubt upon USDA's "notoriously industry-friendly way of regulating" GM seeds. However, USDA ignored the

ruling and moved to allow farmers to plant the engineered seeds, even though the impact study has yet to be completed. Tom Philpott writes, “In early April, the USDA made what I’m reading as a second response to Judge White, this one even more craven. To satisfy the legal system’s pesky demand for environmental impact studies of novel GMO crops, the USDA has settled upon a brilliant solution: let the GMO industry conduct its own environmental impact studies, or pay other researchers to. In other words, the industry plans to produce studies that find its novel products environmentally friendly, and fully expects the USDA to accept their assessments. Judge White had ruled that the USDA should be more rigorous in assessing the risks of new GMO crops, yet his decision seems to be having the opposite effect.” [The Center for Food Safety brought the suit before Judge White. Linked is a New York Times article about it. The Federal Register for April 7, 2011, is also linked, which announces the USDA proposal.]

43. [Alternet.org](#), April 22, 2011

The Empty Pulpit: The Obama Problem

Andrew Kimbrell, executive director of the Center for Food Safety, writes that though President Obama has faced significant opposition from the GOP, his biggest “failure” is remaining silent and not advancing the progressive narrative on issues of fundamental importance. Instead he has allowed the far right-wing to frame debates, and capitulates from a position of power even before the debate begins, thus bargaining down from a starting point that is not his own.

44. [FoodSafetyNews.com](#), April 25, 2011

Who Should Conduct Biotech Crop Assessments?

Following the announcement by USDA of a two-year pilot project that would farm-out the responsibility for studying environmental assessments of proposed biotech crops, such as Monsanto’s Round-Up Ready alfalfa, to those companies themselves or USDA-approved third parties, the writer questions the logic behind letting an industry that has prevented any independent study of its seeds regulate itself. Bill Freese, science policy analyst for the Center for Food Safety, says that the project will continue USDA Animal and Plant Health Inspection Service (APHIS) rubber-stamping of GMO crops. Freese says, “The underlying issue is – I don’t say this lightly – APHIS doesn’t really have the will to regulate genetically engineered crops. They’re too tied to the industry; a lot of their people come from the biotech industry.”

45. [SustainableBusiness.com](#), April 27, 2011

A First: USDA Allows Monsanto to Approve its Own Crops

Despite a ruling against USDA revoking approval of Monsanto’s GE sugar beets, and a pending court case challenging the unrestricted approval of Monsanto’s alfalfa [following ruling by the Supreme court mandating that USDA complete a EIS first], USDA is still allowing farmer plantings. Monsanto is also being sued by family farmers, seed businesses and organic agricultural organizations, challenging its patents on genetically modified seed. Now the USDA plans to allow the industry to police itself. Bill Freese, science policy analyst for the Center For Food Safety, says, “It’s like asking BP to write an assessment of an offshore drilling operation. The pilot program basically treats the environmental review process as a “rubber stamp” for getting biotech crops to market more quickly.”

46. [California Farmer](#), May 2011

Alfalfa Angst

[The article] decries the “misinformation” being distributed, lamenting rising prices, as the Center for Food Safety mounts a legal challenge against the USDA for its unregulated approval of Monsanto’s GE alfalfa. [The article says] independent study should be done on the crops to determine their safety.

47. [Los Angeles Times, May 6, 2011](#)

Genetically engineered salmon must be labeled, California Assembly bill says

A bill approved by the California Assembly Health Committee mandates that genetically modified fish sold in California must be labeled. FDA has been reviewing the first application for GE fish as food, GE salmon produced by Aqua Bounty Technologies. According to Rebecca Spector, West Coast director of the Center for Food Safety, GE fish are more allergenic than regular fish, have higher levels of hormones and decreased levels of Omega-3 fatty acids, and GE fish could escape from farmed environments and cross-contaminate wild fish.

48. [Grist.org, May 16, 2011](#)

What we know—and don't know—about the safety of eating GMOs

According to Tom Philpott, upwards of 70 percent of corn and 90 percent of soy are genetically modified, two crops that form the basis of the conventional U.S. diet. In addition, 80 percent of U.S. cotton is now genetically engineered, and cottonseed oil (as well as canola oil) is now as a staple fat for the food industry. The agrochemical industry has declared GMOs categorically safe to eat. Philpott writes, "What we do know is that GMOs are not *acutely* toxic to eat. That is, we know that if you dine on a burger made from cows gorged on GM corn and soy, French fries cooked in oil from GM cottonseed, and soda laced with high-fructose syrup from GM corn, you're not likely to keel over in agony. Tens of millions of people do it every day. But what about more subtle, long-term effects – problems that public-health professionals call "chronic"? Here we enter less certain territory. With our highly processed diets largely deficient in fruits and vegetables, Americans have high and rising rates of chronic diseases like obesity and heart disease. Meanwhile, food allergies, autism, and non-alcohol-related liver disease have rocketed. It's highly plausible that GMOs, which have existed in our diets for less than a generation, have emerged as another of many contributors to such long-term conditions." A peer-reviewed study in 2004, co-authored by Bill Freese (now a science policy analyst at the Center for Food Safety), shows that before GMO crops were even planted back in 1992, the FDA made a "generally regarded as safe" decision despite a complete absence of rigorous testing over the objections of several agency scientists, who saw significant potential for harm. Moreover, when the agency rubber-stamps the introduction of a GM crop into the food supply, it does so using extremely non-committal language. Essentially, from the beginning, GM crops have been largely unregulated.

49. [FoodSafetyNews.com, May 24, 2011](#)

Court Says No GM Sugar Beets Without Final EIS

The 9th Circuit Court of Appeals dismisses Monsanto's appeal to District Judge Jeffrey S. White decisions, which rejected partial deregulation of GE sugar beets and halted plantings. Judge White had first ordered USDA to write a full-blown Environmental Impact Statement (EIS), which it failed to do so before approving partial deregulation. According to attorney George Kimbrell from the Center for Food Safety, the court order "cements a critical legal benchmark in the battle for meaningful oversight of biotech crops and food." Kimbrell continues, "Because of this case, there will be public disclosure and debate on the harmful impacts of these pesticide-promoting crops, as well as legal protections for farmers threatened by contamination."

50. [SustainableBusiness.com, June 20, 2011](#)

House Vote Blocks FDA Approval of Genetically Engineered Salmon

The U.S. House of Representatives passes an amendment blocking FDA from approving genetically engineered salmon – the first genetically engineered animal intended for human consumption. Andrew Kimbrell, executive director of the Center for Food Safety, says, "We thank members of the House for stepping in to correct FDA's misguided decision to go ahead with this approval process, which fails to take into account a plethora of economic, human health, environmental and animal-welfare concerns. Any decision to approve GE salmon would be a continuation of the Obama Administration's illogical biotech bailout at the expense of American jobs and our fishing economy."

COMMUNITY ALLIANCE WITH FAMILY FARMERS (CAFF)

\$490,000 awarded since 1993, including a three-year \$225,000 grant in 2008 to expand *Buy Fresh Buy Local (BFBL)* into a statewide campaign, increase support from the public for BFBL, and build towards self-sufficiency

51. [The Fresno Bee, May 31, 2011](#)

New guide aids access to fresh Valley food

In a collaborative effort between the Community Alliance with Family Farmers and the Central California Regional Obesity Prevention Program, the groups publish the first *Buy Fresh Buy Local Guide* for the San Joaquin Valley. The 32-page free publication is packed with information about farmers markets, you-pick farms and a chart showing what's in season. There are also recipes, profiles of Valley small farmers, and tips on eating healthy. Arianne Michas, a local food-systems manager for CAFF, says, "The Valley is where the abundance of food comes from, and we want to make sure we help people understand what food is available and how to access it." CAFF has put together local food guides for other parts of the state, including the Bay Area, Central Coast and Southern California. Organizers say the Valley's guide will help local food advocates know what's in season and where to buy it, and it will improve access to healthy food for those on public assistance.

52. [ABC30.com, May 31, 2011](#)

Buy Fresh, Buy Local

Video report announcing the new *Buy Fresh Buy Local Guide* in San Joaquin [video linked from report]

53. [The Modesto Bee, June 1, 2011](#)

Where to buy produce, fruit in Stanislaus County

The Central California Regional Obesity Prevention Program, based in Fresno, and the Community Alliance with Family Farmers publish *Buy Fresh Buy Local: The Eater's Guide to Local Food*, a free 32-page guide to promote small, sustainable farmers in the San Joaquin Valley while helping consumers avoid eating habits that contribute to obesity. Charley Fernandez, who with his wife owns Ellie & Charley's Natural Garden Organic Produce, says the local food movement is catching on with younger consumers. "People between 25 and 45 seem to be our biggest clientele. They're interested, they're knowledgeable and they know what they want."

54. [Recordnet.com, June 1, 2011](#)

Publication leads consumers to fresh Valley produce

To raise awareness of the importance of buying products that are locally grown, the Community Alliance with Family Farmers and the Fresno-based Central California Regional Obesity Prevention Program publish a new regional guide to healthy, affordable foods: the *Buy Fresh Buy Local San Joaquin Valley Eater's Guide*, a 32-page guide covering the eight Central Valley counties from San Joaquin to Kern, including listings of farms that sell direct to consumers, farmers markets, swap meets, flea markets, produce stands, community gardens, restaurants, and school-based farm stands. Though the groups are only distributing some printed guides, the publication can be found online at www.ccropp.org.

GRIST

\$25,000 awarded in 2010 for a written and multimedia series managed by food editor Tom Philpott, [subsequently titled the *California Dreamin' Series*] to explore the role of California in national food production, as well as alternative ways to a sustainable food-and-farming system

55. [The New York Times, March 2, 2011](#)

OP-ED COLUMNIST; Don't End Agricultural Subsidies. Fix Them.

Farm subsidies were developed to help farmers decimated by the Great Depression. Ironically, today the subsidies go to those who need them least (big agribusiness), in a time when there is widespread

economic hardship. Mark Bittman writes, “Agricultural subsidies have helped bring us high-fructose corn syrup, factory farming, fast food, a two-soda-a-day habit and its accompanying obesity, the near-demise of family farms, monoculture and a host of other ills.” However, Bittman does not call to abolish the subsidies, but rather to support small farmers growing currently unsubsidized fruits, vegetables and beans; research into sustainable agriculture; farmland preservation; medium-sized farms, selling locally and caring about what they grow; and attracting the next generation of farmers. Bittman says, “The point is that this money, which is already in the budget, could encourage the development of the kind of agriculture we need, one that prioritizes caring for the land, the people who work it and the people who need the real food that’s grown on it. We could, of course, finance or even augment the program with new monies, by taking a clue from the ’30s, when the farm subsidy program began: Let the food giants that have profited so mightily and long from cheap corn and soy – that have not so far been asked to share the pain – pay for it.” [In the op-ed, Bittman refers to Tom Philpott’s food writing in *Grist*.]

56. [Grist.org, March 10, 2011](#)

Debunking the stubborn myth that only industrial ag can ‘feed the world’

Tom Philpott debunks the focus of a food series in *The Economist*, which maintains that only industrial agriculture is capable of feeding the 9 billion people in the world and that this viewpoint is shared by international development organizations. Philpott points out that the exact opposite is true, and cites report after report by UN agencies and the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) championing sustainable-agriculture methods and not industrial agriculture. For example, in 2008, the U.N. Conference on Trade and Development and the U.N. Environment Program issued a paper called *Organic Agriculture and Food Security in Africa*, which seems to directly refute *The Economist*’s claims. The report concludes: “Organic agriculture can increase agricultural productivity and can raise incomes with low-cost, locally available and appropriate technologies, without causing environmental damage. Furthermore, evidence shows that organic agriculture can build up natural resources, strengthen communities and improve human capacity, thus improving food security by addressing many different causal factors simultaneously...Organic and near-organic agricultural methods and technologies are ideally suited for many poor, marginalized smallholder farmers in Africa, as they require minimal or no external inputs, use locally and naturally available materials to produce high-quality products, and encourage a whole systemic approach to farming that is more diverse and resistant to stress.”

57. [Grist.org, May 18, 2011](#)

California schemin’: How a fake organic fertilizer bamboozled farmers and watchdogs alike

Two cases of federal fraud have been filed in the last six months as liquid fertilizers purported to be organic were found to contain synthetic chemicals. The use of the fertilizers was widespread, and many farmers unknowingly contaminated their own crops. A California state law overseeing organic fertilizer went into effect in 2011, requiring inspection and certification of fertilizer sold in the state. The program may become a kind of pilot for the National Organic Program, says Miles McEvoy, deputy administrator of the USDA’s National Organic Program (NOP). [This is the seventh article in the *California Dreamin’ Series*.]

INVESTORS’ CIRCLE

\$50,000 awarded in 2005 for the *Slow Money Project*

58. [Grist.org, May 2, 2011](#)

Will the real food movement please stand up?

Woody Tasch writes, “For decades now, organic farmers and sustainable food activists of all stripes have been vexed by the question: Is this a movement? Can it scale and have meaningful impact? This enterprise that we are a part of, with its new organic farmers and the host of small food enterprises that are emerging to bring their produce to market, is about an economy that does less harm. It’s about

rebuilding trust and reconnecting to one another and the places where we live. It's about healing the social and ecological relationships that have been broken by hundreds of years of linear, extractive pursuit of economic growth, industrialization, globalization, and consumerism. It's about pulling some of our money out of ever-accelerating financial markets and its myriad abstractions -- called, with more than a little irony, securities -- and putting it to work near where we live, in things that we understand, starting with food -- creating a more immediate and tangible kind of security." [The article mentions former Columbia Foundation advisor Paul Hawken and his book Blessed Unrest.]

ORGANIC CONSUMERS ASSOCIATION (OCA)

\$50,000 awarded in 2005

59. [Alternet.org, April 27, 2011](#)

Why Is Damning New Evidence About Monsanto's Most Widely Used Herbicide Being Silenced?

Dr. Don Huber, a retired Purdue University professor of plant pathology and U.S. Army colonel, wrote a confidential letter to Secretary of Agriculture Tom Vilsack in January 2011, warning Vilsack of preliminary evidence of a microscopic organism that appears in high concentrations in genetically modified Roundup Ready corn and soybeans and "appears to significantly impact the health of plants, animals and probably human beings". Huber requested USDA's help in researching his findings and suggested Vilsack wait until the research was concluded before deregulating Roundup Ready alfalfa. However, the letter was leaked to the internet about a month after it was sent, and then was criticized upon acknowledgement by the mainstream media. Huber has written a second letter and sent it out widely to respond to criticism. The focus of both letters, and much of the research, is the herbicide glyphosate. According to the writer, glyphosate, first commercialized in 1974, is the most widely used herbicide in the world and has been for a long time. Glyphosate has long been considered a relatively benign product, because it was thought to break down rapidly in the environment and only harm the weeds it was intended to kill. Dr. Huber says this is not true. Huber says evidence began to emerge in the 1980s that "what glyphosate does is, essentially, give a plant AIDS." Just like AIDS, which cripples a human's immune system, glyphosate makes plants unable to mount a defense against pathogens in the soil. Without its defense mechanisms functioning, the plants succumb to pathogens in the soil and die. Furthermore, glyphosate has an impact on microorganisms in the soil, helping some while hurting others. This is problematic for farmers, as a buildup of pathogens in the soil where they grow crops would make farming impossible. Huber writes in his second letter, "we are experiencing a large number of problems in production agriculture in the U.S. that appear to be intensified and sometimes directly related to genetically engineered (GMO) crops, and/or the products they were engineered to tolerate – especially those related to glyphosate (the active chemical in Roundup® herbicide and generic versions of this herbicide). We have witnessed a deterioration in the plant health of corn, soybean, wheat and other crops recently with unexplained epidemics of sudden death syndrome of soybean (SDS), Goss' wilt of corn, and take-all of small grain crops the last two years. At the same time, there has been an increasing frequency of previously unexplained animal (cattle, pig, horse, poultry) infertility and [miscarriages]. These situations are threatening the economic viability of both crop and animal producers." Huber has yet to hear from USDA. [The article is written by Jill Richardson, a member of the Organic Consumers Association policy advisory board.]

PRODUCT POLICY INSTITUTE

A three-year \$150,000 grant awarded in 2007 for the *California Product Stewardship Council*

60. [E-The Environmental Magazine, March 1, 2011](#)

A New Approach to Recycling

Interview of Bill Sheehan, co-founder and executive director of the Product Policy Institute, regarding the success of Extended Producer Responsibility (EPR) programs across the country, which mandate that

those who design, market and use products and packaging – producers and consumers – should pay for all of the environmental management costs.

61. [E-The Environmental Magazine, March 1, 2011](#)

Waste Not

EPR “is an evolution of recycling that places the burden of taking back waste on the companies that created the products, containers or packaging in the first place”. Even as EPR programs are springing up and gaining traction around the country, industry is stepping up efforts to circumvent them, making 2011 a critical year. Bill Sheehan says, “I take this personally. What could be lost is the whole reason behind recycling, which is to close the loop and make new products [out of old ones].”

ROOTS OF CHANGE FUND (ROC FUND)

\$1,600,000 since 2002, including a five-year grant of \$1,000,000 awarded in 2007 to strengthen the institutional and political base for, and commence the implementation of, a campaign to transition California food and farming systems to sustainability by the year 2030

62. [San Francisco Chronicle, April 20, 2011](#)

S.F. farmers delight! Urban agriculture now in the law

On April 20, 2011, San Francisco Mayor Ed Lee signed legislation allowing "urban agriculture" throughout the city, including the sale of produce from gardens. The legislation, which grew out of the mayor's office under former Mayor Gavin Newsom and was approved by the Board of Supervisors on April 12, rewrites old zoning laws that prohibited selling homegrown produce without a costly permit and a hearing in front of the city Planning Commission. [The new rules were developed by Newsom in relation to his directive regarding food policy in San Francisco. The ROC Fund conceived of and convened the San Francisco Urban-Rural Roundtable, a group of 40 urban and rural leaders charged with forming a market-development and food-access plan for the city and its rural neighbors, and to further develop the concept of regional foodsheds. Hosted by the ROC Fund, the process included a series of workgroups, which included participation from city staff and mayor, resulting in a series of recommendations upon which Newsom based his directive.]

63. [OneEarth Magazine, April 25, 2011](#)

When it Comes to Food, One Size Doesn't Fit All

Jim Cochran, winner of a 2011 Growing Green Award in the Food Producer from the Natural Resources Defense Council (NRDC), started Swanton Berry Farm, California's first organic strawberry farm, in the 1980s. The farm is also the first 100 percent unionized organic farm in the country, and Cochran's employee stock ownership plan (ESOP), health coverage and other benefits recognize his employees as vital partners in the operation. Cochran [accepting the award] writes, “Our global, industrial food system is causing a slow erosion of the rich complexity that used to exist in farming communities around the world. As food corporations grow ever larger, shrinking wallets force more and more growers to leave their farms and communities to work for a big company growing a single crop. Money flows away from their community to a handful of people, often living far away. And as their community life slowly succumbs to changes in global agriculture, somehow human dignity erodes as well. Social problems worsen. The complex social and environmental web gradually breaks down, with people -- and plant and animal species -- falling through the cracks. But the good news is that there is a significant counter-trend to revitalize farming communities and re-create the local food systems that used to support healthy communities. Right here in California, I'm proud to say that while I started as nearly 100 percent of the organic strawberry market, my market share is down to about 1 percent. That means more growers -- well, more than a hundred of them for strawberries alone -- are finding sustainable growing profitable.” [written by Jim Cochran, a founding member of ROC's Stewardship Council]

64. [San Francisco Chronicle, April 26, 2011](#)

NRDC Growing Green awards highlight alternatives to toxic methyl iodide

Jim Cochran of Swanton Berry Farms, the first California commercially successful grower of organic strawberries in California, wins the Growing Green Food Production award – the \$10,000 top prize. Cochran grows his strawberries without methyl iodide, a toxic fungicide used by a majority of strawberry growers. Cochran has been huge success by "returning to old-fashioned good farming practices. Crop rotation has been largely abandoned in industrial business. If you dump chemicals you don't really need to rotate crops; that's one of the advantages of chemical farming." Swanton rotates with broccoli and cauliflower because "when they break down they seem to suppress certain kinds of soil disease." [Included in the report is an embedded video about the winners of the awards. Jim Cochran is a founding member of ROC's Stewardship Council.]

65. [CivilEats.com, May 4, 2011](#)

Farm Bill 2012: Will the West Coast Set its Own Table?

According to Dan Imhoff, author of *Food Fight: The Citizen's Guide to the Next Food and Farm Bill*, national farm-bill policy is so complex, and lobbyists hold so much sway, that [absent campaign-finance reform] the way to effect policy change could be to pull back to the regional level and then form alliances of concerned citizens with political power at the national level. In January 2011, Seattle formed its own farm-bill platform. Imhoff says, "Given the growing awareness of the importance of food and farm policy on the West Coast, it is reasonable to expect that city councils in Olympia, Portland, Eugene, Ashland, Ukiah, Santa Rosa, San Francisco, Los Angeles, and all the way down to San Diego may consider and eventually sign on to a similar document. Its main tenets share a lot in common with a California Farm Bill platform drafted by the nonprofit Roots of Change in Los Angeles in November 2010." The elements include a health-centered food system; sustainable-agriculture practices; community and regional prosperity and resilience; equitable access to healthy food; social justice and equity; and a systems approach to policy-making.

66. [San Francisco Chronicle, May 16, 2011](#)

Sustainable farming takes root in agriculture

The sustainable-farming movement has gathered momentum and is challenging industrial agriculture in California. According to Michael Dimock, president of Roots of Change, "a California nonprofit focused on creating a sustainable food system in the state", California farmers are ahead of the rest of the nation in addressing sustainability. Dimock says, "We're all coming to the realization that there doesn't have to be a bad guy, that agriculture can make changes. We're seeing it in California. Agriculture is deeply engaged, and resistance is evaporating." Recently, eight big foundations, including the Ford Foundation, Bill & Melinda Gates Foundation, William and Flora Hewlett Foundation, David and Lucile Packard Foundation, W.K. Kellogg Foundation, McKnight Foundation, Rockefeller Foundation, and the Walton Family Foundation – "have just banded together in a group, called AGree, to examine food systems and mediate the conflict between conventional and alternative farming".

67. [KQED Radio, May 16, 2011](#)

Santa Rosa Farmers' Market Encouraging Food Stamp Use

The Santa Rosa Farmers' Market offers shoppers on food stamps an incentive to buy local produce. For every two dollars shoppers spend using their EBT cards, the market gives out three dollars in tokens that can be used at any vendor in the market. The article credits the ROC Fund as providing funding for the tokens. [The radio report is linked above. The segment begins at about the one-minute mark.]

TWIN PINES COOPERATIVE FOUNDATION
\$30,000 awarded in 2011 for *One Farm at a Time*

68. [The Sacramento Bee, May 7, 2011](#)

New easement concept hopes to preserve small family farms

Annie and Jeff Main operate Good Humus Farm, farming their land for decades, and do not want to see it all go to waste when it is time for them to sell. The Mains are working to turn their property into what is being termed an affirmative agriculture easement, which will require that the land always be organically farmed by an owner who lives on the property and earns 50 percent of his or her income from whatever is farmed. In a project called *One Farm at a Time*, local co-ops are helping the Good Humus reach a \$400,000 goal to turn the property into the easement. The hope is to help other farms develop similar easements to protect farmland in perpetuity.

UNIVERSITY OF CALIFORNIA SANTA CRUZ AGROECOLOGY PROJECT

\$250,000 awarded in 1982 to establish the *Center for Agroecology and Sustainable Food Systems*
(CASFS)

69. [UC Santa Cruz Review, Spring 2011](#)

Uncommon People – Steve Gliessman: Planting the roots of agroecology deep in Santa Cruz

Steve Gliessman founded the agroecology program at UC Santa Cruz when he joined the environmental-studies department in 1980. In 1997, he wrote the textbook *Agroecology: The Ecology of Sustainable Food Systems* (and published a second edition 10 years later), which is widely used around the world. Miguel Altieri, a professor at UC Berkeley's Department of Environmental Science, Policy and Management, says, "Steve is one of the pioneers and founders of agroecology worldwide. His influence has been enormous." Though Gliessman was supposed to have retired last July, he continues to teach his methods around the world, and is editor-in-chief of the *Journal of Sustainable Agriculture*. Gliessman's efforts recently have also been geared towards creating The Green Kitchen at UCSC. According to Gliessman, the modular kitchen building will demonstrate the latest in green building, alternative energy, and reducing the carbon footprint. He envisions it as a sustainable living laboratory for students from multiple majors to experience, learn about, and even research sustainable technologies. In reference to sustainability, Gliessman says, "It's about healthy food, healthy land, and healthy people, and it's going to require some social changes. Social change doesn't happen overnight." The goal, he says, "is to create transformative action and a whole new way of thinking about the entire food system."

'Triangle of the Squinches' review: Duets potent

Rachel Howard, Special to The Chronicle
Monday, April 18, 2011



David Harvey (top) and Keelan Whitmore in "Triangle of the Squinches."

Photo: Angela Sterling

Like many of Alonzo King's evening-length ballets, his new collaboration with architect Christopher Haas contains about 20 minutes of gripping, urgently beautiful choreography and an hour of intermittently exquisite filler. King's Lines Ballet will repeat the work at the Yerba Buena Center for the Arts through Sunday.

The gripping parts take place before a wall of stacked, hinged cardboard slats reminiscent of the twisting copper tower that defines the new M.H. de Young Memorial Museum. (Haas, who has

since founded his own Haas Architecture, served as project architect for the de Young under Herzog & de Meuron.)

"Triangle of the Squinches," as this premiere is - without a hint of humor - inelegantly titled, contains two potent duets. In the first, David Harvey guides stumbling Laurel Keen toward a supine Michael Montgomery. Passed between their hands, she cycles through resistance and a kind of drugged rapture.

In the second memorable section, Michael Montgomery and Caroline Rocher enter with Montgomery crawling behind, the crown of his head anchored beneath her butt.

The series of odd postures that follow plays out like a test of dominance between two dogs. At one point, he folds over and plants his head on the ground and keeps it attached there as his butt and legs revolve, like a screw driving into the earth.

In both strong sections, the dancers have a mysterious yet charged relationship, and the head-clasping gestures suggest allegories of spiritual searching.

Otherwise, the dancers climb along Haas' cardboard wall, stare down at a writhing ensemble as though they are about to jump, stick hands through the spaces between slats, fold up the wall to trap two dancers and finally knock the wall over to roll it across the floor, hinge over hinge.

They have a great deal of relationship with the wall, but little relationship with each other, and their interactions with the wall feel stagy. Witness two men reaching the edge of the wall and having to act - solemn faced - as though some gust of wind has just sucked them round the other side.

The first half of "Squinches" features another beautiful set, a wall made of shimmering elastic cords. In the climax of Part 1, cords attach to magisterial Meredith Webster's hands and feet as she performs a beautifully self-possessed solo. Yet, again we see little genuine relationship among the dancers, and an odd staginess prevails.

Webster and her helpmates remove the strings from her feet as though told to hide the awkward transition by acting deep.

This kind of lapse is deadly within King's aesthetic, which values total authenticity onstage. I wondered if both King and his committed dancers were struggling with the music, a commissioned New Age-drenched score by former Grateful Dead drummer Mickey Hart.

King's dancers are stunning as always, with moments of great daring and balance, especially from long-limbed Courtney Henry and liquid Ricardo Zayas.



David Harvey (left), Meredith Webster and Keelan Whitmore dance among Christopher Haas' shimmering elastic cords in "Triangle of the Squinches."
Photo: Angela Sterling



Michael Montgomery and David Harvey lifting Laurel Keen Top left is Keelan Whitmore in "Triangle of the Squinches."
Photo: Angela Sterling

New Deal's legacy in danger of being ruined

Gray Brechin

03/27/11



A relief of St. George slaying the dragon of ignorance and an accompanying inscription on the west wall of Berkeley High School capture the spirit of the New Deal, which is being undermined by political attacks on public workers.

Photo: Gray Brechin / <http://livingnewdeal.berkeley.edu>

Many of those who worked for the New Deal believed that they were building a civilization. They left us thousands of schools, colleges, bridges, dams, murals, parks and aqueducts, now falling into ruin, as did those of ancient Rome. To recover their vision, we must relearn an ethical language now as alien as Latin. It speaks to us from the buildings New Dealers left in their faith that we would continue to build toward greater human happiness and opportunity.

"The noblest motive is the public good," declares an inscription from Virgil on San Diego's County Administration Building. A terrazzo floor in its rotunda proclaims, "Good government requires the intelligent interest of every citizen."

A Deco relief of St. George slaying the dragon of ignorance on Berkeley High School bears a text panel announcing, "You shall know the truth and the truth shall make you free." That, after all, was what the public education we are told we can no longer afford was ideally all about.

All of these structures share a common origin: They mushroomed in the brief spasm of public building activity launched by President Franklin D. Roosevelt's New Deal. They were designed to lift the country out of the Great Depression by giving millions work, but they did something else as well: They speak to us in the language with which Roosevelt infused the nation in order to keep it united during that economic calamity.

A generation had to pass before millions so took for granted the social benefits and security bestowed upon them by the New Deal that they could elect an equally accomplished communicator devoted to its repeal. When Ronald Reagan told Americans that government is not a solution but the problem itself, he corroded the very foundations of democracy by which "we the people" formed "a more perfect union." Whereas FDR spoke of government in the first-person plural, Reagan and his acolytes have done so in the third person, not as "we" but as "it" and "them." By making government and its employees the enemy, Reagan made a rhetorical shift that has withered the very notion of social progress once synonymous with the United States.

In his 2005 book, "Going Postal," Mark Ames notes that the attack upon public servants began even before Reagan with the partial privatization of the U.S. Postal Service in 1971. The onslaught has snowballed since then, mounting now to open season upon "greedy" teachers, librarians, nurses, social workers, and even first responders in Wisconsin and elsewhere.

As the New Deal's enemies have vilified the public good to favor good for the private sector, Virgil's declaration has grown virtually incomprehensible. Talented men and women once flocked to public service, inspired by Roosevelt's insistence that "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." We are currently flunking that test.

Whether we build a civilization worthy of the name or Dodge City depends upon the language that we choose.

Gray Brechin is the project scholar of the Living New Deal Project at UC Berkeley's department of geography.



San Diego's administration building was built in 1936 by the WPA.
Photo: Gray Brechin / <http://livingnewdeal.berkeley.edu>



Alameda's Mastick School, now a senior center, was built in 1939.
Photo: Gray Brechin

Official announcement of the Polar Music Prize 2011 - Kronos Quartet

May 2, 2011

<http://youtu.be/aEOI5Lt26MQ>

The Kronos Quartet's Double Exposure

by Anastasia Tsioulcas



Jay Blakesberg/courtesy of the artists
The Kronos Quartet.

It says something about San Francisco's new music group the [Kronos Quartet](#) that they've won honors from two very dissimilar organizations on the same day.

The quartet, which was founded in 1973 and whose current lineup includes violinists David Harrington and John Sherba, violist Hank Dutt and cellist Jeffrey Zeigler, has been given the \$75,000 Avery Fisher Prize awarded by Lincoln Center. The roster of past winners that this foursome will join tends to represent a more straitlaced classical aesthetic, including violinists [Gil Shaham](#) and [Joshua Bell](#), pianist [Yefim Bronfman](#), Emanuel Ax and [Murray Perahia](#). The Kronos Quartet will be given the award June 8.

On the other side of the coin, the group will journey to Stockholm for an August 30 Polar Prize ceremony with the King and Queen of Sweden. This award comes with approximately US \$155,000. It's a very different musical company that the Kronos Quartet joins in Sweden: The other 2011 winner is [Patti Smith](#) and recent past winners include [Björk](#), [Led Zeppelin](#) and [Gilberto Gil](#). (It's worth noting, however, that the Polar Prize is quite receptive to including classical musicians in their midst; other recent honorees include José Antonio Abreu and El Sistema, [Renée Fleming](#) and [Valery Gergiev](#).)

There's no slowing Kronos down, either. This past weekend, the quartet offered the New York premiere of [Steve Reich's WTC 9/11](#); this coming weekend, they'll do a residency at the Barbican in London that features UK premiere of the Reich piece as well as the world premiere of *Aheym* (*Homeward*) by [The National](#)'s Bryce Dessner and the UK premiere of Michael Gordon's *Clouded Yellow*, among other works.

Taylor Mac goes all out with epic 'Lily's Revenge'

Chad Jones, Special to the Chronicle
Sunday, April 17, 2011

Should they hog-tie the academic or simply gag her? That's the question of the moment as director Meredith McDonough runs through the first act of "The Lily's Revenge," the Magic Theatre's wild season-ending show.

Maybe "show" is the wrong word. McDonough is one of six directors tackling a five-act play that will be performed over five hours by a cast of nearly 40 performers. Between acts, the audience experiences food, mini-plays, music and communion while the theater - seats and all - is completely reconfigured.

Back in rehearsal, McDonough has moved on as she runs her actors, most playing flowers, through a song sung by a naked bride (played by a puppet, naturally). The leading man, who plays a lily desperate to marry the bride, is Taylor Mac, the creative mastermind behind "The Lily's Revenge."

Raised in Stockton, Mac graduated from high school in the early '90s and fled to San Francisco, where his first professional gig was in "Beach Blanket Babylon." He played, among other things, a dancing poodle for eight months before moving to New York.

During a rehearsal break, Mac says that his "Beach Blanket" experience definitely lingers.

Dirtier, wilder

"The show clearly influenced my aesthetic," he says. "My aesthetic is a little dirtier, a little wilder. They're very polished and commercial, but I love Steve Silver's notion that theater can be theatrical. That has stayed with me."

Mac, 37, a self-described "queer artist," has performed in San Francisco only a couple of times since he left, so here's a primer on his gutsy, glittery aesthetic. His influences, he says, include Charles Ludlam and the Theatre of the Ridiculous. This is evident in "The Lily's Revenge" from the colorfully outsize costumes by Lindsay Davis and the abundance of drag. Mac's "smorgasbord of theatrical history," as he puts it, also includes Japanese Noh, commedia dell'arte, musical theater and Elizabethan verse.

Creating community

"I want people to experience a lot of different things," says Mac, who on this sunny Saturday afternoon, in red shorts and a hoodie, is the antithesis of his grand drag alter ego. "I wanted it to be an event. When people leave, I hope their world has expanded a little bit. You can't do that in a 90-minute play with no intermission. It has to be an event, like a wedding where you're asked

to be silent sometimes, a participant sometimes. You stand up. You dance. You meet new people. I want to create community by the end of the evening."

Loretta Greco, the Magic's artistic director, took a risk producing something on such a grand scale, though the fact that "The Lily's Revenge" was a hit at New York's HERE Arts Center in 2009 probably didn't hurt.

"This may be the most ambitious project the Magic has taken on in its 44-year history," Greco says. "But Taylor is a major artist of our time. He's a genius, and his play is substantial and meaningful and allows us to work with other organizations we wouldn't ordinarily get to work with."

Greco says this site-specific work, which will be taking place throughout Building D in the Fort Mason Center, recalls the adventure and excitement of the Magic in its earlier days.

"I think a lot of our subscribers have been craving this kind of communal event," she says.

Subtitled "A Flowergory Manifold," Mac's sequin-bedecked opus is his attempt to examine Joseph Campbell-style myths, but in a contemporary way. Some have said the show - with the Lily unable to marry the bride of his dreams because tradition says a flower can't marry a lady - is really about gay marriage.

"It's about creating new myths and traditions to help us live in the present moment," Mac says. "Jung says an artist's job is to dream the culture forward. If we can figure out the stories to tell right now, we can honor the past, be in the present and dream forward. Otherwise we're stuck in the fantasy version of the past."

Julia Brothers, a member of the large, entirely local cast, says Mac and his play inspire her. "This huge group of dancers, puppeteers, singers, actors, performance artists and musicians are all in a gigantic rehearsal space," she says. "Ideas are flying back and forth along with laughter, hugs and high-fives. It's all because Taylor is an amazing, wonderful artist. It's like he sees and acknowledges the uniqueness in each of us."

Secret to genius

Greco says the secret to Mac's genius is his joy. "He gets a kick out of things like a 10-year-old gets a kick out of things," she says. "Every day he comes to the table absolutely grateful to be able to play. He is the most game artist I've ever had the pleasure of playing with."

Critics have called Mac's work "scrappy" on more than a few occasions. The word makes the playwright laugh. "That's kind of condescending," he says. "I say to my designers: I want the show to look like the float in the parade that wasn't sponsored by a bank. The community made it with great craft and skill but with heart. You can see the humanity in it. I would venture to say my work is not scrappy. It's human. It's revolutionary because we're supposed to mask everything. I like work that shows its blemishes."

The Lily's Revenge: Previews Thurs.-April 26, opens April 27 and runs through May 22. Magic Theatre, Building D, Fort Mason Center, Buchanan Street and Marina Boulevard, S.F. \$30-\$75. (415) 441-8822. www.magictheatre.org.



Taylor Mac, who plays a lily desperate to marry a bride, is the creative mastermind behind the epic "The Lily's Revenge."
Photo: Magic Theatre

'The Lily's Revenge' review: 1 crazy bride quest

Robert Hurwitt, Chronicle Theater Critic

Friday, April 29, 2011



The Lily's Revenge: Performance epic. By Taylor Mac. Directed by Meredith McDonough, Marissa Wolf, Erika Chong Shuch, Erin Gilley, Jessica Heidt and Jessica Holt. Through May 22. Magic Theatre, Building D, Fort Mason Center, San Francisco. Four hours, 30 minutes. \$30-\$75. (415) 441-8822. www.magictheatre.org.

Vaudeville meets operetta in a manic melange of song, puppetry, drag show, performance art, animation and bumptiously slapstick battles and sex acts in Taylor Mac's "The Lily's Revenge" at the Magic Theatre. And that's not all.

There's also iambic pentameter, floral violence, literary theory, dung throwing and haiku in the West Coast premiere that opened Wednesday. Not to mention a ballet by three pairs of naked buttocks.

Clearly, Mac doesn't know when to quit. That's both a very good thing and sometimes a drag (no pun intended), depending on your tolerance for over-the-top antics. Subtitled "A Flowergory Manifold," Mac's epic runs about a half hour less than its advertised five hours but can seem much longer.

That doesn't make it any less of a major event. This is only the second staging of last season's off-Broadway hit by a darling of New York's alternative arts scene. It's also the first major local run for the Stockton-raised Mac, who made his professional debut with "Beach Blanket Babylon" and part of a so-called "rolling world premiere" that will move on to New Orleans; Edinburgh, Scotland; and London.

And it's big. The twisty story - yes, there's a story - of a Lily (Mac) trying to win an already betrothed bride (and a lead role) uses 31 actors, three musicians (including deft musical director-pianist Christopher Winslow), with more in the cast, and no less than six directors.

That's one to stage each of the five acts in a completely reconfigured theater and another (Jessica Heidt) putting up small shows all over the building during the intermissions.

These range from the aforementioned "Gluteus Ballet" and comedy routines shouted from windows to a string trio in the elevator and the impressive cabaret songs of El Beh and Miss Trixxie Carr in, yes, the bathrooms.

The magnetic Mac - who wrote the book and lyrics (to music by Rachelle Garniez) - sings beautifully as well, with operatic finesse. His Lily emerges from the audience as a stagestruck naif, in green-glitter makeup and clinging lily-stalk sheath to fall in love with Casi Maggio's comically snippy Bride Deity and get caught up in a metaphoric battle between Mollena Williams' Great Longing (the theater curtain who enforces the constraints of nostalgic sentiment) and Jeri Lynn Cohen's Time, who stands for nature and "the here and now."

By the time the first act is over, Lily has embarked on a quest to become a man so he can win his bride.

No sooner does he leave that old-fashioned musical format than he's fallen out a window into an orchestrated theater-in-the-round second act in a garden full of feisty, haiku-competitive flowers - and his first quest gets entangled with a holy floral crusade against factory farms and wedding bouquets.

Confusing? That's just the beginning. There are three acts to go, with Cohen reciting the feminist critiques of Susan Stewart (Julia Brothers), an exhaustingly energetic dance battle directed by Erika Chong Shuch with an alternate Bride (Rowena Richie), an animated film act (directed by Erin Gilley) and the overlong finale.

There are also many serious issues raised, from factory farming and the constraints of sentiment and marriage to pan-sexuality and floral liberation - but they become increasingly hard to follow amid all the wild camp. Too many routines go on too long as well.

Excess is the price as well as the glory of Mac's art. In the end, though, "Lily" is a party you'd rather have attended than missed.



Jeri Lynn Cohen in "The Lily's Revenge" at the Magic Theatre in S.F.
Photo: Jennifer Reiley



Taylor Mac (center in green) as Lily in the first act joins the bridesmaids(left to right, Jason Brock, Molly Kruse, Mollena Williams as the Great Longing in back and Amy Kossow) in Taylor Mac's "The Lily's Revenge" at the Magic Theatre.
Photo: Jennifer Reiley



Taylor Mac as Lily (second from left) performs "A Princess Musical" with Jason Brock, Amy Kossow and Dave End in Mac's "The Lily's Revenge" at the Magic Theatre in San Francisco.
Photo: Pak Han

Hot house Magic

05.03.11 | Robert Avila

Taylor Mac's *The Lily's Revenge* lights up Magic Theatre with earthy flower power



Five alive: Taylor Mac's Lily is one petal short of a full corolla, but strong enough to last through a five-hour extravaganza.

PHOTO BY JOSE GUZMAN COLON

THEATER Talk about community theater. New York City drag artist Taylor Mac doesn't just bring his Obie Award–winning 2009 show to town, but a good swath of the town to the show. That includes six local directors and something like 40 local actors and musicians, with host Magic Theatre producing in collaboration with queer performance collective THEOFFCENTER and a large handful of other Bay Area players (Climate Theater, Crowded Fire, elastic future, Erika Chong Shuch Performance Project, Shotgun Players, and TheatreWorks).

That's probably as it should be for a sprawling, gleefully elaborate five-hour performance spectacle that revolves — with good camp humor, extravagant Theatre of the Ridiculous gestures, and devilishly arch songs set to composer Rachelle Garniez's evocative genre-spanning musical score — around a simple message of brother-sister-otherly love.

A simple message, but couched in a most extravagant presentation. To begin with: Mac as the play's titular flower, done up stunningly in garish green sequined fabrics and glittering makeup to match, a corolla of five spongy petals around his neck. As some wisenheimer points out in the first act, five petals in a corolla is actually one short for a normal lily, but there's nothing normal about this Lily: an organic loner raised in a basement studio apartment in Daly City who decides one night to go to the theater. And anyway there are only five acts, so one per.

Suburban bumpkin Lily is audibly charmed and bewildered by what he sees onstage in Act I: a "princess musical" titled "The Deity" (directed by Meredith McDonough) that pops up vociferously from an array of frilly doll-like bodies, all named Mary, strewn over a patchwork wallpaper stage.

The musical would like to be a standard wedding tale, centered on a blustery latter-day maiden (Casi Maggio) chomping at the bit — just a typical romantic story overseen by the proscenium curtain, who goes by the name of The Great Longing (Mollena Williams). But opposing it all is no less than Time herself, played with a sort of airy gravitas by Jeri Lynn Cohen, decked out in a see-through plastic hourglass and a cuckoo clock for a hat. (The costumes, all stars in their own right, are by Lindsay Davis.) Time balks at the repressive hold of this narrative paradigm. To this end, she draws intellectual support from a random daisy (Julia Brothers) reawakened into her former life as a Berkeley critical theorist in comfortable outerwear named Susan Stewart, who recites from her book-length essay, *On Longing* (an actual book by an actual Susan Stewart, as it happens), attacking nostalgia as inauthentic attachment to an imaginary past at odds with the here and now (or something like that).

In short (not that there is anything short about this show), Time persuades Lily, as a creature grounded in the here and now, to join the proceedings. And Lily, his own love-struck ego asserting itself, decides to embark on a metamorphosis — to shed his flower self for a hoped-for underlying manhood, operating perhaps under a curse of one sort or another — so that he might win the bride for himself (and away from the all-too-male groom in Speedo and accordion, played gamely by Paul Baird).

It will be a shame if the run-time keeps the otherwise Lily-curious away. This was one five-hour extravaganza that really seemed to fly by. (I've sat through much longer 90-minute one-acts just this month.) If the plot of *The Lily's Revenge* is not exactly designed to keep its audience guessing — our potted hero must live up to the title — the production does keep its audience moving, interacting, and generally engaged when not outright delighted by a steady stream of madcap turns and gaudy mayhem that spills joyfully off the stage and out into the lobby (where Jessica Heidt directs a series of Kyogen segments) and beyond.

A spirited platinum blonde called the Card Girl (Kat Wentworth) corrals the audience for no less than three intermissions, designed to encourage mingling, fraternizing, and face-time with fellow audience members and cast alike. (Meanwhile, Andrew Boyce's sets and the seating arrangements are rapidly and inventively rearranged.) The intermissions come complete with an optional dinner, dance parties, songs "flushed from the show" performed in and around the lavatories, and other sideshow offerings (solid advice from a garrulous sock puppet, for instance, or a glad-handing glory hole) — all in compact 15-minute increments.

Each act has its own particular character as it advances the merrily convoluted plot. Act II (directed by Marissa Wolf) is set in the round in a flowerbed and features a verse-off between Lily and assorted garden varieties. Act III is a "dream ballet" directed and choreographed with inspired exuberance by Erika Chong Shuch, in which a hilarious second pair of marriage hopefuls (Joe Estlack and Rowena Richie) devolve, amid an onset of "options" and a frenetic set of macabre bridesmaids, into a comically horrifying orgy of indulgence. In Act IV we enter a virtual realm called Ecuador (long story), with animated video sequences to live voice-overs directed with wry sophistication by Erin Gilley.

Finally, as the wedding party assembles amid the "divine madness" of Act V (directed by Jessica Holt) and ceremonial noises erupt under direction of the domineering Curtain, the Revolutionary Flowers, having infiltrated the proceedings, suddenly burst forth from low-rent disguises and storm the stage, while an enormous papier-mâché turd floats across the stage ahead of a dyspeptic visit by the Pope and a giant black Tick holds the White Rose captive and — I wasn't sure what the hell was going on by this point, to be honest. But as a debauched melee ensues, it's pretty clear things are tending toward one hell of a climax. It's all followed by a denouement too. This featuring an address by Mac, now in immaculate dress, the details of which are too charmingly candid to want to relate here. Better you see and hear for yourself.

The five-petaled Lily is most certainly the star of the show, but Mac is also a generous performer, giving ample space for his talented collaborators to shine. If some of the best moments are naturally centered on Mac's riveting presence, the sweetness and childlike impetuosity in his endearingly comic character, and not least his enthralling power as a singer, there are many more highlights to be had, big and small, among the general bloom.

Philharmonia Baroque Orchestra, Zheng Cao review

Joshua Kosman, Chronicle Music Critic

Monday, March 7, 2011

Even the most luminous artistic career eventually comes to an end, bringing grief and confusion to all concerned. With the new song cycle "Into the Bright Lights," the great mezzo-soprano Frederica von Stade offers a touching dispatch from that troubling place, a few intimations of career mortality.

The three-song cycle, which received its U.S. premiere in Herbst Theatre on Friday night from Nicholas McGegan and the Philharmonia Baroque Orchestra, features a delicate, appropriately sentimental score by San Francisco composer Nathaniel Stookey. But it is von Stade's texts - confessional, heartfelt and plain-spoken - that carry the piece's true weight.

In the opening "S'io," she contemplates the imminence of her retirement, while dreaming of the possibility of singing Cherubino until she's "a little white-haired lady, a walker by her side." Stookey deftly blends a few strains of Mozart, against the beat, into what is otherwise a somewhat cartoonish waltz.

But emotions deepen in the central song, "The Golden Thread," accompanied by the ominous tick-tock of a harp, and the final, title song - set to zesty comic rhythms - takes us through a singer's day from waking in a hotel room to the final triumphant walk onto the stage.

Von Stade was scheduled to sing the piece, in one of her final performances of this farewell season. But she withdrew last month, yielding the spotlight to her fellow mezzo Zheng Cao.

Cao fulfilled the assignment with aplomb (aside from a memory lapse in the second song), bringing rueful grace to the first song and winning vivacity to the third. She also sounded fine in a pair of Handel arias, "Scherza infida" from "Ariodante" and an encore of "Lascia ch'io pianga" from "Rinaldo."

Her elegant rendition of "Che faro senza Euridice" was the centerpiece of a set of selections from Gluck's "Orfeo ed Euridice," which began with a superb account of the "Dance of the Blessed Spirits" featuring flutists Stephen Schultz and Mindy Rosenfeld.

McGegan and the orchestra brought energy and clarity to the rest of the program, which began with "Les Caractères de la danse" by the French composer Jean-Féry Rebel, and concluded with a long and extravagantly varied suite from "Les Indes galantes" of Rameau.

Philharmonia Baroque Orchestra: 8 p.m. Tues. Center for Performing Arts, Atherton. 8 p.m. Wed. Leshner Center for the Arts, Walnut Creek. \$25-\$85. (415) 252-1288.

www.philharmonia.org.



Mezzo-soprano Zheng Cao filled in admirably for Frederica von Stade on a three-song cycle at Herbst Theatre after von Stade bowed out last month.
Photo: David Paul Morris / Special to The Chronicle

The Fat Girl Gets a Haircut and Other Stories – review

Roundhouse, London



Lyn Gardner Friday 29 April 2011



Tunneling into someone's head ... The Fat Girl Gets a Haircut and Other Stories
Photograph: Tristram Kenton for the Guardian

A teenage boy removes most of his clothes. He has a small figure or doll strapped to his chest. He lies down on a white sheet of paper. The youngsters around him pick up squeeze ketchup bottles with intent. Soon, the boy's body runs with crimson lines like blood. He curls into a ball, as if the victim of a street attack. But then he rises. The small doll-like figure is glimpsed sailing away to freedom in the sky on a paper boat. A great escape.

The Fat Girl Gets a Haircut, a participatory project created over two years by London teenagers with the performance-maker Mark Storor, who made the remarkable *For the Best*, starts exactly as it means to go on. This 100 minutes is shy, full of symbolism and, like teenagers themselves, secretive about yielding up its meanings. Yet for all its elusive sameyness, it gets you where it hurts.

It has none of the sweaty, restless energy of the *Once and for All We're Gonna Tell You Who We Are So Shut Up and Listen*, the cult show performed by 13 Flemish teenagers. It is played out largely in silence apart from the haunting, plaintive rise and fall of Gabi Froden's extraordinary voice and live percussive music. It is like tunneling into somebody else's head as it excavates the hidden emotional hinterlands of today's teenager. It is all about tone and texture, and the animations are integral to the show.

A sparky young woman sharing her crushes with us, who is appalled that her schoolfriends think her dad is "hot", and a Muslim boy, guilt-ridden because he loves the taste of bacon, who fantasises that he's being pursued by a pig, is about as concrete as it gets in a show in which pair of would-be lovers play a game of blind man's buff, and a young woman whose mother died steps into her parent's shoes wearing a dress pinned with daffodils.

This is a piece that requires patience on the part of its audience because of its reflective tenor. You have to enter its zone, let it lap over you like the sea. I found it moving, even though it's very short on the upbeat and the sardonic wit of teenagers. But in a world where youngsters are so often demonised and growing up is hard to do, *Fat Girl* proves that they have richly textured inner lives and deserve to be seen and heard.

Climate activists target states with lawsuits

By MATTHEW BROWN, Associated Press

Wednesday, May 4, 2011

A group of attorneys representing children and young adults began to file legal actions Wednesday in every state and the District of Columbia in an effort to force government intervention on climate change.

The courtroom ploy was backed by activists looking for a legal soft spot to advance a cause that has stumbled in the face of stiff congressional opposition and a skeptical U.S. Supreme Court.

The goal is to have the atmosphere declared for the first time as a "public trust" deserving special protection. That's a concept previously used to clean up polluted rivers and coastlines, although legal experts said they were uncertain it could be applied successfully to climate change.

The spate of lawsuits, led by an Oregon-based nonprofit called Our Children's Trust, were based on "common law" theories, not statutes adopted by state or federal lawmakers. Documents in the cases were provided in advance to The Associated Press.

State-level lawsuits were filed in California, Colorado, Minnesota, Montana, New Mexico, Oregon and Washington, and a federal lawsuit was filed in California, said Julia Olson with Our Children's Trust.

Suits were planned in Alaska, Arizona, Massachusetts and New Jersey. In all other states, regulatory petitions were filed or pending to ask state environmental agencies to tighten restrictions on vehicle and industrial plant emissions, Olson said.

Conservative opponents warned the effort could overload the judicial system and paralyze the economy with over-regulation.

Attorneys involved in the lawsuits said a victory in even one or two cases would give environmentalists leverage, leading to new regulations to rein in greenhouse gas emissions that scientists say are driving global temperatures higher.

A 16-year-old climate activist listed as a plaintiff in one of the cases, Alec Looz of Ventura, California, said he latched onto the effort because he thought "it would give us teeth, give us a bigger voice than just yelling and marching."

"People have tried pushing legislation and that hasn't worked. Obama hasn't been able to push anything through. The only option we have is the judicial system — taking this to the courts," said Loorz.

Loorz said he began giving public presentations on climate change when he was 13, soon after seeing former Vice President Al Gore's movie, "Inconvenient Truth."

Another case that relied on unconventional legal tactics to address climate change got a tepid reception during arguments last month before the U.S. Supreme Court. That matter involved several states that sought to rein in power plant emissions by declaring them a public nuisance.

A ruling is pending, but Harvard Law School professor Jody Freeman said justices had questioned whether courts were the appropriate forum for the issue.

"I am generally skeptical the plaintiffs will succeed in the courts pressing for common-law remedies from judges," Freeman said.

Columbia University law professor Michael Gerrard described the public trust suits as a "bold move" by activists looking to use all available options to impose greenhouse gas restrictions. Still, he joined Freeman in saying the pending decision in the public nuisance case would heavily influence the outcome of the state-level lawsuits.

A more optimistic view came from Gus Speth, chairman of the White House Council on Environmental Quality under President Jimmy Carter.

Speth, now at the Vermont Law School, said public trust litigation over climate change could work if its backers can find a judge willing to innovate a new area of law.

Yet that outcome could only result if a judge is willing to buy into what conservative analyst Hans von Spakovsky called "a creative, made-up legal theory."

"This is a complete violation of our whole constitutional system. These kinds of public policy issues are up to either the state legislatures or Congress to determine, not judges," said von Spakovsky, a senior legal fellow at the Heritage Foundation.

Eddy and others involved in Wednesday's lawsuits credited University of Oregon law professor Mary Christina Wood as laying the legal groundwork for their litigation.

Wood told the AP that mainstream environmental groups had approached climate change with the same tactics used to combat industrial developments or protect endangered species. But she said lawsuits based on existing environmental laws had come up short.

What is needed, Wood said, is a sweeping challenge to the government's failure to address climate change. And having young people as plaintiffs in the cases gives added moral authority, she added.

The plaintiffs include college students, high school activists, and children of conservationists and attorneys, along with at least one environmental group WildEarth Guardians.

"We should be getting youths in front of the courts, not polar bears," Wood said, referring to widely publicized attempts to have courts declare polar bears endangered as rising temperatures melt Arctic ice.

May 4, 2011

Suit Accuses U.S. Government of Failing to Protect Earth for Generations Unborn

By FELICITY BARRINGER

SAN FRANCISCO — Advocates of stringent curbs on greenhouse gas emissions sued the federal government on Wednesday, arguing that key agencies had failed in their duty to protect the earth's atmosphere as a public trust to be guarded for future generations.

Similar lawsuits are to be filed against states around the country, according to the plaintiffs, a coalition of groups concerned about climate change called [Our Children's Trust](#).

Most of the individual plaintiffs in the suit, filed in United States District Court in San Francisco, are teenagers, a decision apparently made to underscore the intergenerational nature of the public trust that the earth's atmosphere represents. More novel, however, is the suit's reliance on the public trust doctrine, which dates to Roman times.

That doctrine has been invoked in cases involving the protection of Chicago's lakefront and of Mono Lake in the Sierra Nevada.

But in some ways the suit parallels a current case, brought by several states against the five largest utilities in the country, that frames greenhouse gas emissions as a public nuisance, legal experts noted.

Last month, the Supreme Court heard oral arguments on issues in that case, including the standing of the states to bring such lawsuits. Several justices expressed skepticism: Justice Ruth Bader Ginsberg, for example, questioned whether the courts were being asked to intervene in an arena in which the executive branch — specifically the Environmental Protection Agency — has the requisite expertise to act.

The E.P.A. has determined that greenhouse gases pose a danger to the public health and welfare and are therefore subject to regulation under the Clean Air Act. It has argued that this regulatory process, which is already under way, should not be pre-empted by the courts.

Legal experts interviewed on Wednesday said they were unsure whether the new lawsuit could gain legal traction, given that it presents issues that overlap in some ways with the public nuisance case. The Supreme Court is expected to issue an opinion on that case this spring.

Courts that hear these cases will be heavily influenced by the Supreme Court's opinion, said Michael B. Gerrard, director of [Columbia University's Center for Climate Change Law](#).

Mr. Gerrard said that by filing such lawsuits, environmentalists were “trying to use all available options in view of the failure of Congress” to act on greenhouse gas emissions. The House approved a sweeping bill to limit such emissions in 2009, but a more cautious effort died in the Senate last year. And the recently elected Republican majority in the House is threatening to strip the E.P.A. of regulatory powers related to global warming.

Lisa Heinzerling, an environmental law expert at Georgetown University, said of the new suit, “Part of this is keeping the issue alive in lots of different settings and having all the branches, including the courts, continually react to it.”

May 5, 2011

Young Activists Sue U.S., States Over Greenhouse Gas Emissions

By GABRIEL NELSON of [Greenwire](#)

They might not be old enough to vote, but young climate activists are helping stage a legal campaign that seeks to force the federal government and all the states to curb greenhouse gas emissions because of their role in global warming.

Attorneys representing the children and teenagers filed yesterday, or are preparing to file, 52 separate lawsuits and petitions based on a novel legal theory: that the government has failed in its duty to protect the atmosphere as a "public trust" for future generations.

As a legal theory, the idea that the environment is a public trust has been around for centuries, and has often been used to protect water and wildlife. For instance, the Supreme Court ruled in 1892 that Illinois lawmakers couldn't hand over a large portion of the Chicago harbor to the Illinois Central Railroad because the government was responsible for safeguarding waterways.

Similarly, that's the reason people usually need government licenses to shoot deer or catch fish. State and federal officials manage wildlife as a public trust to ensure that it remains plentiful.

The idea has never before been applied to the atmosphere, said Julia Olson, an attorney who led the legal team as executive director of the Oregon-based nonprofit Our Children's Trust. But it captured the imagination of 16-year-old Alec Lorz of Ventura, Calif., who is helping run the legal campaign and has spent the past year finding teenagers across the country to sign onto the lawsuits.

"The legislative and executive branches of our government have failed us," Lorz said in an interview yesterday. "People have been trying to push for real change at the legislative level for a long time, and nothing has worked. That's why we're going after it through the judicial branch of government."

Among the cases is a federal [lawsuit](#) (pdf), filed late yesterday in district court in San Francisco, that names U.S. EPA and the departments of Agriculture, Commerce, Defense, Energy and Interior as defendants. The lawsuit asks the government to stop greenhouse emissions in 2012 and reduce them by 6 percent per year after that.

Lorz said he started focusing on climate change at age 12 after seeing former Vice President Al Gore's film "An Inconvenient Truth." Now, he and four other teenagers are the main plaintiffs in the federal case, which was assigned to Donna Ryu, a U.S. magistrate judge in Oakland, Calif.

Among the lawyers representing them is Pete McCloskey, a former Republican congressman from California who became a Democrat in 2006 for an unsuccessful bid to defeat former House Natural Resources Chairman Richard Pombo (R-Calif.). In a statement yesterday, McCloskey described the public trust theory as "the most common-sense, fundamental legal footing for the protection of our planet."

Also participating in the lawsuit are Wildearth Guardians, a Colorado-based group that often sues the government to protect wildlife and wilderness areas, and Kids vs. Global Warming, a group that Looz founded with support from the nonprofit Earth Island Institute.

The first states that will face lawsuits are Alaska, Arizona, California, Colorado, Massachusetts, Minnesota, Montana, New Mexico, Oregon and Washington. Hawaii and New Jersey are going to be served with notices that lawsuits are coming, while the other 38 states and the District of Columbia will receive petitions that ask to put climate policies in place.

"What courts can do is, they can take the politics out of atmospheric protection, and they can put the science back in," Olson said. "They can establish the threshold of what needs to be done, and tell the government, you need to reduce carbon dioxide emissions by 6 percent a year, so we can protect the atmosphere for future generations. We're not trying to tell government the ins and outs of how to do it."

Climate and common law

Legal experts say the new legal campaign parallels another common-law case brought by states and environmental groups that was heard by the Supreme Court earlier this year.

That lawsuit, which was filed against the five largest coal-burning utilities in the country, claimed that greenhouse gas emissions from coal plants are a "public nuisance" because of their contribution to climate change. A federal appeals court had ruled that the case could proceed, ordering a district judge to decide whether specific power plants should cut their emissions.

Most of the Supreme Court seemed skeptical during oral arguments last month. Justice Ruth Bader Ginsburg, who is generally considered one of the more liberal judges on the nation's high court, asked why judges should weigh those concerns when EPA has the scientific expertise to do it ([Greenwire](#), April 19).

Under a 2007 decision by the Supreme Court, the agency has decided that greenhouse gases are a threat to human health and welfare and must therefore be regulated under the Clean Air Act. The Obama administration has argued that the new Clean Air Act rules should pre-empt legal challenges that ask judges to limit greenhouse gas emissions.

Critics of the new lawsuits say climate change is a wide-reaching and complex "political question" that is best left to Congress and the executive branch. Even some proponents of policies to cut down on greenhouse gas emissions have doubts about the public trust strategy.

"When you're suing the government for failure to regulate, good luck," said one environmental attorney who is not involved in the new round of lawsuits. "That plays into the political question doctrine, so they've got their hands full. I don't buy into this strategy."

Hans von Spakovski, a senior legal fellow at the conservative Heritage Foundation, said the public trust doctrine doesn't make sense for climate change. While it might make some sense for public waters, where there is often a clear source of pollution, there are billions of sources of carbon dioxide, and most of them are in other countries.

Even if the United States managed to cut its emissions, there's no guarantee it would make a difference, von Spakovski said. That's what makes it a policy question that the legislative branch must answer, he said.

"If you think state government should be doing something about this, go lobby the state government," von Spakovski said. "Work on electing people to the state legislature who you think will have the right opinion on these kinds of issues. That's how you do it in a democratic system. It's a slow, complicated process, but it's the system that we have."

State lawsuits

The activists aren't sparing any states from their lawsuits -- not even California, which passed a climate change bill in 2006 and is now preparing a cap-and-trade program to limit carbon dioxide emissions in the state.

Lawyers [filed suit](#) (pdf) against the state and Gov. Jerry Brown (D) yesterday in San Francisco Superior Court. California's A.B. 32, which established a target of 1990 emissions levels by 2020 and set up a host of regulations and a market-based system to achieve it, is not enough, Oakland-based lawyer Sharon Duggan said.

Duggan said she spoke to Brown's staff about the case, but they couldn't reach an agreement. A spokesman for Brown declined to comment.

"The state of California has told us unequivocally that they will not agree that the atmosphere is a public trust resource," Duggan said. "Everyone will agree that California is a leader in trying to deal with the climate crisis, but on this particular issue they would not concede that point."

Though no one has argued in court that the atmosphere should be a public trust, the underlying concept isn't unheard of in California. One precedent could be the California Supreme Court's 1983 decision that the state should have considered the public trust before granting Los Angeles users the right to tap Mono Lake, northeast of Yosemite National Park.

"California is doing a lot, but their failure to embrace the atmosphere as a public trust resource prevents them from exercising their duty to take all action necessary to prevent the escalation of the climate crisis," Duggan said. "Whether you're at the state or federal level, the government has failed and the political arena is not getting the job done."

[Click here](#) (pdf) to read the federal lawsuit.

[Click here](#) (pdf) to read the California lawsuit.

Reporter Debra Kahn contributed.



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March 25, 2011

Arizona's Boon to Free Speech

In two consolidated cases on Monday, the Supreme Court will hear argument about an Arizona law that levels the playing field in state elections, by a public financing mechanism called triggered matching funds. These funds support, expand and promote political speech, carrying out a central purpose of the First Amendment.

The mechanism has the bipartisan support of business leaders as “a welcome increase in speech, not a limitation of speech.” It has the support of respected former state judges who know that this and similar public financing mechanisms are the best way to eliminate corruption from state judicial elections. It deserves the Supreme Court’s strong endorsement.

Arizona provides a set amount of money in initial public support for a campaign to candidates who opt into its financing system, depending on the type of election. If such a candidate faces a rival who has opted out, the state will match what the opponent raises in private donations, up to triple the initial amount. The amount raised in private donations triggers the matching funds.

Three years ago, the court struck down the “millionaires’ amendment” to the McCain-Feingold federal election law, which leveled the field in federal elections in a different way, by raising limits on contributions for candidates outspent by self-financed opponents. Writing for the majority, Justice Samuel Alito Jr. called it “an unprecedented penalty on any candidate who robustly exercises” free-speech rights. Translation: rich enough to spend his own money on a campaign.

This page found that wholly unpersuasive. The amendment added to the total amount of speech by making it easier for less-wealthy candidates to be heard. But with that precedent on the books, it is important to understand why it shouldn’t be applied in the Arizona cases. There is a fundamental difference between the millionaires’ amendment and the Arizona mechanism.

Because the amendment dealt with raising contribution limits, in theory it involved a prospect of more money from donors and more, not less, risk of political wrongdoing, like bribery; the amendment displeased the court in part because it didn’t combat corruption. The Arizona mechanism, by contrast, was designed to reduce both the risk and the appearance of corruption, which makes public financing appealing generally to the court and should make it appealing in these cases.

In addition, the court considers limits on contributions like those of the amendment as restrictions on speech. Rather than involving contribution limits, the Arizona mechanism involves public financing by the state. This difference is crucial. To the extent Justice Alito and others focus on the mechanism’s First Amendment implications, they should reach the

heartening conclusion that more public financing means more political speech in a calibrated way that combats corruption.

Striking down the mechanism would reduce speech and undermine Arizona's effort to rid itself of political corruption. It would provide new proof that the court is hostile to campaign finance laws without good reason.

March 25, 2011

Free Speech Worth Paying For

By CHARLES FRIED and CLIFF SLOAN

ON Monday, the Supreme Court will consider its first campaign-finance challenge since [Citizens United v. Federal Election Commission](#), the 2010 ruling that permits corporations and unions to spend as much as they wish to promote or defeat political candidates. Based on Citizens United, it might appear that the court would be inclined to wipe away all regulation of campaign finance. But that view would be mistaken.

The court will hear a pair of challenges to an Arizona law that provides public financing for candidates who agree to forgo private contributions, including their own. Under the law, adopted in 1998 as a citizen initiative in the wake of election scandals, Arizona allocates additional money to publicly financed candidates when their privately financed opponents spend more than a specified amount.

These challenges are being brought by political action committees and candidates for state office who say that the law violates their free speech rights. But it is the defenders of public financing schemes like Arizona's who have the First Amendment at their back. And they have Citizens United, with its broad protection for speech in the public square, on their side. (We submitted an amicus brief supporting the Arizona law on behalf of a bipartisan group of former elected officials.)

The First Amendment forbids any law "abridging the freedom of speech." While fearing the corrupting effects of unrestrained campaign spending, the people of Arizona abridged no speech, forbade nothing, restricted nothing. Instead, they followed the principle, set forth by Justices Louis Brandeis and Oliver Wendell Holmes Jr. in the 1927 case [Whitney v. California](#), that the remedy for speech that is threatening or inconvenient is "more speech."

Contrary to the challengers' claims, the Arizona law doesn't prevent privately financed candidates from speaking or spending as much as they like, or from raising as much as they like, or from raising as much money as they need. Nor does it place any limits on how much anyone may spend in support or opposition to a candidate. The law simply ensures that, when a candidate relying on private money speaks, the publicly financed candidate has the money to answer.

The notion that more speech inhibits or corrupts public debate contradicts the very premises of the Citizens United decision that government has no business limiting the source, content or quality of the speech deployed in debate. Indeed, decades of free speech opinions proclaim that the government has no business shutting down speech no matter what it says or who is saying it; it will not prohibit hate speech, for example, or speech glorifying the sexual subjugation of

women. Our First Amendment law trusts the people to choose what they will listen to and whom they will believe.

That noble, deep tradition has stood up against every claim that certain speech will confuse or mislead or drown out the more virtuous speech of others. The Arizona challengers in the two cases — [McComish v. Bennett and Arizona Free Enterprise Club v. Bennett](#) — believe their speech will be swamped by publicly financed candidates. That “drowning out” argument may be accepted in other countries, but our First Amendment denies that more speech silences the speech it challenges: it only answers it.

Of course, because publicly financed campaigns involve the government’s footing the bill for answering speech, that speech is portrayed as being in a different category. That too is an argument that runs against our free speech law. Over and over — whether it is financing artistic creativity, or campaigns against smoking or for premarital abstinence — the Supreme Court has insisted that government may add its voice to the private debate without being thought to inhibit or drown out the message of private speakers. And the Arizona law does not even pick the message, but merely adds to the voice of any qualifying candidate.

The broadest attacks on the Arizona statute, outlined in amicus briefs before the Supreme Court, would make any provision of public financing unconstitutional. But public financing — provided by 16 states and numerous local governments, including New York City — remains an important option for governments interested in providing candidates with an alternative to dependence on private contributions.

To suggest that this facilitation of speech by the government itself violates the First Amendment is perverse, and deeply antithetical to the nation’s First Amendment tradition. To prevail in this case, the challengers would have to countermand the very principles of the wide open, free and uninhibited nature of our campaign finance regime which in other contexts they celebrate. The principles of Citizens United should lead the Supreme Court to uphold Arizona’s campaign finance law.

Charles Fried, a professor of constitutional law at Harvard, was the solicitor general in the second Reagan administration. Cliff Sloan, a lawyer, is a former publisher of Slate.



Our view: Leave public financing in elections

3/27/2011

Political corruption in Arizona in the 1990s was so bad that a [sting operation swept up almost 10% of the Legislature](#) in a scheme to open a casino in the state. In one notorious episode, the chairman of the judiciary committee brought a gym bag to a meeting to carry away his \$55,000 bribe.



By Tim Dillon, USA TODAY
The Supreme Court will hear today a case about money in politics from Arizona.

Arizonans got so fed up with politicians on the take that they voted in 1998 to set up a ["clean elections"](#) system to try to limit the corrupting influence of money in politics. Like the public financing systems in other states, Arizona's doesn't force anyone to participate. It gives public campaign money to candidates who voluntarily agree to limit private contributions.

The system has been popular with candidates, and it seems to be working. After Gov. Janet Napolitano (now secretary of Homeland Security) won office in 2003 under the system, she was able to quickly enact a prescription discount plan over drug company opposition because, she said, ["special interests had nothing to hold over me."](#)

Not surprisingly, Arizona's system has been under attack from the beginning, and now its enemies appear on the verge of badly damaging it. The [Supreme Court hears arguments today](#) over a provision that tries to level the playing field by triggering matching funds for publicly financed candidates when their privately financed opponents spend more.

The privately financed candidates and interest groups challenging the provision complain that it restricts their free speech rights by discouraging them from spending — because that only leads to more money for their opponents. This might have been a convincing argument if there were evidence it was happening. But the challengers' evidence at trial was weak, and a study of Arizona elections by political scientists from Fordham, Harvard and Yale showed ["no evidence that spending has been chilled."](#)

Moreover, the contention that candidates are intimidated by publicly financed opponents is mystifying. Isn't it a long-held American principle that the cure for speech you disagree with is more speech of your own? Nothing in Arizona's law bars privately funded candidates from raising and spending as much as they can and, at a certain point, the public financing system stops matching private money.

In that sense, it is very different from last year's controversial Supreme Court decision that opened the floodgates for wealthy contributors seeking to influence the political system. That ruling gave corporations and labor unions an unlimited right to spend in elections on the grounds that such spending is a form of free speech and cannot be limited. The Arizona law does no such thing. Instead, it provides a way for willing candidates to succeed without selling their votes.

But the justices might have already made up their minds. They seemed to tip their hand last year, when they [halted Arizona's matching funds system](#) while the case was appealed. The court's intrusion changed the rules in the middle of the election process, at the expense of candidates who had already agreed to be bound by the public financing limits.

Elections provisions such as Arizona's are a vital attempt to clean up a system that is a form of legalized bribery. Too often, candidates get to office thanks to money that comes with strings attached, then spend much of their energy raising funds for re-election. Arizona citizens did something about that. It would be a [shame if the Supreme Court unraveled their effort](#).

Court should uphold Arizona campaign law

Published: March 27

SINCE THE late 1990s, candidates for state office in Arizona have had two options: privately finance their campaigns or accept only public funds, subject to a cap. Candidates who opt in to the public system receive an initial lump sum, which is drawn from taxpayer funds, court assessments and voluntary donations. These candidates then receive additional funds if their privately funded opponents exceed a specified spending limit; expenditures by independent groups that support privately funded candidates may also trigger increased funds to those who accept only public dollars.

Critics contend this system is perverse. Candidates who rely only on private funds know that the more they raise or spend, the more their publicly funded opponents gain in the way of taxpayer dollars. This reality, critics contend, forces privately funded candidates and the groups that support them to think twice before fully exercising their First Amendment rights, lest they prompt a government move that bolsters their competitors and serves to advance political points of view with which they disagree. Several individuals and independent groups in Arizona have challenged the law's constitutionality in a [case that will be heard by the Supreme Court on Monday](#).

Detractors make some valid points, particularly when it comes to the fairness of the provision on independent expenditures. Why should independent expenditures that favor a privately funded candidate essentially be used against that candidate by triggering an increase in public funding for the competitor?

Still, the law's core should be upheld, in no small part because the provisions in question were enacted in pursuit of the legitimate and compelling interests of reducing the corrupting influences of big money and special interests of all sorts. Privately financed candidates are permitted to raise as much money as they are able and are not restricted in how much of their own money they may use; publicly financed candidates, on the other hand, are subject to a cap on how much they may receive from the government, meaning that they could be outspent by a wealthy, self-financed candidate or one who is a prodigious fundraiser. Candidates rejecting public funds may also accept money from political action committees and political parties. Do privately funded candidates hesitate before surpassing the spending limit that triggers additional funds to a competitor? No doubt, but this is a strategic decision and not an exercise of government censorship or coercion.

If anything, the Arizona law encourages speech — a point made lucidly in an amicus brief written by former Reagan solicitor general Charles Fried on behalf of a bipartisan group of former lawmakers that includes onetime Republican senators Nancy Landon Kassebaum and

Alan Simpson and former Democratic senators Bill Bradley and Sam Nunn. “By providing a voluntary public financing system for candidates that is viable,” the brief concludes, “the [Arizona] program aims to increase the speech in Arizona’s public discourse, enriching the marketplace of ideas.”

June 27, 2011

Justices Strike Down Arizona Campaign Finance Law

By ADAM LIPTAK

WASHINGTON — In its first campaign-finance decision since its 5-to-4 ruling in the Citizens United case last year, the [Supreme Court](#) on Monday [struck down](#) an Arizona law that provided escalating matching funds to candidates who accept public financing.

The vote was again 5 to 4, with the same five justices in the majority as in the Citizens United decision. The majority said the law violated the First Amendment rights of candidates who raise private money. Such candidates, the majority said, may be reluctant to spend money to speak if they know that it will give rise to counterspeech paid for by the government.

“Laws like Arizona’s matching funds provision that inhibit robust and wide-open political debate without sufficient justification cannot stand,” Chief Justice John G. Roberts Jr. wrote for the majority.

The [Arizona Citizens Clean Elections Act](#), passed by a ballot initiative in 1998, gave public money to candidates who agreed to limit their personal spending to \$500, participate in at least one debate and return unspent money. Such candidates received initial grants and then more money based on the amounts spent by privately financed opponents and by independent groups supporting them.

Connecticut, Florida, Maine, Minnesota and North Carolina have adopted public financing systems similar to Arizona’s, but courts have blocked the enforcement of several of them.

The decision Monday, the Roberts court’s first direct look at public campaign financing, concerned only systems that use matching funds, as opposed to lump-sum grants. About a third of the states have some form of public financing, as does the federal government for presidential elections.

“We do not today call into question the wisdom of public financing as a means of funding political candidacy,” Chief Justice Roberts wrote. “That is not our business.”

Supporters of the law said the decision could have been worse. “Chief Justice Roberts at least recognized that public financing is a valid constitutional option,” said Monica Youn, a lawyer with the [Brennan Center for Justice](#), which represented one of the defendants in the case.

As a consequence of the decision, states and municipalities are now blocked from using a method of public financing that is simultaneously likely to attract candidates fearful that they will be vastly outspent and sensitive to avoiding needless government expense.

“The government can still use taxpayer funds to subsidize political campaigns, but it can only do that in a manner that provides an alternative to private financing” said William R. Maurer, a lawyer with the [Institute for Justice](#), which represented several challengers of the law. “It cannot create disincentives.”

Chief Justice Roberts said that all escalating matching funds placed an unconstitutional burden on politicians who chose not to participate. But he added that Arizona’s system also created problematic asymmetries and anomalies. Candidates with several opponents could generate multiple subsidies every time they spent money, and spending from unaffiliated supporters could do the same.

Justice Antonin Scalia, Anthony M. Kennedy, Clarence Thomas and Samuel A. Alito Jr. joined the majority opinion.

Three years ago, in *Davis v. Federal Election Commission*, another 5-to-4 decision with the same justices in the majority, the court struck down a superficially similar federal law known as the “millionaire’s amendment.” That law allowed candidates to raise amounts over the usual contribution limits when rich opponents spent more than a given amount of their own money.

Justice Alito, writing for the majority, said the law imposed “an unprecedented penalty on any candidate who robustly exercises” free speech rights guaranteed by the First Amendment.

Chief Justice Roberts said the logic of the *Davis* decision required the court to strike down the Arizona law. Indeed, he said, it is one thing for the government to allow candidates to seek additional contributions and another for the government to send a check.

“The cash subsidy, conferred in response to political speech, penalizes speech to a greater extent and more directly than the millionaire’s amendment in *Davis*,” Chief Justice Roberts wrote.

The decision concerned two consolidated cases, *Arizona Free Enterprise Club v. Bennett*, No. 10-238, and *McComish v. Bennett*, No. 10-239. It was the fifth ruling from the Roberts court cutting back on the government’s ability to regulate campaign finance.

In a dissent summarized from the bench, Justice Elena Kagan said the Arizona law advanced First Amendment values.

“What the law does — all the law does — is fund more speech,” she wrote. Justices Ruth Bader Ginsburg, Stephen G. Breyer and Sonia Sotomayor joined the dissent.

“Arizona, remember, offers to support any person running for state office,” Justice Kagan wrote. The candidates who challenged the law declined to accept that help, she said.

“So they are making a novel argument: that Arizona violated *their* First Amendment rights by disbursing funds to *other* speakers even though they could have received (but chose to spurn) the same financial assistance,” Justice Kagan wrote. “Some people might call that *chutzpah*.”

The Davis decision, Justice Kagan wrote, involved a different issue, as it concerned a law that raised contribution limits disproportionately.

The majority and dissent disagreed about whether the Arizona law was supported by a permissible government rationale.

Chief Justice Roberts wrote that its main purpose was to level the playing field for political speech, which several earlier decisions have said is an improper goal.

“It is not legitimate for the government to attempt to equalize electoral opportunities in this manner,” he wrote. “And such basic intrusion by the government into the debate over who should govern goes to the heart of First Amendment values.”

“ ‘Leveling the playing field,’ ” Chief Justice Roberts wrote, “can sound like a good thing. But in a democracy, campaigning for office is not a game.”

Justice Kagan countered that the main purpose of the law was to root out corruption and the appearance of corruption by encouraging candidates to participate in public financing systems, a goal the Supreme Court has endorsed.

“Like citizens across this country, Arizonans deserve a government that represents and serves them all,” she wrote. “And no less, Arizonans deserve the chance to reform their electoral system so as to attain that most American of goals. Truly, democracy is not a game.”

HUFFPOST LOS ANGELES

Edward Headington

March 8, 2011

Pledging Allegiance to Reforming Our System: Vote Yes on Measure H

There are enduring American touchstones that took root in our childhood and continue on as we get older and become fathers and mothers and grandparents: taking off our caps during our national anthem, singing "Take Me Out to the Ball Game" during the 7th inning stretch, and placing the right hand over our heart for the Pledge of Allegiance. It might be muscle memory for some but the words often carry a far deeper meaning. I am particularly mindful that we pledge allegiance not just to the flag of our country but also to the "republic for which it stands." Given the corrosive nature of money in politics and how it corrodes our democratic foundation, it is important to limit the flow of the special interest spigot or at least create more opportunities for regular people to compete through public financing. This is why I am supporting Measure H on the March 8th ballot here in Los Angeles. It is a vote for honest government.



(Photo by Headington Media Group)

Common Cause's Kathay Feng speaking at the Huizar Government Reform Forum Series

Public financing of campaigns does not address the fact that wealthy candidates like Mike Bloomberg, Meg Whitman, Michael Huffington and [Al Checchi](#) still have an undue advantage in our electoral process. But as the recent gubernatorial race here in California showed, sometimes the one with less money wins -- especially if they're part of an existing political brand. Actor and pundit Alec Baldwin made the following point in a recent [HuffPost piece](#), "Candidates for public office may not need 'ceilings' imposed on them for campaign spending, but they do need 'floors,' a publicly funded source of money that will insure that qualifying candidates receive enough cash to achieve 'media saturation' in the region in which they are running."

The Citizens United decision has unlocked the floodgates for big corporate and union spending and overturned a century of laws and decades of legal precedent in the process. Billionaire brothers David and Charles Koch are the new poster boys of the moneyed special interests. Earlier this year, Common Cause and a number of other progressive organizations protested the Koch brothers during their annual meeting here in California to raise awareness of their political money trail -- from Wisconsin to Nebraska.

The City of Los Angeles faces serious challenges in the short- and mid-term, and soon another mayoral contest to set the direction of the city we love. Simply stated, we need the best ideas and leaders to come forth regardless of wealth and the special interest support that unduly influence our elections. We should make a preemptive strike against -- or at least keep at bay -- the Koch Brothers and their ilk from pushing more money into our elections. Campaign finance laws should be strengthened, not weakened, and supporting [Measure H](#) would perform two basic reforms: (1) Lift the cap on public finance trusts to create a more robust public financing system and (2) Ban prospective private companies with pending bids on City contracts from making campaign contributions.

Bidder Ban. The problem with our campaign finance system is that it invites the public to believe that government policies are open to the highest bidder. This widespread perception has a corrosive effect -- especially when coupled with crises like water, budget, etc. The "Bidder Ban" would mean that bidders on large L.A. city contracts would not have to worry about fundraising for elected officials to curry favor but rather the actual merits. Measure H addresses this by banning campaign contributions and fundraising by bidders on contracts worth \$100,000 or more and subject to elected official approval. The ban includes contributions by their principals and any \$100,000 subcontractors and their principals. The lower bidder is more likely to win if campaign fundraising and contributions are not in the way. This is better for taxpayers as lower bids mean a lower budget.

Strengthening the Campaign Trust Fund. Los Angeles city elections have not skyrocketed as much as other cities because L.A. voters passed a 1990 ballot measure that provides matching funds to qualified candidates who voluntarily agree to spending limits. A majority of the candidates for office have used the systems and thus avoided a costly spending arms race. Unfortunately, the funding provided by the system hasn't kept up with campaign costs. Measure H addresses this problem by allowing the trust fund to grow to keep up with the times. The 1990 voter-approved annual allocation will not change nor will it require an increase in allocation of general fund dollars from the City budget.

Protecting the Budget during Fiscal Emergencies. Measure H allows the City Council to suspend the voter-mandated annual allocation to the Campaign Trust Fund and even borrow from the fund during declared fiscal emergencies when the fund is above \$12 million.

Many elected officials, reform advocates, experts and news outlets have endorsed the "Yes on H: H is for Honest Government" campaign, including Council President Eric Garcetti, the William C. Velazquez Institute, the California Clean Money Campaign, Common Cause, the Los Angeles Times, and the League of Women Voters of Los Angeles.

One of our most colorful California Assembly speakers -- referred to as "[Big Daddy](#)" -- said that "Money is the mother's milk of politics." With folks like the Koch brothers around, it is probably truer now than when he said it in the 1960s. The question is: is this the best we can do? The current formula that gives many advantages to wealthy candidates and rewards special interests is bad for all of us. Why not pledge allegiance to reforming the system that creates a more inclusive Los Angeles and, by extension, a more democratic republic? Vote Yes on H on March 8th.



Op-Ed: California Clean Money Campaign: Voters Resoundingly Say "YES" to Fair Elections in Los Angeles

Author: California Clean Money Campaign
Published on Mar 10, 2011

March 9, 2011 - Last night, Los Angeles residents sent a message to leaders across the state and across the country: It's time to end corporate and big money special interest control of our political system.

By an overwhelming 3-1 margin, 75% of Los Angeles residents voted "YES!" on Measure H, the Los Angeles Clean Money, Fair Elections measure.

The immediate ramification of Measure H is that bidders on large city contracts will no longer be allowed to make campaign contributions to elected officials who decide who wins - some of the most potentially corruptive campaign contributions one could imagine.

But the most important result of Measure H is lifting the maximum balance in the City's public financing campaign trust fund. This will eventually allow L.A. to move to full, Clean Money, Fair Elections public funding of campaigns, so that candidates don't take big money from any special interest donors and are accountable only to the voters. And believe us, when the time is right, we'll be asking you all to help demand that it does!

This victory has statewide and national implications. As Nick Nyhart, President of the national Public Campaign said:

"There should be no doubt about it - this is a victory that will boost the fortunes of money and politics reform far beyond LA."

The hundreds of you across the state who donated and made phone calls to make it happen should be extraordinarily proud, because you helped make it happen!

This has been a long road, showing how important it is to be persistent when it comes to reform: The California Clean Money Campaign and its allies have been working with L.A. City Council on Clean Money for six years, starting in 2005. Council President Eric Garcetti and Councilmember Jose Huizar deserve great praise for co-authoring Measure H as a major step towards Fair Elections for L.A. and for working so hard to get it passed.

Measure H's victory was a fantastic volunteer and coalition-driven victory. California Common

Cause worked alongside CCMC to get it passed, along with a powerful coalition including the League of Women Voters of Los Angeles, California Nurses Association, California Church IMPACT, California NOW, California Participation Project, California Partnership, Consumer Federation of California, Change Congress, Coffee Party - Los Angeles, Democracy Matters, Los Angeles Federation of Labor, National Korean American Service & Education Consortium, Public Campaign, Public Citizen, Youth Speak Collective, William C. Velasquez Institute, Anahuak Youth Sports Association, El Centro del Pueblo, Community Union, CBO (Consejo Binacional Organizaciones Comunitarias), Democracy for America and many other local organizations and groups.

We hope you savor this exciting and resounding victory towards taking back our democracy as much as we do. It is a major step towards making sure that elections are won, not bought - the first of many more to come if we all keep working together!

As always, thanks for everything you do to support Clean Money and Fair Elections!

- Trent, Jo, Robin, Wayne, Brad, Tobi, and the rest of the California Clean Money Campaign team.

Website: www.caclean.org



2011 Award Winners

<p>Visionary Award goes to the film that raises awareness of a political or social issue, and seeks to effectuate a change in our society for the common good.</p>	<p>The Big Uneasy (USA) directed by Harry Shearer for his provocative film on New Orleans. And if there is one thing that he wants us all to remember is: the Flooding of New Orleans in the aftermath of Katrina was NOT a natural disaster. It was a manmade disaster that could have been prevented and is very likely to happen again if our government doesn't do something and fast.</p>
<p>World Cinema - Cine Latino Award:</p>	<p>Memories of Overdevelopment (Cuba, feature) directed by Miguel Coyula</p> <p>Wind (Vento) (Brazil, short,) directed by Marcio Salem</p>
<p>World Cinema -Focus Middle East: Awarded to a film about Middle Eastern film that helps us to understand the issues in this area.</p>	<p>David & Kamal (Israel/Japan, feature) directed by Kikuo Kawasaki</p>
<p>Best in Horror:</p>	<p>True Nature (USA, feature) directed by Patrick Steele</p> <p>Story of My Life (France, short) Pierre Ferriere</p> <p>Zombie (USA, short) Thomas Caruso</p>
<p>Washington, DC Filmmaker Award:</p>	<p>Evan Marshall director of Late Rounders New Filmmaker Award for an outstanding first feature film. Evan Marshall's documentary Late Rounder just played at 3:30pm to a packed house.</p> <p>Sowande Tichawonna director of "The New "N" Word, is a longtime friend of the festival, he was around in the beginning to encourage a film festival that would champion local filmmakers. And this year we honor his latest film.</p>

	Ed Becker director of Veterans for Peace and for all the documentation that he does almost everyday to chronicle the state of our union. Eddie is also a generous filmmaker that helps fellow filmmakers with their projects and for this, we award him the DCIFF Washington, DC Filmmaker Award
Grand Jury Award - Best in Feature:	Virgin Alexander (USA) <i>directed by Charlotte Barrett and Sean Fallon</i> Amber Rose (USA) <i>directed by Mike Trippiedi</i>
Grand Jury Award - Best in International Feature:	Migrant Worker (Russia) <i>directed by Yusup Razykob</i> , a film that brings awareness about the challenges of recent immigrants to a new country. It is a universal story, brought to life in a touching and well crafted manner.
Grand Jury Award - Best in Short:	Carrier of Men (France) <i>directed by Antares Bassis</i> Charcoal Burners (Poland) <i>directed by Piotr Ziatorowicz</i>
Grand Jury Award - Best in Documentary:	Priceless (USA) <i>directed by Steven Cowan</i> Everyday Sunshine: The Story of Fishbone (USA) <i>directed by Chris Metzler and Lev Anderson</i>
Grand Jury Award - Best Student Film:	Released to Life (USA) <i>produced by Kripa Koshy and Lily Hua Qin</i>
Grand Jury Award - Best in Animation:	Paper Daydream (UK) <i>directed by Jun Iwakawa</i> Sintel (UK) <i>directed by Colin Levy</i>
Audience Award - Best in Feature:	Virgin Alexander (USA) <i>directed by Charlotte Barrett, Sean Fallon</i>
Audience Award - Best International Short:	It's Better When You Hear It (Puerto Rico) <i>directed by Javier Colon</i>
Audience Award - Best Short:	Waking Eloise (USA) <i>directed by Bobby Marinelli</i>
Audience Award - Best in International Documentary:	Boy Mir: Ten Years in Afghanistan (UK) <i>directed by Phil Grabsky</i>

Audience Award - Best in Documentary:	Late Rounders (USA) directed by <i>Evan A. Marshall</i>
Audience Award - Best in International Animation:	Sintel (UK) directed by <i>Colin Levy</i>
Audience Award - Best in Animation:	The Fighter (USA) directed by <i>Steven Ly</i>

HUFFPOST POLITICS



Fred Wertheimer
President, Democracy 21

Supreme Court Denies Review of Decision Upholding Constitutionality of Public Financing Law

June 28, 2011

The Supreme Court today [denied](#) a request for the Court to review the decision by the Second Circuit Court of Appeals in *Green Party v. Lenge* that upheld the constitutionality of the provisions of the Connecticut public financing law for the financing of minor party candidates.

This is an important victory for the people of Connecticut, for the Connecticut public financing law and for the cause of public financing of elections. It leaves the Connecticut public financing system intact and free to continue functioning as enacted by the legislature.

Today's Supreme Court decision confirms that public financing of elections is alive and well. The battle for public financing of elections nationally and in the states will proceed full steam ahead.

The decision today comes one day after the Supreme Court in *Arizona Free Enterprise v. Bennett* struck down a provision of the Arizona public financing law that provided "trigger funds" for publicly financed candidates. "Trigger funds" are additional public funds that are given to publicly financed candidates who face large expenditures by opposing privately-financed candidates and by outside groups. The Connecticut public financing law does not contain "trigger funds" provisions.

The Supreme Court's decision today is consistent with the Court's longstanding position since the 1976 ruling in *Buckley v. Valeo* that public financing of elections is a constitutional and viable means for financing elections in this country and for combating government corruption.

Democracy 21 President Fred Wertheimer managed Democracy 21's pro bono legal team that [represented](#) intervening defendant Common Cause in the Supreme Court in the Green Party case, and was a lawyer in the case.

The Democracy 21 legal team in the Supreme Court was led by former U.S. Solicitor General Seth Waxman and Randy Moss of WilmerHale and Scott Nelson of the Public Citizen Litigation Group. Other lawyers in the case included attorneys from Democracy 21 and the Campaign

Legal Center. Also representing the intervener defendants in the case in the Supreme Court were lawyers from the Brennan Center for Justice and Hogan Lovells.

THE Nation.

Curbing Big Money

By: Nick Nyhart and David Donnelly, April 7, 2011

As Congressional and White House negotiators wrestled with competing budget plans to avoid a government shutdown, no sane observer believed they'd put corporate tax loopholes—the kind large enough for a \$3.2 billion rebate for profitable, and politically powerful, General Electric—on the chopping block. It was easy to see why: as negotiators preserved GE's tax breaks and cut programs for the poor, power-brokers in Washington operated at breakneck speed, attending the 122 fundraising events for lawmakers over the final few days of March, as chronicled by the Sunlight Foundation's PoliticalPartyTime.org.

Unfortunately, it's a story Americans know all too well. For three elections in a row—2006, 2008 and 2010—we've sent people to change the way Washington works, only to see Washington's big-money culture change them. Those we elect to Congress are focused too much on raising money and not enough on creating jobs, protecting a beleaguered middle class, mending the torn social safety net and securing a sensible energy future.

The House voted to repeal healthcare reform after taking millions of dollars in campaign contributions from medical and insurance interests. Tea Party favorite Jim DeMint, along with eighteen colleagues, introduced a Senate bill to repeal the tepid financial reform bill passed last year. Collectively, the senators backing repeal of those reforms have taken nearly \$50 million in campaign contributions from the very Wall Street interests affected by the law, according to data from the Center for Responsive Politics. House Energy and Commerce Committee hearings sound more like Big Oil/King Coal conventions than an enlightened oversight committee puzzling out our nation's energy future.

Along with their efforts to advance or repeal policies, moneyed interests and their front groups like the US Chamber of Commerce, Karl Rove's Crossroads consortium, and David and Charles Koch's Americans for Prosperity are pushing for structural changes to our political system to ensure that only the voices of the elite are heard and everyone else is left to fend for him- or herself. Across the country, big money is on the march. From the assaults on the collective bargaining rights of nurses, teachers and other public employees to targeted strikes against state Fair Elections public financing laws to numerous attacks on voting rights, deep-pocket conservatives are aggressively seeking to expand their advantage. These forces are also using the courts; in recent arguments before the Supreme Court, they pushed a case designed to limit Arizona's Clean Elections system.

Against this rising tide of big money, several proposals would begin to rebalance our election system. Fair Elections-style public financing, a constitutional amendment to reverse the Supreme Court's Citizens United decision, disclosure of the funding behind independent political advertising and shareholder approval policies for corporate political expenditures are all necessary, but each faces tough opposition in the current Congress. That's not to say progress

isn't possible. On April 6 Senator Dick Durbin and Representatives John Larson, Walter Jones and Chellie Pingree reintroduced the Fair Elections Now Act—with fifty-four co-sponsors, more than ever before.

But to succeed, reform efforts—particularly in the Citizens United age—must become part of a larger fight that gives voice to what average Americans think: that our system listens too much to money and too little to people.

And that's exactly what's emerging. A dozen environmental groups came together in early February to coordinate efforts to expose oil and coal companies' political clout. Community-organizing and faith-based groups together with the Service Employees International Union are fighting to hold banks accountable for the foreclosure crisis, hitting them hard on how they've bought off regulators and politicians.

In Wisconsin, right-wing donors like the billionaire Koch brothers thought they'd hit pay dirt, but what was supposed to be an isolated budget debate awakened and united workers and activists perhaps more than any event in a generation. Tens of thousands across the country have rallied at statehouses against anti-worker legislation and in solidarity with Wisconsin. On March 16 rank-and-file union members joined reformers and others at a 1,000-person Washington protest against a lobbyist fundraiser for Republican lawmakers from Wisconsin.

These events add up to a common narrative, one that is rooted in the deeply American belief in government of, by and for the people, not of, by and for the big-money interests. Election-night polling conducted last year for the Public Campaign Action Fund and Common Cause by Lake Research Partners showed that 75 percent of voters agree that "the amount of money being spent this year on political campaign ads by candidates, political parties, and outside groups poses a real threat to the fairness of our elections and the ability of Congress to get results on our most important issues." Support is strong across party lines, with 62 percent of Republican voters—and 60 percent of Tea Partiers—agreeing that it's urgent for Congress to curb the influence of money in our elections.

When it comes to who controls elections, people at the grassroots don't see big money as blue or red. Americans of every stripe know there's a "buy-partisan" problem. Issue organizations and membership groups—and office seekers across the country—would be strategically wise to seize this populist sentiment and wield it like a club against politicians who defend the cash-and-carry status quo.

To ignore this challenge is to surrender. On so many fights—holding big banks accountable, shifting to a green energy economy, forcing a debate on revenues as part of state budget discussions—there is a critical choice. Will we allow a few well-heeled, unrepresentative special interests to continue to call the shots and let the rest of America foot the bill? Or will we fight back and revitalize the notion of an America for the many, not the money?

Assaults on workers and voting rights: an organized attack to shift political power

By Nick Nyhart and Tova Wang

Monday, May. 09, 2011

At a congressional hearing in April, Gov. Scott Walkerm R-Wis., admitted - on the record - that cutting collective bargaining rights for state workers would not save Wisconsin any money. With this admission, Gov. Walker removed any remaining doubt that the debates about public unions are about budgets or deficits. Instead, it's all about power.

But it's not just the assault on unions that illustrates this deeply troubling agenda. In fact, there is a well-organized and well-funded national attack on several areas crucial to our democracy including the unprecedented onslaught of bills meant to disenfranchise under-represented communities and the evisceration of campaign finance regulation.

These assaults on ballot access and electoral competitiveness affects people in every community and threatens the ability of our most marginalized neighbors to exercise their voice in our democracy. And it tips the scales even further to moneyed interests that benefit from reduced citizen participation.

In at least half the states, lawmakers are advancing legislation that would require voters to produce government issued photo identification at the polls in order to cast a ballot. It is no coincidence that the very groups that voted in historic numbers in 2008 - blacks, Latinos, young people and seniors - are among the ones most likely disenfranchised by these laws. Just when these traditionally under-represented groups are starting to make their voices heard in serious numbers, the Right seeks to silence them. Betraying their true motivations, while cutting essential services, these fiscal conservatives are more than happy to spend millions of dollars on a voter ID program to solve a problem that does not actually exist - voter impersonation at the polls.

The Supreme Court's Citizens United decision, which made it easier for corporations to influence elections, is the best-known result of a "money-is-speech" legal strategy to sweep aside regulation of political cash. But it is just one in a string of efforts to further tilt the playing field in favor of deep-pocketed interests. Newly empowered legislative leaders on the state level have targeted "Clean Elections" systems that allow candidates to run for office with a combination of small donations and public funds. In Congress, big-money-backed budget cutters have targeted the decades-old presidential public financing system for extinction, even as reformers attempt to refresh the now-antiquated regime.

The third major front in the current battle to reshape the political system is the concerted effort to dramatically reduce the clout of state public employee unions by eliminating their collective

bargaining rights or curtailing their ability to raise political funds. While Gov. Walker's battle with organized labor in Wisconsin has drawn the most attention, similar efforts by conservatives are under way in at least 15 more states, most notably Ohio and Indiana.

In Wisconsin we get all three. Koch Industries led by the billionaire Koch brothers, were a leading force in funding efforts that led to Walker's election and the shift to Republican control of the state legislature. In addition to the assault on public employees, the Wisconsin legislature is poised to pass the most restrictive voter ID laws in the country - in fact, it was the very first measure the legislature took up when the Democratic members fled the state. At the same time, the state's new budget eliminates funding for Wisconsin's program that provides public funds for judicial candidates who forgo big private campaign donations.

In North Carolina, retail magnate Art Pope, who serves alongside the Koch brothers on the board of Americans for Prosperity, funneled about \$2.2 million into North Carolina races during the last election cycle to help turn the North Carolina legislature Republican for the first time since Reconstruction. The new majority has made a priority of passing restrictive voter ID legislation while also attempting to eliminate the state's Voter Owned Election law that sharply reduces the importance of big campaign contributions in elections for statewide offices.

While these initiatives are playing out in scores of separate battles, they amount to a single war on democracy, pitting the political rights of the many against the deep pockets of a relative few. Instead of helping build an economy based on broadly shared prosperity, we see a government that gives tax breaks to the rich and big corporations, deregulates the financial industry, subsidizes dead-end energy policies but allows millions to go without health care.

Each of the rules changes cited above represents a transgression on traditional democratic values. In a well-functioning democracy, of course, a rebellious electorate might countermand such policies. And that is just what these right-wing operatives are seeking to pre-empt.

ABOUT THE WRITERS

Nick Nyhart is president and CEO of Public Campaign (www.publiccampaign.org), and Tova Wang is senior democracy fellow at Demos, a non-partisan public policy center (www.demos.org).

April 19, 2011

Cuomo Helps Groups Mobilize for Gay Marriage Bill

By MICHAEL BARBARO

Gay rights groups, which suffered the stinging defeat of a same-sex marriage bill in New York State in 2009, will publicly mount a new campaign for the legislation starting this week, relying on the popular Democratic governor, Andrew M. Cuomo, to overcome Republican resistance and their own history of poor coordination.

Under the supervision of the governor's staff, the groups intend to raise more than \$1 million for a media blitz, hire a powerful political consultant close to the Cuomo administration and deploy field organizers to the districts of more than a dozen key lawmakers to drum up support, according to interviews with those involved in the effort.

In contrast to their failed drive for a marriage bill two years ago, the advocates envision a short, disciplined and intense run-up to a vote in the State Legislature, raising the prospect that gay couples may be allowed to wed in New York by early summer.

Their overriding aim: avoid the mistakes and miscommunications of 2009, when those lobbying for same-sex marriage sent conflicting messages, misjudged the opposition and won far fewer votes than they had predicted. After passing in the Assembly, the bill was defeated in the Senate, 38 to 24.

Partly because of that defeat, the advocates are uneasy about making predictions this time, and have been meeting mainly in secret. But Mr. Cuomo, who has vowed a personal push to win passage of same-sex marriage this year, has instructed his staff members to oversee the campaign to ensure it runs smoothly.

In weekly meetings over the past four weeks, at the governor's office in Manhattan, high-level aides to Mr. Cuomo have repeatedly pressed advocates to communicate to lawmakers and the public with one voice.

"If this gets done, it's through coordination," the governor's top aide, Steve M. Cohen, has told the advocates, according to those who have participated in the Friday afternoon sessions.

To that end, four influential gay rights groups — the [Empire State Pride Agenda](#), the Human Rights Campaign, [Freedom to Marry](#) and Marriage Equality New York — will form a single organization called New Yorkers United for Marriage.

The coalition is hiring Jennifer Cunningham, a veteran labor and media strategist who is close to the governor and has advised his campaigns. Ms. Cunningham and her firm, SKD Knickerbocker, will oversee the coalition's media campaign and political strategy.

The effort would most likely include television and radio advertisements. Depending on how the legislation fares, the groups could eventually unleash a flurry of campaign literature directed at individual lawmakers, those told of the discussions said.

Although the advocates proposed working with Ms. Cunningham, people briefed on the matter said the Cuomo administration later expressed support for the choice.

The groups intend to unveil the new coalition and consultant on Wednesday.

“Last time, there were lots of players, lots of organizations, lots of good will, but not the truly united effort that has come together to work hand in glove with the governor and legislative leaders,” said Evan Wolfson, the president of Freedom to Marry.

Two Democratic senators who voted against the bill in 2009 have since departed, replaced by supporters of the bill. Advocates now need to attract six more senators to ensure its passage. So far, they are focusing on about 15 lawmakers, Democrats and Republicans, whose votes could prove pivotal.

They are expected to focus on three New York City Democrats who voted against the bill but are considered open to switching sides: Joseph P. Addabbo Jr., Shirley L. Huntley and Carl Kruger. Among Republicans, they are looking at about a dozen senators, including Gregory R. Ball of Putnam County, Andrew J. Lanza of Staten Island, and Mark Grisanti, James S. Alesi and Roy J. McDonald, who represent upstate districts.

As she did in 2009, Christine C. Quinn, a Cuomo ally and the City Council speaker, who is openly gay, has traveled to Albany to build support. In the end, those involved in the campaign said, it may fall to Mr. Cuomo to make the case to wavering senators.

Advocates are expressing growing optimism that Mr. Cuomo can steer a marriage bill through the Legislature. They point to his passage of an on-time budget that cut spending without provoking political warfare — a modern miracle, by Albany standards; the governor's historically high approval ratings; and polling that shows, for the first time, that a solid majority of New Yorkers support legalizing same-sex marriage.

“We have an enormously popular governor committed to getting this done now, strong support from New Yorkers all around the state and a group of advocates who are highly coordinated,” said Brian Ellner, who is directing the Human Rights Campaign's efforts to legalize same-sex marriage in New York.

Ross D. Levi, the executive director of the Empire State Pride Agenda, said, “That is a terrific environment for this issue.”



Evan Wolfson, president of Freedom to Marry, sees a more unified effort.



Brian Ellner is directing efforts by the Human Rights Campaign to legalize same-sex marriage.

June 24, 2011

New York Allows Same-Sex Marriage, Becoming Largest State to Pass Law

By NICHOLAS CONFESSORE and MICHAEL BARBARO

ALBANY — Lawmakers voted late Friday to legalize same-sex marriage, making New York the largest state where gay and lesbian couples will be able to wed and giving the national gay-rights movement new momentum from the state where it was born.

The marriage bill, whose fate was uncertain until moments before the vote, [was approved 33 to 29](#) in a packed but hushed Senate chamber. Four members of the Republican majority joined all but one Democrat in the Senate in supporting the measure after an intense and emotional campaign aimed at the handful of lawmakers wrestling with a decision that divided their friends, their constituents and sometimes their own homes.

With his position still undeclared, Senator Mark J. Grisanti, a Republican from Buffalo who had sought office promising to oppose same-sex marriage, told his colleagues he had agonized for months before concluding he had been wrong.

“I apologize for those who feel offended,” Mr. Grisanti said, adding, “I cannot deny a person, a human being, a taxpayer, a worker, the people of my district and across this state, the State of New York, and those people who make this the great state that it is the same rights that I have with my wife.”

Senate approval was the final hurdle for the same-sex marriage legislation, which was approved last week by the Assembly. Gov. Andrew M. Cuomo signed the measure at 11:55 p.m., and the law will go into effect in 30 days, meaning that same-sex couples could begin marrying in New York by late July.

Passage of same-sex marriage here followed a daunting run of defeats in other states where voters barred same-sex marriage by legislative action, constitutional amendment or referendum. Just five states currently permit same-sex marriage: Connecticut, Iowa, Massachusetts, New Hampshire and Vermont, as well as the District of Columbia.

At around 10:30 p.m., moments after the vote was announced, Mr. Cuomo strode onto the Senate floor to wave at cheering supporters who had crowded into the galleries to watch. Trailed by two of his daughters, the governor greeted lawmakers, and paused to single out those Republicans who had defied the majority of their party to support the marriage bill.

“How do you feel?” he asked Senator James S. Alesi, a suburban Rochester Republican who voted against the measure in 2009 and was the first to break party ranks this year. “Feels good, doesn’t it?”

The approval of same-sex marriage represented a reversal of fortune for gay-rights advocates, who just two years ago suffered a humiliating defeat when a same-sex marriage bill was easily rejected by the Senate, which was then controlled by Democrats. This year, with the Senate controlled by Republicans, the odds against passage of same-sex marriage appeared long.

But the unexpected victory had a clear champion: Mr. Cuomo, a Democrat who pledged last year to support same-sex marriage but whose early months in office were dominated by intense battles with lawmakers and some labor unions over spending cuts.

Mr. Cuomo made same-sex marriage one of his top priorities for the year and deployed his top aide to coordinate the efforts of a half-dozen local gay-rights organizations whose feuding and disorganization had in part been blamed for the defeat two years ago.

The new coalition of same-sex marriage supporters brought in one of Mr. Cuomo’s trusted campaign operatives to supervise a \$3 million television and radio campaign aimed at persuading several Republican and Democratic senators to drop their opposition.

For Senate Republicans, even bringing the measure to the floor was a freighted decision. Most of the Republicans firmly oppose same-sex marriage on moral grounds, and many of them also had political concerns, fearing that allowing same-sex marriage to pass on their watch would embitter conservative voters and cost the Republicans their one-seat majority in the Senate.

Leaders of the state’s Conservative Party, whose support many Republican lawmakers depend on to win election, warned that they would oppose in legislative elections next year any Republican senator who voted for same-sex marriage.

But after days of contentious discussion capped by a marathon nine-hour closed-door debate on Friday, Republicans came to a fateful decision: The full Senate would be allowed to vote on the bill, the majority leader, Dean G. Skelos, said Friday afternoon, and each member would be left to vote according to his or her conscience.

“The days of just bottling up things, and using these as excuses not to have votes — as far as I’m concerned as leader, it’s over with,” said Mr. Skelos, a Long Island Republican who voted against the bill.

Just before the marriage vote, lawmakers in the Senate and Assembly approved a broad package of major legislation that constituted the remainder of their agenda for the year. The bills included a cap on local property tax increases and a strengthening of New York’s rent regulation laws, as well as a five-year tuition increase at the State University of New York and the City University of New York.

But Republican lawmakers spent much of the week negotiating changes to the marriage bill to protect religious institutions, especially those that oppose same-sex weddings. On Friday, the Assembly and the Senate approved those changes. But they were not enough to satisfy the measure's staunchest opponents. In a joint statement, New York's Catholic bishops assailed the vote.

"The passage by the Legislature of a bill to alter radically and forever humanity's historic understanding of marriage leaves us deeply disappointed and troubled," the bishops said.

Besides Mr. Alesi and Mr. Grisanti, the four Republicans who voted for the measure included Senators Stephen M. Saland from the Hudson Valley area and Roy J. McDonald of the capital region.

Just one lawmaker rose to speak against the bill: Rubén Díaz Sr. of the Bronx, the only Democratic senator to cast a no vote. Mr. Díaz, saying he was offended by the two-minute restrictions set on speeches, repeatedly interrupted the presiding officer who tried to limit the senator's remarks, shouting, "You don't want to hear me."

"God, not Albany, has settled the definition of marriage, a long time ago," Mr. Díaz said.

The legalization of same-sex marriage in the United States is a relatively recent goal of the gay-rights movement, but over the last few years, gay-rights organizers have placed it at the center of their agenda, steering money and muscle into dozens of state capitals in an often uphill effort to persuade lawmakers.

In New York, passage of the bill reflects rapidly evolving sentiment about same-sex unions. In 2004, according to a Quinnipiac poll, 37 percent of the state's residents supported allowing same-sex couples to wed. This year, 58 percent of them did. Advocates moved aggressively this year to capitalize on that shift, flooding the district offices of wavering lawmakers with phone calls, e-mails and signed postcards from constituents who favored same-sex marriage, sometimes in bundles that numbered in the thousands.

Dozens more states have laws or constitutional amendments banning same-sex marriage. Many of them were approved in the past few years, as same-sex marriage moved to the front line of the culture war and politicians deployed the issue as a tool for energizing their base.

But New York could be a shift: It is now by far the largest state to grant legal recognition to same-sex weddings, and one that is home to a large, visible and politically influential gay community. Supporters of the measure described the victory in New York as especially symbolic — and poignant — because of its rich place in the history of gay rights: the movement's foundational moment, in June 1969, was a riot against police at the Stonewall Inn, a bar in the West Village.

In Albany, there was elation after the vote. But leading up to it, there were moments of tension and frustration. At one point, Senator Kevin S. Parker, a Brooklyn Democrat, erupted when he and other supporters learned they would not be allowed to make a floor speech.

“This is not right,” he yelled, before storming from the chamber.

During a brief recess during the voting, Senator Shirley L. Huntley, a Queens Democrat who had only recently come out in support of same sex marriage, strode from her seat to the back of the Senate chamber to congratulate Daniel J. O’Donnell, an openly gay Manhattan lawmaker who sponsored the legislation in the Assembly.

They hugged, and Assemblyman O’Donnell, standing with his longtime partner, began to tear up.

“We’re going to invite you to our wedding,” Mr. O’Donnell said. “Now we have to figure out how to pay for one.”

Danny Hakim and Thomas Kaplan contributed reporting from Albany, and Adriane Quinlan from New York.



Majority Of New Yorkers Support Gay Marriage

By On Top Magazine Staff

Published: April 11, 2011

A majority of New York voters support gay marriage, [a new poll released Monday found](#).

The poll by the Siena Research Institute at the Siena College in Loudonville, New York found 58 percent of respondents in favor of legalizing marriage between two members of the same sex. Thirty-six percent are opposes and 6 percent don't know.

“Same sex marriage now has more support than it's ever had, with voters 55 and older and Republicans being nearly evenly divided, and voters younger than 55 and Democrats and independents being strongly supportive,” Siena's Steven Greenberg said in announcing the survey's results.

“This latest poll reporting that a super-majority of New Yorkers support the freedom to marry shows New Yorkers get it,” said Evan Wolfson, president of Freedom to Marry, a nationwide group that lobbies for the institution.

The poll also found Governor Andrew Cuomo's favorability rating at 73 percent, up from 69 percent last month.

Cuomo has said he'll back an effort to legalize gay marriage in the Empire state later this Spring.

An effort to approve such a law died in the Senate in 2009. Supporters hope Cuomo's wide appeal will help secure a win.

Wolfson said his group is already discussing strategy with New York leaders, including Cuomo.

“Freedom to Marry is working closely with Governor Cuomo, legislative leaders, and our partner organizations to end marriage discrimination here this Spring, and whether through phone calls, legislative visits, or conversations that prompt more people to take action, now is the time for everyone to pitch in and win New York,” he said.

Will GOP candidates attack marriage in Iowa, N.H.?

April 14, 2011

By Chris Johnson on April 14, 2011



Former U.S. House Speaker Newt Gingrich arranged for the donation of \$200,000 to the Iowa campaign in the 2010 election that successfully ousted three justices who ruled in favor of same-sex marriage from the bench.
(Blade photo by Michael Key)

The kick-off of the 2012 election season — marked by potential Republican presidential candidates' travels to the early primary and caucus states of Iowa and New Hampshire — is raising questions about the degree to which the GOP candidates pursuing the White House will attack same-sex marriage in these states where gay nuptials are legal.

The issue of marriage could come to the fore during the early stages of the 2012 race because it will be the first presidential election in which same-sex marriage is legal in the first two states to hold primaries. In Iowa, where same-sex marriage was enacted by court order, the Republican caucuses are scheduled for Feb. 6, and in New Hampshire, where marriage equality was enacted through legislation, the Republican primary is expected Feb. 14.

Many of the potential Republican presidential contenders are already on the record in their opposition to same-sex marriage or have histories working against the advancement of marriage rights for gay couples. For example, former Massachusetts Gov. Mitt Romney and former

Minnesota Gov. Tim Pawlenty have come out in favor of state and federal constitutional bans on same-sex marriage.

According to [Politico](#), Rep. Michele Bachmann (R-Minn.), who's pushed for a constitutional ban on same-sex marriage in her home state, railed against marriage equality on Monday in a speech at the latest installment of the Iowa Family Leader's presidential lecture series.

"In 5,000 years of recorded human history... neither in the East or in the West... has any society ever defined marriage as anything other than between men and women," Bachmann was quoted as saying. "Not one in 5,000 years of recorded human history. That's an astounding fact and it isn't until the last 12 years or so that we have seen for the first time in recorded human history marriage defined as anything other than between men and women."

Bachmann also reportedly called Iowa judges "black-robed masters" for legalizing same-sex marriage, echoing a line she used during a previous trip to the state.

"That's what you had here in Iowa: black-robed masters," Bachmann said. "They are not our masters. They are not our morality. They are not put there to make the decisions."

Last month, the [Los Angeles Times](#) reported that former U.S. House Speaker Newt Gingrich arranged for the donation of \$200,000 to the Iowa campaign in the 2010 election that successfully ousted three justices who ruled in favor of same-sex marriage from the bench. David Lane, executive director of Iowa for Freedom, the organization that led the campaign, reportedly said the ouster of the justices "wouldn't have happened without Newt."

"Newt provided strategic advice and arranged the initial seed money, about \$200,000, which is what got everything started," Lane was quoted as saying.

During the 2011 Conservative Political Action Conference in February., former U.S. Sen. Rick Santorum told the [Washington Blade](#) that one law should govern marriage throughout the country as he reiterated support for a U.S. constitutional amendment banning same-sex marriage.

"I was one of the authors of the Federal Marriage Amendment," Santorum said. "I don't think you can have varying laws on marriage. You run into, as we're seeing, all sorts of problems about reciprocity between the states. This is an issue that there should be a law, the people should be able to decide it and hopefully that's what will happen."

Still, as he reiterated his support for the Federal Marriage Amendment, Santorum also said the economy and national security should precede marriage as issues of importance in the 2012 election.

Other lower-tier candidates have positions different from full-throated opposition to same-sex marriage. Former U.S. ambassador to China and former Utah governor Jon Huntsman has endorsed civil unions, which is the same position on relationship recognition for same-sex couples that President Obama has. Indiana Gov. Mitch Daniels has called for a truce on social issues, which has earned him criticism from social conservatives within the Republican Party,

although he has wavered on his position on a state constitutional amendment banning same-sex marriage in his own state.

Fred Karger, a Republican political strategist and the first openly gay presidential candidate, told the Washington Blade he plans to speak out for same-sex marriage during his campaign as he predicted that other GOP presidential contenders will speak out against marriage as they seek support in Iowa and New Hampshire.

“It will be an issue,” Karger said. “Some of the Republicans running plan on making it an issue. I’m doing my best to stop that and talk about the advantage of gay marriage and just working in both states to move on to more important issues.”

Karger, who gained notoriety after he shed light on the Mormon Church’s involvement in Proposition 8, said he’ll “absolutely” advocate for preserving the right to same-sex marriage in Iowa and New Hampshire over the course of his presidential campaign.

“I think every other Republican who is considering running is adamantly opposed to gay marriage, and then you’ve got the gay candidate who is, of course, the only full equality candidate running in both parties,” Karger said.

Larry Sabato, a political scientist at the University of Virginia, said he thinks the marriage issue will figure prominently during the Iowa caucuses and the New Hampshire primary because of the nature of the voters in these elections.

“We’re talking about GOP primary voters and caucus-goers, and these are much more conservative than the general population — especially those attending a caucus,” Sabato said.

Sabato said he expects the candidates to express strong opposition same-sex marriage in Iowa because of the fundamentalist Christian influence on the Republican Party in the state and because it has become what he called a “big statewide issue.”

But in New Hampshire, where the state slogan is “Live Free or Die,” Sabato said social issues “may play less well.” Still, he observed candidates are stuck with publicly articulated positions wherever they go.

“Romney probably isn’t playing in Iowa so he’s under less pressure [to speak out against same-sex marriage],” Sabato said. “The candidates who are going to contest Iowa will have to tow the line on same-sex marriage. A handful will trumpet their position and make it a centerpiece of their campaigns. Examples: Rick Santorum and Michele Bachmann.”

Advocates who work on both sides of the marriage issue are urging Republican candidates to take strong positions either for or against same-sex marriage — depending on where the advocates stand — as the primary season approaches.

Maggie Gallagher, chair of the National Organization for Marriage, said via e-mail she thinks a Republican candidate who has a position other than opposition to same-sex marriage would not do well in the presidential campaign.

“I think it’s highly unlikely that any candidate who does not support marriage as the union of husband and wife will be a major player for the GOP nomination,” Gallagher said. “If NOM has done nothing else in our first three years (stop: and I think we’ve done more), we’ve clearly demonstrated electorally that it is a really bad idea to be for gay marriage if you are a Republican.”

But Evan Wolfson, executive director of Freedom to Marry, said Republican presidential candidates should look to other high-profile Republicans who have endorsed same-sex marriage — such as gay former Republican National Committee chair Ken Mehlman, former Vice President Dick Cheney, former U.S. solicitor general Ted Olson and former first lady Laura Bush — to determine how they should stand on the issue.

“With poll after poll showing majority support nationwide and increasing momentum in favor of the freedom to marry in virtually every part of the population, it’s in the best interests of Republicans to look to the right side of history, not the right-wing,” Wolfson said.

Still, Wolfson said he expects many Republican candidates would seek to appease social conservatives and “pander to hard-core anti-gay opposition” on the issue of marriage as they pursue their presidential ambitions.

“Such candidates will soon discover that bashing gay families and marriage does not play — and not just in the general electorate, but in states such as Iowa and New Hampshire where non-gay as well as gay family members have seen firsthand how neighbors, kin, and communities are strengthened by the freedom to marry — and the love, commitment and connectedness at its core,” Wolfson said.

The potential renewed attention to same-sex marriage as part of the upcoming presidential campaign also raises questions about whether marriage equality in Iowa and New Hampshire would be in jeopardy as a result of high-profile leaders coming to the states and speaking out against gay nuptials.

Rescinding same-sex marriage in Iowa couldn’t happen easily because marriage was put into place in 2009 as a result of a ruling by the state Supreme Court. Overturning the decision would require ratification of a state constitutional amendment. In Iowa, passage of such a measure requires approval in both chambers of the legislature in two concurrent sessions followed by a majority vote of approval from the electorate, so the earliest same-sex marriage could be undone is 2013.

On Feb. 1, the Republican-controlled Iowa State House approved a constitutional amendment by vote of 62-37, but Senate Majority Leader Mike Gronstal (D) has vowed to block the amendment in the Democratic-controlled Senate.

Troy Price, interim executive director of One Iowa, said he expects Republican presidential candidates to come to Iowa and speak out against same-sex marriage as his organization works to protect marriage equality.

“However, while they try to make this an issue, they are in no way speaking for all the Republicans in Iowa,” Price said. “Earlier this year, former Republican State Senator Jeff Angelo – who sponsored a marriage ban amendment five years ago – came out against current efforts to pass the Anti-Marriage Equality Amendment and write discrimination into our constitution, and we know that there are many other Republicans out there who feel the same way.”

Even with candidates’ rhetoric against same-sex marriage, Price said he remains “confident as ever that marriage will be protected.”

The legalization of same-sex marriage in New Hampshire could be in greater danger because it was enacted through the legislative process and could be repealed. Gov. John Lynch (D) has pledged to veto any repeal legislation that comes to his desk, but the Republican supermajority of the legislature seated last year could find sufficient votes to override his veto to undo the marriage law. A vote on repeal legislation is expected in the House in January, which would be shortly before the Republican presidential primary.

Mo Baxley, executive director of New Hampshire Freedom to Marry, said marriage equality remains popular in the state.

“I don’t think the candidates necessarily want to deal with this issue,” she said. “It’s actually pretty popular in New Hampshire — marriage equality. There’s really strong opposition to repealing it, and I just know if I were a candidate, I would want to weigh in on that.”



Rev. Gene Robinson (Blade photo by Michael Key)

Rev. Gene Robinson, the gay bishop of the Episcopal Diocese in New Hampshire, said last month in a Center for American Progress conference call that LGBT rights supporters in his state “are nervous and aware” of the possible impact on the Republican presidential primary, but nonetheless feels assured that marriage equality will remain on the books.

“We’re assuming that there will be a fight to repeal the marriage equality law in New Hampshire,” Robinson said. “There is a veto-proof majority in both the House and the Senate.

Clearly, the governor will veto a repeal if it comes through, but I'm fairly confident that we will get enough Republicans with us that we will forestall a veto."



Evan Wolfson
President, Freedom to Marry; author, 'Why Marriage Matters'

President Obama on the Freedom to Marry: 'Our Work Is Not Finished'

Posted: 04/21/11

Last night during a [speech](#) in which President Obama was ticking off the work still ahead for his administration, an audience member called him out on the freedom to marry. The president [responded](#), "Our work is not finished."

President Obama is right. The work -- and even his own journey to support -- is not finished. Freedom to Marry, with your help, is going to help the president get America where it needs to be.

Since we launched the "Say, I Do" campaign last month with an [Open Letter to the President](#), over 86,000 Americans have signed on. They have added their voices to civil rights icons like NAACP Board Chair Emeritus Julian Bond and Helen Fabela Chavez; Hollywood stars such as Ellen DeGeneres, Jane Lynch, Anne Hathaway; athletes; high-profile business and technology leaders; and clergy -- calling on the president to join the majority of Americans who support the freedom to marry for same-sex couples and their families.

President Obama has spoken about the gay and lesbian people in his life and their families and about how his feelings and position on the freedom to marry are "evolving." Freedom to Marry knows that we can help fair-minded people -- including President Obama -- wrestling with questions and uncertainty, and change their hearts and minds. Later this spring, we will bring to the president the stories, images, and voices of Americans who want to help him complete his journey to fairness.

In our letter to President Obama, we say:

We ask you now for your leadership on ending the exclusion of same-sex couples from marriage, an exclusion that harms millions of Americans each day. Whether to end discrimination in marriage is a question America has faced before, and faces again today. With so many Americans talking it through in heartfelt conversations, it is a question that calls for clarity from the President.

Join Freedom to Marry in encouraging the president to stand with the [majority of Americans](#) who support the freedom to marry by clicking [here](#) and signing onto the Open Letter to the President. Share the Open Letter with your friends to help us get well over 100,000. Marriage matters, families are in need, and together with the president, we can and must finish the work.

Follow Evan Wolfson on Twitter: www.twitter.com/freedomtomarry



Evan Wolfson: 'Ending exclusion from marriage helps families while hurting no one'

Posted by: Jay Kernis - Senior Producer
June 15, 2011



Answering today's five OFF-SET questions is **Evan Wolfson**, President of [Freedom to Marry](#).



After 61 years together as a couple, Richard Adrian Dorr and John Mace say they want to be married in New York. They are featured in a video on the Freedom to Marry web site.

Citing his national leadership on marriage and his appearance before the U.S. Supreme Court, the National Law Journal named Wolfson one of "the 100 most influential lawyers in America," in addition to being named one of Time magazine's list of "the 100 most influential people in the world." Wolfson is author of "Why Marriage Matters: America, Equality, and Gay People's Right to Marry."

On Tuesday, New York Governor Andrew Cuomo submitted a bill to bring marriage equality to New York State. What does the The Marriage Equality Act permit to happen?

If passed by the Republican-controlled Senate and Democrat-controlled Assembly and signed into law by the Governor, the marriage bill will secure for committed same-sex couples the freedom to marry - with the same rules, same responsibilities, and same respect.

It will more than double the number of Americans living in a state where gay couples can marry - from 16 million to 35 million. And it will permit more families to strengthen their love and commitment and ability to care for one another, while taking nothing away from anyone else.

How is marriage, as it would be defined by this law, different from a civil union?

One of the main protections that comes with marriage is, well, being married. It's a statement of love and commitment so important that most people wear its symbol on their hand. Everyone knows who you are in relation to the primary person you're building a life with.

And marriage is a system - it brings clarity, security, and tangible and intangible protections as couples move from state to state, interact with employers or businesses, or deal with the federal government.

Civil union is not a system. It is a legal mechanism that has been created in some states as a step toward marriage, but short of marriage. One way to think about it is to ask the question: If civil union is the same as marriage, why do we need two lines at the clerk's office?

A bill legalizing same-sex marriage has been rejected before by state legislators, who may be voting on this bill very soon. Is there enough support to pass this bill?

It's never done til it's done, and Freedom to Marry is hard at work, asking people to call legislators, talk about their families and love and commitment, and join in our campaign to make sure New York does the right thing (as have four of New York State's neighbors: Canada, Vermont, Massachusetts, and Connecticut).

What's been exciting in New York is to see this campaign joined by Republicans as well as Democrats, businesses as well as labor unions, pro athletes as well as clergy - all speaking out in support of the freedom to marry in New York and nationwide, and adding their voices and money in bipartisan appeals to legislators on both side of the aisle.

Twenty-nine of 30 Democrats in the Senate have come out in support of the freedom to marry (including three who voted against it in 2009), and, as of Wednesday morning, two Republican Senators have declared they will vote for the marriage bill. We are hopeful there will be more, and very hopeful this important legislation will pass. After all, 58% of New Yorkers want to see the state do the right thing.

In total, five states—Massachusetts, New Hampshire, Vermont, Connecticut and Iowa—along with the District of Columbia allow same-sex marriages. Another four states allow

civil unions. How many same-sex couples—either in marriages or civil unions—are there now in the United States? Generally, are those couples finding they now have the same rights and protections as male/female couples?

It's hard to get an exact count of the same-sex couples who have married, but based on Census data, it's over 80,000 at least... not counting the couples who have married in the 11 other countries on 4 continents where gay people now share in the freedom to marry.

These married couples enjoy the love and support of their family and communities, a meaningful part of the bundle of legal and economic protections and responsibilities that come with marriage... but are still denied the more than 1138 federal-law protections of marriage, such as Social Security, access to health coverage, immigration rights, and the ability to pool resources as a family without unfair tax treatment.

This is because of federal marriage discrimination imposed by the so-called "Defense of Marriage Act" (DOMA) passed in 1996. The Respect for Marriage Act was recently introduced in Congress to repeal this federal discrimination, and several court cases are pending challenging the burdensome law.

Until that federal marriage discrimination is overturned, even married gay couples still endure a "gay exception" to the normal way families are treated in the United States, making overturning DOMA one of Freedom to Marry's top priorities.

The United States is still a very conservative country. On Monday night at the New Hampshire debate, for example, the seven Republican candidates for President hardly support gays and lesbians openly serving in the armed forces. Do you see a time when same-sex marriage is legal throughout the U.S.?

Yes. Six recent polls have shown that a majority of Americans support the freedom to marry, and those who oppose fairness and equality for gay couples and their loved ones are now in the minority.

More than 42% of Americans now live in a state with at least some measure of respect and protection for committed gay couples - marriage or some other legal acknowledgement - up from virtually zero just a decade ago. As more and more Americans from all political parties, of all ages, talk about why marriage matters and how ending exclusion from marriage helps families while hurting no one, momentum for closing this chapter of discrimination increases, just as it has in previous struggles in our history.

And with more states like New York giving people the chance to see with their own eyes that allowing gay people to share in marriage takes nothing away from anyone else, we can make the case, do the work, and get our country where it needs to be... so we can then tackle together the real problems we all face in these tough times.

[CLICK HERE](#) to see the video featuring Richard and John.



Refusal to Disqualify Gay Judge Paves the Way for Greater Diversity on the Bench

14 June 2011

By Shannon Price Minter, Esq.

National Center for Lesbian Rights Legal Director

Only one day after hearing a controversial motion to vacate former U.S. District Court Chief Judge Vaughn Walker's August 2010 ruling invalidating Proposition 8, Chief Judge James Ware of the federal district court in San Francisco issued a historic decision that likely will hasten the day when more openly gay (and lesbian, bisexual, and transgender) judges serve on the federal bench. Judge Ware ruled that Judge Walker had no obligation to recuse himself from presiding over the Prop 8 trial simply because he is in a committed relationship with a man.

Most immediately, Judge Ware's ruling means that Judge Walker's decision that Prop 8 is unconstitutional still stands. In the longer view, it means that lesbian, gay, bisexual and transgender (LGBT) people can serve on the federal bench without fearing that they must disclose intimate details relating to their personal lives anytime they hear a case involving a LGBT litigant or LGBT rights.

Rejecting the argument that Judge Walker could not be impartial about Prop 8 simply because he is gay, Judge Ware cited prior court decisions dating to the 1970s that a judge cannot be disqualified from deciding a case because of her race, gender, or religion—even if the case involves issues that directly concern a party's race, gender, or religion. As Judge Ware explained, “[t]he fact that a federal judge shares a fundamental characteristic with a litigant, or shares membership in a large association such as a religion, has been categorically rejected by federal courts as a sole basis for requiring a judge to recuse her or himself.”

Judge Ware also rejected the Prop 8 proponents' attempt to distinguish their challenge to Judge Walker from prior challenges to African American and female judges by focusing their fire on Judge Walker's relationship rather than his sexual orientation. In their arguments to the court, the Prop 8 proponents claimed that they did not seek to disqualify Judge Walker because he is gay but because his same-sex relationship gave him “an actual interest” in the outcome of the case.

Judge Ware took the Prop 8 proponents to task for failing to recognize that because constitutional rights belong to everyone, “we all have an equal stake in a case that challenges the constitutionality of a restriction on a fundamental right.” Therefore, any interest a gay judge might have in marriage is not a special interest, but simply the same equal interest that others also share. As Judge Ware explained, “it is inconsistent with the general principles of constitutional adjudication to presume that a member of a minority group reaps a greater benefit

from application of the substantive protections of our Constitution than would a member of the majority.”

Today’s ruling is the first in the country to consider “whether a judge presiding over a same-sex marriage case who is also in a same-sex relationship has a disqualifying . . . interest” that prevents him from hearing the case. For that reason, as well as because of the clarity and eloquence of his opinion, Judge Ware’s decision will have a significant impact on how other courts analyze any similar cases in the future and is likely to deter many litigants from challenging the impartiality of gay judges in the first place.

But Judge Ware’s decision is important for another reason as well—one that may have an even more profound impact on our courts. It will encourage more LGBT individuals to seek appointments to state and federal courts—and it will give comfort to the elected officials who make those appointments that their LGBT appointees will not be subjected to embarrassing personal attacks simply because of who they are. Judge Ware has prevented what otherwise undoubtedly would have been open season on gay judges—and at the same time, vindicated some of the most foundational principles of our judicial system.

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*Shannon Price Minter is the Legal Director of the [National Center for Lesbian Rights \(NCLR\)](#), one of the nation's leading advocacy organizations for lesbian, gay, bisexual, and transgender people.*

Friday, April 29th, 2011 | Posted by Enterprise staff

## Two Wolk energy bills move forward



State Sen. Lois Wolk, D-Davis.  
Enterprise file photo

The Senate Committee on Energy, Utilities and Communications has approved legislation by state Sen. Lois Wolk, D-Davis, to provide Californians with easier access to clean, renewable energy. The bill was one of two measures in Wolk's renewable energy package to receive approval last week.

"Senate Bill 489 will allow agricultural businesses and homeowners to more easily and economically convert their agricultural byproducts into clean renewable energy and to offset their electricity use, saving them money on their power bills while helping California reach its energy and environmental goals," Wolk said in a news release.

SB 489 would enable all small-scale eligible producers of clean renewable energy to utilize California's Net Energy Metering Program, which allows customers to offset some of their power usage with the energy they generate on-site. Currently, these credits are open only to wind or solar power generators and fuel cells.

"Currently, solar and wind are given a streamlined approach to connecting to the grid," Wolk said. "SB 489 offers equity in our renewable policy by streamlining the cumbersome and expensive process of connecting small renewable energy sources to the electrical power grid."

Among those speaking in support of the measure was Russ Lester of Dixon Ridge Farms, organic walnut producers and processors, who spoke about the prohibitive costs and other existing obstacles he and other small-scale bio energy producers of clean renewable energy face.

"SB 489 helps agricultural producers and processors convert renewable byproducts into clean renewable energy, allowing us to become more sustainable and helps offset our energy use, and helps California achieve our renewable energy and greenhouse gas reduction goals," Lester said.

“Dixon Ridge Farms is committed to achieving these (renewable energy and greenhouse gas reduction) goals,” Lester said in a news release. “However, after 3 1/2 years of intense effort and lots of money, we are still not connected to the grid. We find ourselves in a catch-22 situation.”

The bill is also supported by the Boards of Supervisors in Yolo and Solano counties, the California Farm Bureau, California Climate and Agriculture Network and Center for Land-Based Learning.

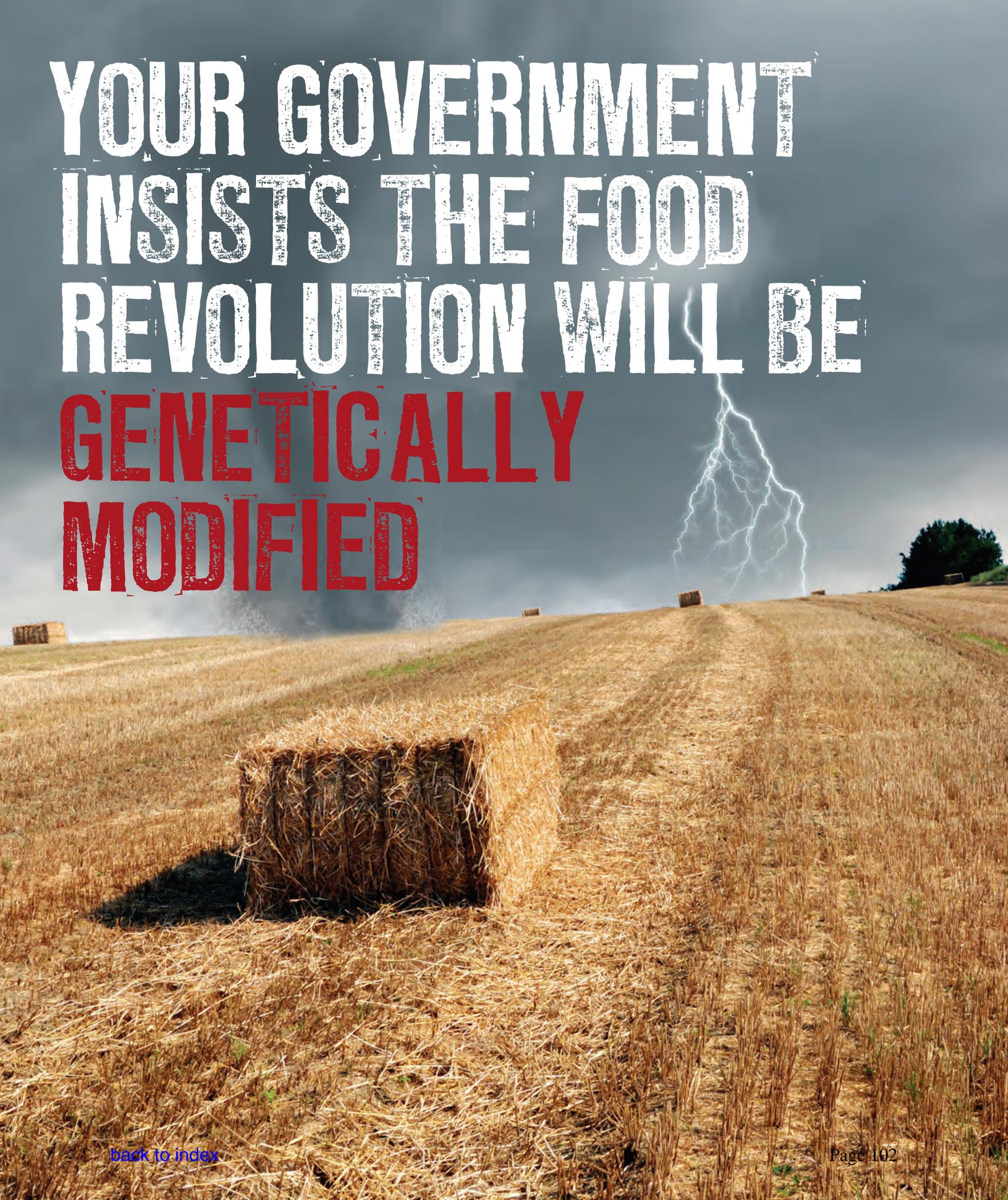
SB 618, another renewable energy measure by Wolk, was approved Wednesday by the Senate’s Governance and Finance Committee. The measure strives to balance the competing needs of large-scale solar development with the need to protect critical California habitat and farmland by offering incentives to steer new solar facility developments toward lands that are less suited for agricultural use or have lower habitat value.

Specifically, the bill proposes an expedited review process for solar developments on lands less suited for agriculture or less valuable as habitat — and allows these lands to have their Williamson Act contract rescinded, avoiding cancellation fees, and be simultaneously placed in a protective solar-use easement with similar tax benefits, Wolk explained.

“The state has invested for decades in protecting important farmland through subvention payments under the Williamson Act. Now, some counties are canceling those contracts to allow for large-scale solar facilities to be built on this land,” Wolk said.

“Solar developers have little certainty, county to county, whether or not a proposed development can move forward on Williamson Act lands and what that cost will be,” she added. “SB 618 strives to address all these issues, while protecting the integrity of the Williamson Act.”

The bill is supported by the California Farm Bureau Federation, the Trust for Public Lands and the Nature Conservancy.

A dramatic landscape featuring a golden field of harvested crops in the foreground, with several large hay bales scattered across it. In the background, a dark, stormy sky is illuminated by a bright lightning bolt striking down. The overall mood is ominous and powerful.

# YOUR GOVERNMENT INSISTS THE FOOD REVOLUTION WILL BE GENETICALLY MODIFIED

around the corner. The fact is that virtually all of the GE crops on the market today have one of two genetic modifications. The plants either create their own pesticide, or they withstand the effects of particular synthetic pesticides. That's all they can do.

For many farmers, that's plenty. Despite the much higher costs and licensing requirements of GE seeds—yes, these seeds come with licenses!—they do in theory offer farmers simplicity. In an ideal world, no additional pesticides would be needed for pesticide-producing seeds, while only a single pesticide would be needed for pesticide-tolerant seeds.

In practice, however, things are different. The widespread adoption of these seeds has led to the rise of so-called “superweeds”—versions of weeds that are resistant to pesticides like Monsanto's Roundup—as well as the rise of superbugs—insects that are resistant to the pesticide produced by GE seeds. All is not well in the garden of biotech.

Indeed, the market success of GE seeds has much more to do with industry and government efforts as it does the benefits of the underlying technology. Aside from government lobbying, of course, one of the main means that biotech giants like Monsanto and its lesser known competitors Syngenta and Bayer Crop-Science have used to ensure the spread of their technology is severe restrictions on research into the effects of their seeds.

In a *Los Angeles Times* op-ed, Dr. Doug Gurian-Sherman of the Union of Concerned Scientists described a strategy of outright scientific stonewalling on the part of these companies.

He observed that most of the research on GE seeds is performed by the companies themselves or in partnership with the USDA. Outside scientists are almost never allowed access to these seeds in order to study them—and when they are, the seeds come with broad limitations on what kinds of research the scientists can do. For example, it is all but impossible for independent scientists to research the potential environmental effects, health effects, or allergenicity caused by the consumption and use of GE seeds. The truth may be out there, but Monsanto and its ilk do not appear willing to let us hear it.

For its part, the USDA has never hidden its enthusiasm for genetically modified food. And in the last month, the agency has produced what can only be described as a bumper crop of pro-GMO rulings that stand to benefit a handful of biotech companies and large industrial farm operations at the expense of organic farmers and consumers.

In the span of a few weeks, the USDA announced rules that:

- » allow farmers to plant genetically modified alfalfa without any restrictions on how much or where it can be planted
- » allow planting of genetically modified sugar beets before completion of a court-ordered environmental assessment
- » allow, for the first time, planting of corn genetically engineered to be more easily made into ethanol.

This comes as the USDA's sister agency, the FDA, appears to be on the verge of approving the first genetically engineered fish—AquaBounty's AquaAdvantage salmon—and it may soon consider the first genetically engineered pig, both of which would be the first genetically modified animals designed for human consumption.

But it's the alfalfa decision that may represent the greatest threat to those who wish to avoid genetically modified food. With this decision, farmers can now plant Monsanto's Roundup Ready alfalfa—genetically engineered to survive the use of Roundup, Monsanto's powerful herbicide—without any limits on how much or where they plant it. Even worse, the USDA has made the ultimate fox-guarding-the-henhouse move by delegating virtually all of its authority to supervise precisely how and where this seed can be used to the companies selling it—Monsanto and its partner Forage Genetics.

Despite the fact that alfalfa is not a human food crop, the USDA's move has raised what can only be described as panic in the organic farming community, especially among dairy and beef producers. It is a decision that Albert Straus, president of Straus Family Creamery, one of California's largest organic dairies, believes “seriously jeopardizes the integrity of the organic food chain, and could cause irreparable harm to organic farmers.”

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BY TOM LASKAWY

# For all the controversy over genetically modified food, there is one thing everyone can agree on: It has been a phenomenally successful business. Although genetically modified seeds were introduced only in 1996, they now represent 86 percent of the corn and 93 percent of both the soy and cotton grown in the United States.

It is nothing if not ubiquitous. If you've bought supermarket meat or virtually any processed food of any kind, then you have eaten genetically modified food. That's because most of the corn and soy grown in the U.S. is fed to industrially produced beef, pigs, and chicken, as well as processed into additives like high fructose corn syrup along with an alphabet soup of others—all of which end up on supermarket shelves across the country. Not that you'd know any of this from reading food labels. In the U.S., unlike in European Union countries, genetically modified food remains an unlabeled secret ingredient.

And the spread of genetically engineered (GE) crops is accelerating. It took biotechnology company Monsanto—one of the leading makers of GE seed through its Roundup Ready line of “pesticide tolerant” seeds—a mere *two years* to take over the American sugar beet market (the source of about half of a typical bag of refined sugar). Last year, 95 percent of U.S. sugar beets were grown from genetically modified seed.

Given the evidence, an unbiased observer would be forgiven for believing that GE seeds represent one of the great technological advances of our time. And yet, for all their business success, these seeds are not the wonders that biotech executives, not to mention government officials, make them out to be.

For all the hype in the media over genetically modified crops that will be drought-tolerant, faster growing, more nutritious, and more productive, those magic seeds are forever just

The reason is, although people don't eat alfalfa, most cows do; dried alfalfa is hay—the main feed for dairy and some beef cattle. The concern arises because of alfalfa's status as a perennial with promiscuous cross-pollinating tendencies. Unlike crops that self-pollinate or wind-pollinate and must be planted anew every year, alfalfa is bee-pollinated, has a multi-year lifespan, and has seeds that can lie dormant in the soil for a decade or more.

Combine the life-cycle issues with the fact that bees can visit large numbers of plants across a surprisingly vast area and the result is a plant whose genetic traits can be spread far and wide with little effort. Unfortunately, there are numerous real-world examples of genetically modified plants pollinating non-GE seeds and producing offspring that contain the genetic modifications. Experts are warning that if this USDA ruling stands, there will be no non-GE alfalfa left anywhere.

And if most, if not all, alfalfa shows genetically modified traits, either through farmers' adoption of the technology or through cross-pollination, then organic milk and meat is under serious threat (not to mention honey—bees will be busy making it full of genetically modified alfalfa pollen). USDA regulations for organics define the use of genetically engineered products as a "prohibited practice." Allowable levels of contamination are unclear, and little or no testing is performed by government-authorized organic certifiers. But food companies and organic growers know full well that consumers expect organic food to be free of genetically modified ingredients. If consumers no longer trust the organic label in that regard, it spells doom for the organic food market.

As a result, in a world where GE alfalfa is grown far and wide, we risk a vicious circle whereby organic farmers get out of the business not only because their products are contaminated, but out of fear of future contamination. Monsanto itself couldn't have conceived of a more effective way to eliminate the competition. The stakes could not be higher.

What has further infuriated environmental groups is the fact that the USDA's alfalfa decision, along with its decision to allow GE sugar beets to be planted this year, appear to be in direct violation of court orders. In both cases, federal judges required the USDA to complete full environmental assessments of the potential risks of the GE crops. In neither case has the USDA complied—it issued a partial review of alfalfa and has not released an assessment of sugar beets. Yet the agency allowed plantings anyway.

There has been rampant speculation in the mainstream media that the White House stepped in and expressly overruled Agriculture Secretary Tom Vilsack, who had appeared willing to require restrictions on genetically modified seeds in the name of "co-existence" between organic growers and those who use GE seeds. Former Senior Adviser to the President David Axelrod reportedly admitted as much at a White House meeting when he quipped that the USDA should "plow ahead" with genetically modified alfalfa. For the Obama administration, support of biotech is part of its more business-friendly approach. But a more accurate description may have been provided by George Siemon, one of the founders of Organic Valley, a farmer cooperative and major player in the organic food industry. As he put it in a recent statement, "The biotech industry once again strong-armed their products through the approval process." How friendly!

With the White House and the USDA so aggressively (some might say illegally) promoting genetically modified food companies and their technology, the battle now hinges on the courts. Andrew Kimbrell, executive director of the Center for Food Safety, or CFS—one of the parties to the lawsuits fighting the alfalfa and sugar beet rules—has gone so far as to call the USDA a "rogue agency." Kimbrell insists that CFS "will be back in court" to halt the alfalfa decision as well as the sugar beet ruling. And as for "ethanol corn," food processors and manufacturers are likely to sue the USDA over its decision to allow it. There is rampant concern that, as a wind-pollinated crop, ethanol corn is likely to cross-pollinate with food corn and render it unfit for human consumption.

Indeed, it has been the courts that have been most successful in slowing the USDA's rush to a genetically modified future. Even the Supreme Court—not considered particularly friendly to the little guy at the moment—found fault with the agency's approach on biotech. In a recent landmark decision in the alfalfa case, the court for the first time recognized the "economic harm" that

As a result, in a world where GE alfalfa is grown far and wide, we risk a vicious circle whereby organic farmers get out of the business not only because their products are contaminated, but out of fear of future contamination.

might come to organic and other farmers from contamination of their crops with genetically modified plants through cross-pollination.

In other words, the courts don't consider organic and other non-GMO farmers to be marginal players. They have as many economic rights as Monsanto and Syngenta do. There is every indication that the USDA strategy is in direct opposition to the court's positions on these issues—and if the recent USDA rulings are evidence, the USDA is not willing to comply.

But while the constitutional and regulatory battles rage, consumers remain more or less in the dark. After all, the laundry list of labels that currently adorn food packaging does not include one for genetically modified ingredients despite polls that indicate 87 percent of Americans support such labeling.

Inspired by the FDA's upcoming GE salmon ruling, U.S. senators from Alaska and Oregon have introduced a bill attempting to label the fish should it be approved. But there is no current legislative attempt to require labeling of any and all GE ingredients, as is current practice in European Union countries.

The USDA, FDA, and biotechnology companies maintain that labeling is unnecessary, as there is no meaningful difference between genetically modified and conventional products. It is, of course, an easy position to take when you have managed to restrict broad scientific inquiry into that very question. But what these agencies and the biotech industry understand is that consumers are likely to reject any food with a GE label. Their actions suggest a belief that, if consumers don't want something, the best outcome for the bottom line is to ensure that they don't know they're getting it.

Fighting the overwhelming power arrayed in support of genetically modified food seems impossible. Yet it may be that a successful campaign to require GE labeling represents the secret weapon to halt the spread of this profitable but under-researched technology. If the food revolution isn't to be genetically modified, it will be up to us guinea pigs to rise up and stop it. 🐷

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*Tom Laskawy is a contributing writer for Grist magazine ([grist.org/people/Tom+Laskawy](http://grist.org/people/Tom+Laskawy)), where he covers food policy, sustainability, and the multiple and various implications of living on a warming planet. Follow Tom on Twitter at [twitter.com/tlaskawy](https://twitter.com/tlaskawy).*

## Local and National Action Groups, Speaker Training

When our Institute for Responsible Technology (IRT) announced the Non-GMO Tipping Point Network (TPN) last December, nearly 1,000 people jumped on board, over 200 volunteering to be group leaders. The TPN consists of local and national Non-GMO Action Groups, along with support from experts and IRT staff. Here's what's happening:

- » Local Action Groups are forming in 44 states to focus on community outreach.
- » More than a dozen National Action Groups each focuses on a single targeted demographic, such as parents, schools, health care practitioners, religious groups, youth, etc.
- » Members of local groups can also be members of national groups, to do targeted outreach in their communities.
- » The TPN will be supported by an electronic infrastructure, Listservs, forums, educational materials, webinars, and trainings, so each group can benefit from the synergy and expertise of the whole.
- » Individuals and companies with skills in marketing, PR, graphics, IT, legal, fundraising, etc., are also invited to support and strengthen the network.
- » Organizations with mailing lists, magazines, newsletters, and popular websites are invited to post our free educational materials—which already reach millions.
- » IRT is also training speakers to present the risks of GMOs, particularly in the area of health. Nearly 350 speakers have been trained. With seven one-day workshops planned nationwide, and four-part webinars, we expect to have 1,000 speakers trained by next year. There will be a one-day speaker training workshop in the Bay Area in May.

Having crisscrossed the U.S. every year since 2003 speaking on GMOs, I can say with confidence that the buzz and outrage around GM alfalfa is a reflection of the revolution already taking place. We are millions of informed, enthusiastic, and active non-GMO consumers helping our friends, networks, and communities make healthier non-GMO choices. When we put it all together, we change the world. It's that simple. 🐾

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If you would like to join the Non-GMO Tipping Point Network, go to [ResponsibleTechnology.org](http://ResponsibleTechnology.org)

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*Jeffrey M. Smith is the author of the bestseller Seeds of Deception and Genetic Roulette, which documents 65 GMO health risks. He has spoken in 30 countries and lives with his wife in Iowa surrounded by GM corn and soybeans.*

# In SF: Epic Court Battle to Determine the Future of Organic Foods

BY JOHN W. ROULAC

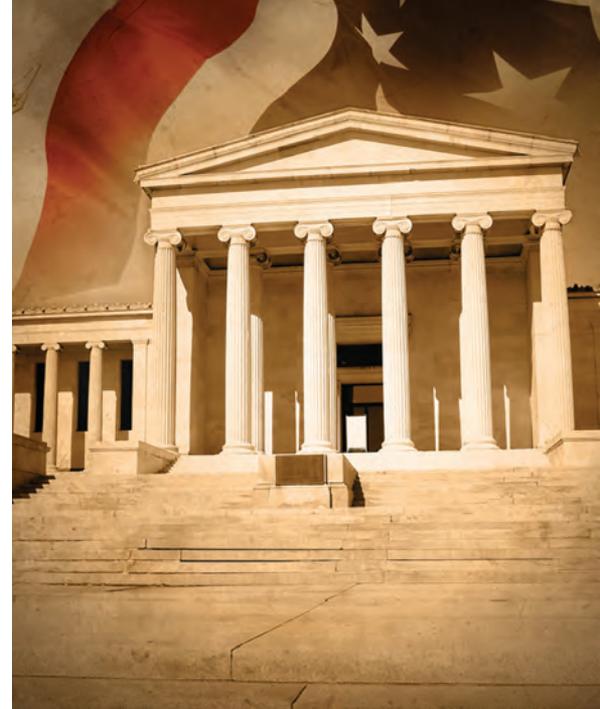
In January 2011 the U.S. Department of Agriculture (USDA) announced the deregulation, without conditions, of Monsanto's genetically engineered (GE) Roundup Ready alfalfa. This will mean unlimited, nationwide commercial planting of this latest GMO, a decision disappointing to organic-food advocates and one that promises a battle to determine the future of organic foods in North America. At press time, The Center for Food Safety (CFS) was readying a lawsuit to bring to the Ninth Circuit Court in San Francisco against the USDA and Monsanto to oppose this decision.

Yes. Monsanto, the same company that brought you Agent Orange and DDT, wants to "improve" your food.

CFS is a national, nonprofit membership organization founded in 1997 to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. CFS maintains a West Coast office in SF and currently represents more than 180,000 members across the nation.

The cost of this lawsuit may top \$1 million. Fundraising is underway, and CFS hopes other large organic food companies will step up. According to CFS Executive Director Andrew Kimbrell, "The Obama administration has become the most pro-biotech administration since Reagan." It's time for Americans to awaken to the stakes.

The Center for Food Safety has stopped GE alfalfa and prevailed against Monsanto and the USDA before. For the past four years, as a result of a lawsuit brought against the USDA by CFS on behalf of farmers, there has been a ban on the planting of GE alfalfa. In 2007 a federal court banned new plantings of GE alfalfa



until the USDA completed a comprehensive environmental impact statement. The Ninth Circuit Court of Appeals twice affirmed the national ban on GE alfalfa planting. In June 2010, the U.S. Supreme Court upheld the ban on Roundup Ready alfalfa until and unless future deregulation occurs.

## More GE Crops on Deck

If you are worried about GE alfalfa coming, know that the biotech giant is also moving forward on other crops, including GE sugar beets, a step CFS is also fighting in the Ninth Circuit Court of Appeals. This is a crucial time to preserve the integrity of organic foods and protect both our collective health and our environment from the hazards of GE crops. In the coming months, CFS expects USDA proposals to allow unrestricted planting of corn crops designed to resist highly toxic pesticides that pose a serious threat to our health and the environment. According to the Organic Trade Association, there are well over 20 new GE crops on deck for release, with little or no real safety data other than some industry-funded reports confirming Monsanto's claim that it's all fine.

To win these critical battles, the entire organic community will have to work together. Please consider supporting CFS at [TrueFoodNow.org](http://TrueFoodNow.org). Also, support local and organic farmers. And ask your local retailer to help take action on this vital issue. 🐾

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*John W. Roulac is the founder and CEO of Nutiva, the world's leading brand of organic hemp, coconut, and chia foods. Nutiva recently donated \$25,000 to the Center for Food Safety to support this important litigation.*

# Food Safety News

## Food Politics

### New Lawsuit Challenges USDA Approval of GE Alfalfa

by Mary Rothschild | Mar 19, 2011

As promised, attorneys for the Center for Food Safety and Earthjustice filed a lawsuit against the U.S. Department of Agriculture (USDA) Friday, contending the agency erred when it allowed genetically engineered Roundup Ready alfalfa to be grown without restrictions.

Organic and sustainable farming advocates are challenging [the Jan. 27 decision](#) by the USDA's Animal and Plant Health Inspection Service (APHIS) to fully deregulate GE alfalfa, which is engineered to withstand the herbicide glyphosate. They fear that pollen drift and bees could cross-pollinate the altered alfalfa and natural varieties.

Alfalfa is a hay crop. Transgenic contamination of organic alfalfa could have economic consequences for the fast-growing, \$20 billion organic milk industry, because those dairies would lose their source of organic feed.

"Approving the unrestricted planting of GE alfalfa is a blatant case of the USDA serving one form of agriculture at the expense of all others," one plaintiff, Ed Maltby, executive director of the Northeast Alliance of Organic Dairy Producers, said in a news release. "If this decision is not remedied, the result will be lost livelihoods for organic dairy farmers, loss of choice for farmers and consumers, and no transparency about GE contamination of our foods."

This is the second case challenging the legality of USDA's handling of GE alfalfa.

After APHIS previously moved to deregulate GE alfalfa, the Center for Food Safety and others sued the USDA. The case went to the Supreme Court last year.

In [a 7-1 decision](#), the high court lifted a lower court's ban on planting GE alfalfa, saying it went too far, but also said USDA was required by federal law to conduct an environmental review.

USDA completed an [Environmental Impact Statement](#) in mid-December, essentially concluding that GE alfalfa would not hurt organic or conventional crops. It also put two options on the table: allow the engineered alfalfa without restrictions or allow the crops with certain geographic and isolation restrictions to protect non-engineered crops.

Biotechnology companies and some members of Congress objected to the partial deregulation option, questioning whether the government had the legal authority to restrict something it said was safe. The Obama administration ultimately went with full deregulation.

Agriculture Secretary Tom Vilsack had favored the second approach, calling it a compromise that might help avert further litigation, and [urging coexistence](#). In a statement issued in December, he predicted that full deregulation would wind up back in court:

"The rapid adoption of GE crops has clashed with the rapid expansion of the demand for organic and other non-GE products," Vilsack wrote. "This clash led to litigation and uncertainty. Such litigation will potentially lead to the courts' deciding who gets to farm their way and who will be prevented from doing so."



## Reversing roles, farmers sue Monsanto over GMO seeds



by Tom Laskawy

31 Mar 2011



They may take our lives, but they'll never take OUR  
(questionable corporate intellectual property)  
FREEDOM!

Genetically modified seed giant Monsanto is notorious for [suing farmers](#) [PDF] in defense of its patent claims. But now, a group of dozens of organic farmers and food activists have, with the help of the not-for-profit law center The Public Patent Foundation, [sued Monsanto](#) in a case that could forever alter the way genetically modified crops are grown in this country. But before you can understand why, it's worth reviewing an important, but underreported aspect of the fight over GMOs.

One of the many downsides to genetically engineered food is the fact that modified genes are patented by the companies that isolate them. This is not typically part of the story that gets much

attention when you read about all those great (but nonexistent) magic seeds that will grow faster, better, cheaper, etc. and seem to forever remain "just around the corner."

As any music or movie lover knows from experience, patent and copyright law in this country is a mess. You only need to look at the music industry's successful campaign to sue random consumers over file-sharing to know that. Fun fact: no fiction copyright granted after 1929 -- whether a movie, television show, or book -- will ever be allowed to expire because that was the year of Mickey Mouse's "birth" and Disney has convinced Congress that Mickey should never fall into the public domain. That's one screwed up way to go about protecting the interests of authors. And forget about the folks over at the U.S. Patent Office -- it's clear that [they have no idea what they're doing anymore](#).

In [my recent \*Common Ground\* cover story](#) on GMOs, I referred to the fact that the federal government "insists the food revolution will be genetically modified." Well, what biotech companies want more than anything is for the food revolution to be patented. Why is that? Because, unlike pharmaceuticals, patented genes will never go "generic" after some number of years. Monsanto and its biotech buddies can keep milking that transgenetic cow for decade after decade.

GMO crops have another interesting quality -- you can "use" a patented gene without even knowing it. When you download and share music and movies on peer-to-peer networks or plagiarize blog posts or books, let's face it -- you know what you're doing. But if you're a farmer, GMO seeds can literally blow in to your fields on the breeze or just the pollen from GMO crops can blow in (or buzz in via bees) and contaminate your organic or "conventional" fields. And if that happens, Monsanto or Syngenta or Bayer CropLife maintain the right to sue you as if you had illegally bought their seed and knowingly planted it.

In an appropriately Orwellian twist, the companies even call such accidental contamination by their products "patent infringement." And, in the face of a government more than willing to allow companies to "defend" their "intellectual property" in this way, organic farmers and others have now stepped up and said, in short, "Hell no!":

The case, *Organic Seed Growers & Trade Association, et al. v. Monsanto*, was filed in federal district court in Manhattan and assigned to Judge Naomi Buchwald. Plaintiffs in the suit represent a broad array of family farmers, small businesses and organizations from within the organic agriculture community who are increasingly threatened by genetically modified seed contamination despite using their best efforts to avoid it. The plaintiff organizations have over 270,000 members, including thousands of certified organic family farmers.

"This case asks whether Monsanto has the right to sue organic farmers for patent infringement if Monsanto's transgenic seed should land on their property," said Dan Ravicher, PUBPAT's Executive Director and Lecturer of Law at Benjamin N. Cardozo School of Law in New York. "It seems quite perverse that an organic farmer contaminated by transgenic seed could be accused of patent infringement, but Monsanto has made such accusations before and is notorious for having sued hundreds of farmers for patent infringement, so we had to act to protect the interests of our clients."

If the suit is successful, not only will it limit Monsanto's ability to sue farmers, the company will have far greater responsibility for how and where its biotech seeds are planted. The regulatory free ride will be over. While that won't eliminate GMO crops, it will at least give organic farmers a hope of avoiding contamination.

What I find intriguing about this suit is that it comes on the heels of [a set of rulings](#) against biotech companies and in favor of organic farmers. As I have speculated before, courts have decided that the interests of organic and other non-GMO farmers are now significant enough to require protection. While the USDA and the White House seem happy to do Monsanto's bidding (as they did in recent decisions to allow [Roundup Ready beets and alfalfa](#)), the federal courts -- and [even the Supreme Court](#) -- do not seem so quick to dismiss the economic harm that might come to unfettered use of GMO seeds. This one, my friends, bears watching.

*Tom is a writer and a media & technology consultant who thinks that wrecking the planet is a bad idea. He [twitters](#) and blogs here and at [Beyond Green](#) about food policy, alternative energy, climate science and politics as well as the multiple and various effects of living on a warming planet.*

## Roundup: Cancer Cause Or Crucial For Food Production?

Posted: 04/11/11



Critics say it's a chemical that could cause infertility or cancer, while others see it speeding the growth of super weeds and causing worrying changes to plants and soil. Backers say it is safe and has made a big contribution to food production.

It's glyphosate, the key - but controversial - ingredient in Roundup herbicide and the top selling weed killer used worldwide. For more than 30 years, glyphosate has been embraced for its ability to make farming easier by wiping out weeds in corn, soybean and cotton fields, and for keeping gardens and golf courses pristine.

But the chemical touted as a safe, affordable and critical part of global food production, is now at a crossroads.

Amid rising voices of alarm, regulators in the United States and Canada are conducting a formal review of glyphosate's safety, lawsuits are pending and some groups are calling for a global ban.

"Glyphosate's days are numbered," said Paul Achantoff, a lawyer for Earthjustice, an environmental law firm that last month sued the U.S. Department of Agriculture in part over concerns about heavy glyphosate use.

Agricultural seeds and chemicals giant Monsanto Co introduced the chemical to the world in 1974 and has made billions of dollars over the years from Roundup as well as from the "Roundup Ready" corn, soybeans and cotton the company has genetically engineered to survive dousings of glyphosate.

Last year alone, Monsanto made more than \$2 billion in sales of Roundup and other glyphosate-based herbicides, though revenues have been in decline amid competition from generic makers since the company's glyphosate patent expired in 2000.

"I think it would be difficult to overstate the contribution that glyphosate has made and will continue to make to farming," said Monsanto executive vice president of sustainability Jerry Steiner. "It is a phenomenal product."

Many top U.S. farmer organizations say glyphosate is too beneficial to give up. But critics say glyphosate may not be as safe as initially believed, and farmers should be fearful.

Environmentalists, consumer groups and plant scientists from several countries are warning that heavy use of the chemical over the years is causing dangerous problems for plants, people and animals alike.

The Environmental Protection Agency is examining the issue and has set a deadline of 2015 for determining if glyphosate should continue to be sold or in some way limited. The EPA is working closely with regulators in Canada as they also assess the ongoing safety and effectiveness of the herbicide.

"The agency plans to re-evaluate risks from glyphosate and certain inert ingredients to humans and the environment during the registration review process," the EPA said in a written statement. The agency declined to make anyone available to discuss the review.

Meanwhile, Monsanto and its corporate agricultural rivals are scrambling to roll out different herbicides as well as new herbicide-tolerant crops that they hope will halt the advance of weed resistance and silence critics.

"Glyphosate resistance has built up to quite concerning levels in the United States," said John Ramsay, chief financial officer of Switzerland-based plant sciences company Syngenta, one of many companies introducing glyphosate alternatives.

"It is not surprising that with every single farmer pouring glyphosate over virtually every acre, plant life is going to have something to say about it," he said.

It all spells potentially big changes for world agriculture and the profits of those companies playing in the chemicals and seeds arena.

## A FAVORITE WITH FARMERS

World annual spending on herbicide totals more than \$14 billion, with more than \$5 billion of that spent in the United States alone, according to the EPA.

Thanks to the spread of herbicide-resistant crops, herbicide use has been increasing rapidly, a factor environmental and consumer groups find particularly concerning.

More than 2 billion lbs of herbicide were used globally in 2007, with one quarter of that total - 531 million lbs - used in the United States in that timeframe, according to a report issued in February by the EPA.

And of the more than two dozen top herbicides on the market, glyphosate dominates all with more than 750 U.S. products containing the chemical.

The top users are farmers. In 2007 alone, for instance, as much as 185 million lbs of glyphosate was used by U.S. farmers, double the amount used only six years earlier. The next most popular herbicide - atrazine - has less than half the amount of usage of glyphosate, according to EPA data.

Already more than 130 types of weeds have developed levels of herbicide resistance in more than 40 U.S. states, more resistant weeds than found in any other country. Experts estimate glyphosate-resistant weeds have infested close to 11 million acres (4.5 million hectares), threatening U.S. farmers' yields.

On March 18, a cross section of consumer and environmental groups filed another in a series of lawsuits against the U.S. Department of Agriculture for the agency's approval of more Roundup Ready crops.

The latest suit, which targets Roundup Ready alfalfa, involves a range of concerns, including "the cumulative impact of increased herbicide load on the environment... and the creation of Roundup Ready 'super weeds' that become immune to the herbicide Roundup because of overuse." Yet more Roundup Ready crops will "cause grave harm to neighboring crops, native plants, microorganisms and biodiversity," the suit states.

Monsanto has acknowledged the spreading weed resistance problems, which are particularly bad for U.S. cotton and soybean growers. And last month Monsanto and Germany-based BASF announced a new collaboration to develop alternative herbicide formulations using "dicamba" and to create dicamba-tolerant soybeans, corn, cotton and canola.

The advent of new herbicides isn't assuaging critics though. They worry that this may only make the problems with weed resistance worse, because the new herbicides are being used on top of glyphosate, not instead of it, putting even more chemicals into the soil.

"That is going to spell big problems... even larger problems with herbicide-resistant weeds," said Center for Food Safety analyst Bill Freese. "It will just accelerate this toxic spiral of increased pesticide use."

## ASSESSING THE RISKS

Along with the problem of herbicide-resistant weeds, health-related alarms have been raised by several scientists.

In January, well-known plant pathologist and retired Purdue University professor Don Huber sent a letter to U.S. Agriculture Secretary Tom Vilsack warning of tests that indicated glyphosate could be contributing to spontaneous abortions and infertility in pigs, cattle and other livestock.

Scientists in Argentina last year published a study saying glyphosate caused malformations in frog and chick embryos.

Other scientists, both from private institutions and from the federal government, have said research shows harmful effects of glyphosate products on soil organisms, on plants, and on certain animals. A 2008 lawsuit filed by the Center for Biological Diversity said glyphosate was harmful to California's red-legged frog and the EPA subsequently agreed it was "likely to adversely affect" the frog.

The Institute of Science in Society has called for a global ban on glyphosate, citing research showing the chemical has "extreme toxicity," including indications it can cause birth defects. It also submitted a report to EPA.

Another study being looked at by the EPA cited detectable concentrations of glyphosate in the urine of farmers and their children in two U.S. states. Higher levels were found in farmers who did not wear protective clothing when they used glyphosate or who otherwise improperly handled it. The EPA said it will consider data from that study "more fully" as part of its ongoing risk assessment.

The agency also said it is looking at a study partly sponsored by the EPA and the National Institutes of Health (NIH) that found some users of glyphosate were observed to have a higher risk of multiple myeloma, a cancer affecting bone marrow, than people who never used the chemical. The two-fold increased risk was considered "non-significant" and EPA said the findings were preliminary and based on a small number of cases but it is still part of the review.

Monsanto has said repeatedly that glyphosate is safe and it has said studies by Huber and other scientists are invalid.

The EPA also has discounted the validity of many of the studies cited in biomedical literature and by opponents. But it acknowledged there are areas that need more evaluation and has said it wants more data on human health risk and risks to certain endangered species.

"We look closely at every study to determine whether the results are scientifically sound, regardless of the source," EPA officials said in a written statement.

The EPA is not doing its own studies, instead evaluating information from others. Much of the data is coming from the agricultural chemicals industry as part of a registration review program that aims to examine each registered pesticide every 15 years.

The agribusiness giants, including Monsanto, Syngenta, Dow Chemical, and BASF, have formed a 19-member task force to generate the data the EPA is seeking.

Another factor ranking opponents is that the EPA is using a lower safety standard than they argue it should.

Though the Food Quality Protection Act requires the EPA to use an extra tenfold (10X) safety factor to protect infants and children from effects of the pesticide, the agency determined there was adequate data available to show that the margin of safety for glyphosate could be reduced to only a 1X factor.

The EPA's Office of Pesticide Programs is in charge of the review and has three main options -- continued approval of glyphosate with no changes; canceling the registration to ban its use in the United States; or continue as an approved product but with some modifications for its use.

The agency said it wants all the relevant data gathered by the summer of 2012 and expects to have a final decision no earlier than 2015.

Canada is likewise re-evaluating glyphosate and is coordinating with the United States to "harmonize the assessments," the EPA said.

Both supporters and detractors say it is uncertain what the future holds for the world's favorite weedkiller.

Wellesley College professor and food expert Professor Robert Paarlberg said critics are fueled more by dislike for Monsanto than real evidence of harm.

"The critics would do well to spend more time talking to farmers, who continue find glyphosate a safe and convenient way to control weeds," Paarlberg said.

The science argues otherwise, according to Huber, who has asked USDA to conduct in-depth research on glyphosate's effects. Huber was heavily criticized by Monsanto after his January letter to the USDA but he sent a second letter to Vilsack on March 30, reiterating his concerns.

"We are experiencing a large number of problems in production agriculture in the U.S. that appear to be intensified and sometimes directly related to genetically engineered crops, and/or the products they were engineered to tolerate - especially those related to glyphosate," Huber wrote. "A large reduction in glyphosate usage would be a prudent consideration."

(Reporting by Carey Gillam. Edited by Martin Howell and Lisa Shumaker)



## USDA moves to let Monsanto perform its own environmental impact studies on GMOs



by Tom Philpott

19 Apr 2011



"Everything looks A-OK. What a surprise!"

Last August, Federal Judge Jeffrey White issued a [stinging rebuke](#) to the USDA for its process on approving new genetically modified seeds. He ruled that the agency's practice of "deregulating" novel seed varieties without first performing an environmental impact study violated the National Environmental Policy Act.

The target of Judge White's ire was the USDA's 2005 approval of Monsanto's Roundup Ready sugar beets, engineered to withstand doses of the company's own herbicide. White's ruling effectively revoked the approval of Monsanto's novel beet seeds pending an environmental impact study, and cast doubt upon the USDA's notoriously industry-friendly way of regulating GM seeds.

A rigorous environmental impact assessment would not likely be kind to Roundup Ready sugar beets. First, sugar-beet seeds are cultivated mainly in Oregon's Willamette Valley, also an important seed-production area for crops closely related to sugar beets, such as organic chard and table beets. The engineered beets could easily cross-pollinate with the other varieties, causing severe damage to a key resource for organic and other non-GMO farmers. Second, Monsanto's already-unregulated Roundup Ready crops -- corn, soy, and cotton -- have unleashed a plague of Roundup-resistant "superweeds," forcing farmers to apply ever-higher doses of Roundup and other weed-killing poisons. Finally, the Roundup herbicide itself is proving much less ecologically benign than advertised, as [Tom Laskawy has shown](#).

How has the Obama USDA responded to Judge White's rebuke? By repeatedly defying it, [most recently](#) in February, when the agency moved to allow farmers to plant the engineered seeds even though the impact study has yet to be completed. Its rationale for violating the court order will raise an eyebrow of anyone who read Gary Taubes' recent [New York Times Magazine piece](#) teasing out the health hazards of the American sweet tooth: the USDA feared that the GMO sugar beet ban would cause sweetener prices to rise. Thus the USDA places the food industry's right to cheap sweetener for its junk food over the dictates of a federal court.

In early April, the USDA made what I'm reading as a second response to Judge White, this one even more craven. To satisfy the legal system's pesky demand for environmental impact studies of novel GMO crops, the USDA has settled upon a brilliant solution: let the GMO industry conduct its own environmental impact studies, or pay other researchers to. The USDA announced the program in the [Federal Register for April 7, 2011](#) [PDF].

The biotech/agricultural industry has applauded the new plan. Karen Batra of the Biotechnology Industry Organization told the Oregon-based ag journal [Capital Press](#) that the program will likely speed up the registration process for GMO crops and make the USDA's approach less vulnerable to legal challenges like the rebuke from Judge White. *Capital Press* summed up Batra's assessment of the plan like this: "The pilot program will not only help move crops through the process more quickly, but the added resources will also help the documents hold up in court."

In other words, the industry plans to produce studies that find its novel products environmentally friendly, and fully expects the USDA to accept their assessments. Judge White had ruled that the USDA should be more rigorous in assessing the risks of new GMO crops, yet his decision seems to be having the opposite effect. No doubt the USDA's latest scheme reflects the [administration's stated desire](#) to not be too "burdensome" in regulating industry.

*Tom Philpott is Grist's senior food and agriculture writer. You can follow his Twitter feed at [twitter.com/tomphilpott](https://twitter.com/tomphilpott).*



## The Empty Pulpit: The Obama Problem

by Andrew Kimbrell

*Crossposted on [Tikkun](#)/April 22, 2011*

It was Teddy Roosevelt who with characteristic aplomb dubbed the presidency a “bully pulpit.” T.R. used the nation’s highest office as the perfect platform to rally the American people around a vigorous and, in his case, often controversial agenda. With Obama, we have, for the most part, an empty pulpit. During the campaign, Obama identified himself as a “progressive.” During his presidency, however, we have witnessed an ongoing failure to rally his base and the American people around a progressive agenda. In the absence of a progressive voice resonating from the White House, the radical Right continues to dominate the political noise, forcing its policy narratives into the media and policy decisions. Even as the nation is galvanized by the union-busting tactics of state Republicans in Wisconsin and elsewhere, perplexed by the bombing of Libya, and horrified by the unfolding nuclear catastrophe in Japan, the President seems content to stay out of the public eye, mostly holed up in the White House with his small cadre of Wall Street-centric advisors.

Let’s be clear: the Republicans have been as cynical, malevolent, obstructionist, and downright zany during this administration as anything I have seen in the twenty-five years I have been a D.C. denizen. But as T.R. knew, it is not the job of the president to accept roadblocks in Congress and then quietly whisper “uncle.” It is his job and that of his surrogates to aggressively go out to the public with a principled message and progressive narratives and to marshal the millions who support them to contact Congress and **change** their obstructionist and misguided ways.

This has been the signature failure of the Obama administration. Instead of standing on principle, Obama’s modus operandi has been to accede before the battle has really been joined. We have seen this repeatedly in the major issues of his presidency: the emasculation of the so-called “stimulus package”; the abandonment of the health care public option; acceding to the Bush tax cuts; failure to push for effective global warming legislation; surrendering to the hawks on the Afghan war; failure to stand up for the rights to public trial for those detained in Guantanamo; and now complicity in irresponsible and unnecessary cutting of critical government services.



Credit: Creative Commons/Gravitywave

Of course, politics is the art of the possible and leading is often about compromising. This we know. But there is a critical difference between compromising on strategies versus compromising and even abandoning basic progressive principles and narratives as Obama has done. The immediate result is that the administration compromised badly or was outright defeated. Obama has not become a clever compromiser but rather a recidivist capitulator. But the longer-term damage of the president failing to step into the pulpit of the presidency has been the failure to counter the Right's reactionary narratives with progressive narratives. This resulted in a disastrous failure to mobilize the base in 2010 and offered no encouragement for independents to join with progressives. Not surprisingly half of the Democrats and the vast majority of youthful voters did not even show up at the polls in 2010. The House majority was lost and if it were not for the buffoonery of several Tea Party Senate candidates, the Senate would have been lost as well.

So what were some of the progressive narratives that were not even articulated by Obama, and therefore left reactionary policy narratives to win the day? Every frustrated progressive will have his choices. Here are my top five:

**Reactionary Narrative: Government is the problem. It is bad, even evil, and should be eliminated or privatized as much as possible**

**Countering Progressive Narrative: Government is good and a major part of the solution to our economic and social problems — large, robust local, state and federal government services are critical to our individual and national well-being**

To be true to their “anti-big government” message, Tea Party rallies should have been festooned with signs such as “Fire the Fireman,” “No More Police,” “Bite the Postman,” “We Support

Fewer Teachers and Overcrowded Classrooms,” “Collapse our Bridges — No More Infrastructure,” “We’ll Pave and Build Our Own Roads,” “Citizens for Salmonella,” “Unsafe Drugs for Everyone,” “Americans for a Weak Defense,” “Senior Citizens Against Medicaid and Medicare.” These signs were missing, of course, and instead we have the endless brow furrowing over “big government” in both parties as the discussion remains conveniently abstract.

This vagueness is important for the Tea Party and their big corporate funders because the entire “big government is evil” narrative is incoherent once it is actually thought through. Everyone wants and needs robust and effective government services. However, in the 1980s the Reagan spinmeisters cleverly linked “big government” to “welfare moms” slurping vodka and driving Cadillacs, which had the advantage of being both apocryphal and racist. Over the last three decades “big government” has been artfully equated with helping the poor, immigrants, and other “undesirable” communities. This clever narrative about “big government” remains a rallying cry for the Right because large corporations use this mantra as a convenient cover to work against regulations that might protect the American people or the environment but cut into their profits. Additionally, the more the Right can cripple government through spending cuts the more they can show how it’s not working.

Meanwhile, it is indisputable that the two great crises in the Obama presidency, the financial meltdown and the gulf disaster, were both a direct result of **too little** government, too little regulation of corporations acting badly (actually criminally). So how is it conceivable that within just a few months of the Obama presidency “big government” suddenly became the culprit for our current economic malaise, rather than the failure of our government to reign in corporate influence and corruption that actually did cause it? Well in part it’s the empty pulpit problem. Perhaps in fear of the “big government” label, Obama simply has not forcefully reminded the American people that big government services are critical to each and every one of us, as are the public servants who perform them. Those first responders on 9/11, our teachers, firemen, police, health professionals, and those protecting our environment and ensuring our food and drugs are safe, are heroes not villains. They are the “care economy” that represents over 30 percent of our entire economy; they devote themselves to our collective welfare without the lure of profits and wealth.

Instead of standing up for government, for the care economy, and even expanding government programs to create an FDR-like jobs corps, Obama has frozen wages for public workers, defended the firing of teachers, and been mysteriously quiet during the recent Republican union busting jihad in the Midwest. Even worse, he has openly avowed his admiration for Reagan and his belief in limited government interference with the “invisible hand” of the free market. So we have a complete failure of the president to articulate the counter-narrative to the “big government” mantra. As a result instead of taxing the rich by eliminating the Bush tax cuts or getting out of Afghanistan we now face a 33 billion dollar “compromise” on the budget as the administration joins with the Republicans to further dismantle our public sector and public services. Unless this changes we will see further compromises in the coming years with the Republican dismantling of Medicare, Social Security, and the entire public safety sector.

**Reactionary Narrative: Quality health care is a commodity available to those who can afford it.**

**Countering Progressive Narrative: Quality health care is a basic human right.**

In 1944 as part of his “Second Bill of Rights” State of the Union Address FDR declared that “the right to adequate health care” for all Americans was critical for our progress as a nation. Unfortunately he died before being able to realize this goal. When Obama decided, rightly or wrongly, to prioritize health care he should have started with this basic progressive narrative. He should have rallied the millions of women, men, and children with no health insurance to declare that quality health care *is* a basic right and urged his base to relentlessly pressure Congress. The White House should have been working overtime to make sure the stories of the uninsured working people of this country were in the media — front and center to the American people.

Working under this principle of health care as a “right” Obama should have taken the legislative lead with a call to extend Medicare to every citizen, and compromised from that position of principled strength. Instead Obama articulated no basic narrative or principle in the health care fight; there was no callout to millions to rally behind a shared belief in this critical area of social justice. In lieu of this kind of real leadership he made a quick behind-closed-doors deal with the pharmaceutical companies and then left the entire legislative “sausage making” to five different Congressional committees, many of them dominated by representatives and senators whose votes had long been paid for by “big pharma” and the insurance companies. What’s worse, Obama in his haste for some kind of compromise prematurely threw the public option under the bus, alienating his base and significantly weakening the bill. The bill that emerged continued to support the reactionary paradigm of treating health care as a commodity albeit making buying this commodity mandatory. Its passage caused pharmaceutical and insurance stock to rise.

With the base discouraged and no progressive organizing having been done, the nascent Tea Party was able to seize the public space to violently attack the already weak bill and bizarrely label its supporters as “socialists.” During this late summer of tumult the White House remained inexplicably mum. Finally under unrelenting Tea Party pressure the White House decided to abandon even this weak bill, but Nancy Pelosi and the House leadership realized the very viability of the presidency was at stake and artfully passed the bill even though it was far weaker than the House version. The counter-narrative of health care as a “right” was never even given a chance by the Obama administration.

**Reactionary Narrative: Free market competition is the basis for our economic life — the benefits of the winners will trickle down to the losers.**

**Counter Progressive Narrative: The free market is a dangerous fiction (as is trickle-down economics) — not everything is a market commodity and even then those commodity markets have always been regulated. The question is how and for whom to regulate markets so as to create the most equitable distribution of wealth.**

Here’s an economics quiz. Who said the following: “The market is the best mechanism ever invented for efficiently allocating resources to maximize production.... I also think there is a

connection between the freedom of the marketplace and freedom more generally.” Milton Freidman? Bill Crystal? Nope. That’s Barack Obama in 2008 as a presidential candidate. After the financial collapse Treasury Secretary Tim Geithner opined: “We have a financial system that is run by private shareholders, managed by private institutions, and we’d like to do our best to preserve that system.” Well they sure did.

When economists look back at the Obama presidency I suspect what will puzzle them most is how after one of the most dramatic economic collapses in our history caused by badly regulated markets, free market fundamentalism still somehow survived to dominate our public policy yet again. What showed this most clearly is the Obama administration’s bended knee to Wall Street. Currently the financial sector (even excluding real estate) accounts for more than 40 percent of corporate profits in the United States and around 25-30 percent of our GNP. So to an alarming extent the United States is becoming a “casino” economy. In fact today more than \$680 trillion is invested in various derivative investment “bets” worldwide. That’s ten times the entire world’s gross national product! Instead of warning about the growing power of this metastasizing, dangerous, and massively destabilizing financial “complex” (as Eisenhower did about the “military industrial complex”) Obama sees Wall Street as a manifestation of his belief in free markets (albeit with a glaze of regulation) and yet ironically believes that massive government investment in this sector will “trickle down” to the rest of the economy. Well it hasn’t happened and it won’t happen. The federal funding to Wall Street will be used by those receiving it to invest in yet more exotic financial products and bets; if the bubble bursts again at the old Wall Street casino they can count on the government again to provide “house” money so they can keep on playing.

Obama should have embraced the progressive narrative that free markets cannot and have not protected workers, our environment, or even the stability of our financial systems. Over the last two centuries the purported “free market” oppressed generations of workers, utilized child labor, caused exponential destruction of natural resources, and created huge booms and busts in the financial system. This is because the free market was based in the fiction that labor, land and its resources, and money were actually commodities subject to the laws of supply and demand. Well labor is really human beings, not a commodity. Land and many resources are not commodities that can be endlessly produced but rather non-renewable natural “capital” that we destroy at our peril. And money is an exchange medium that is not a commodity and that should not be subject to the ups and downs, inflations and depressions, of investment betting.

Starting with Teddy Roosevelt and the Progressive Era it was understood that the free market was thus a fiction. It was also correctly seen that these contradictions were creating large scale worker unrest and even revolution, destruction of the resource base of the country, and unsustainable inflation and depressions in the financial markets. So for the last century virtually the entire regulatory system of the United States was established to protect the market system from itself. Labor as a commodity was taken off the free market with the establishment of the Department of Labor in 1917 and the promulgation of, among other reforms, workers protection, workplace safety, social security, a minimum wage, and unemployment insurance. A flood of laws and regulation from zoning to the major environmental laws of the 1960s and ’70s were put in place to protect our resources from the undiluted market. The FDIC and laws restricting and

controlling by whom and in what manner investments could be made were put in place to protect the financial system from the market.

The Republicans under the sway of free market fundamentalism have forgotten this entire history. They now openly seek to tear down the very protections that keep the market system they profess to believe in functioning. Instead of busting the free market, trickle-down economics myth, Obama with his free market rhetoric and Wall Street-friendly policies has opened the door to a return, after a century of dormancy, of these “zombie” economic ideas. Of Obama’s capitulation to the Bush tax cuts and embracing of free market and trickle down ideology Paul Krugman wrote, “...it’s one thing to make deals to advance your goals; it’s another to open the door to zombie ideas. When you do that, the zombies end up eating your brain — and quite possibly your economy too.” And that is just what has happened.

**Reactionary Narrative: You counter terrorism by fighting land wars and overthrowing dictators (especially when oil is involved).**

**Counter Progressive Narrative: The Best Way to Fight Terrorism is through Cooperative International Police Action and Foreign Policy Changes – Not Land Wars.**

It was probably the most important, lost moment in the last presidential election. On July 31, 2008 the Rand Corporation, a conservative think tank started by the U.S. Air Force, produced a new report entitled *How Terrorist Groups End — Lessons for Countering Al Qa’ida*. The report studied 648 terrorist groups between 1988 and 2006 and found that military operations against such groups was by a wide margin the least effective means of success. The evidence was unmistakable: terrorist groups very rarely cease to exist as a result of winning or losing a war-type military campaign. Therefore the study concludes that the so-called “war on terrorism” simply would not be successful as it was currently being implemented and that the efforts against terrorist networks should not be characterized as a “war” at all. The study demonstrated that terrorism was best defeated by treating it as an international criminal matter not as a “war.” The report summarized, “Al Qa’ida consists of a network of individuals who need to be tracked and arrested. This requires careful involvement of the Central Intelligence Agency and the Federal Bureau of Investigation, as well as their cooperation with foreign police and intelligence agencies.”

Of course you don’t need to be the Rand Corporation to see that this “war on terror” narrative is anomalous to dealing with any international terrorist network. Terrorist networks almost by definition are not bound by any country and can operate anywhere from Frankfurt to Jakarta or Elizabeth, New Jersey. Invade one country and they simply go to another. Moreover they can have “cells” anywhere and communicate via the Internet. Obviously international intelligence and police work is what’s required to deal with these networks, not WWII style military operations. Case closed.

Moreover, progressives know that many of the real foundations for terror lie in misguided oil-based U.S. foreign policy in the Middle East, including decades of support for brutal dictators and also an overweening obeisance to the Israel Lobby. Obama missed his historic opportunity to clarify this during the campaign, to “bust” the misleading “war on terror” narrative. Instead, he

kept saying that Iraq was the “wrong war” and then stating with misguided enthusiasm that the “real war” was in Afghanistan. He made the same fateful error as president. He spent many months reexamining the U.S. Afghan policy, reportedly receiving counsel from all sides. But, locked into the prism and prison of the “war on terror” narrative, he decided to increase our presence there by tens of thousands of troops. A position he still forcefully adheres to.

This has doomed Obama into a Rube Goldberg type policy in Afghanistan which goes something like this: even though al-Qaida is no longer in Afghanistan we have to spend hundreds of billions of dollars, and the lives of our soldiers and innocent Afghans, to take sides in a civil war against our former allies the Taliban. And we are committed to support the dictatorial warlords and their opium industry just in case al-Qaida might someday come back to Afghanistan even though they are not there now and we have no evidence they would ever come back. Moreover this bizarre policy has left Obama in the embarrassing position of trying to defend sacrificing our soldiers and treasure to uphold the hopelessly corrupt Karzai government. It is projected that in 2011 the Afghan War will cost more than \$117 billion and probably more than that in 2012. So Obama’s folly in Afghanistan means that these funds, much of which will probably end up in the bank accounts of the Karzai clan and their cronies, will not be used to create jobs, repair infrastructure, pay teachers, or clean the environment.

**Reactionary Narrative: Global warming and other environmental problems are either vastly exaggerated or don’t really exist — and if they do exist, the solution is market and technology based.**

**Progressive Narrative: It’s the ecology stupid — global warming is the greatest threat to the survival of civilization. The solution to global warming and other major environmental crises is governments at all levels cooperating to change our economic and technological systems to better comport with the principles of ecology.**

In April 2009, Carol Browner, the White House coordinator for energy and climate policy, convened a meeting with advocates who were working on the climate change bill. The administration had a clear message. Given their polling data, the administration told advocates that they should avoid talking about climate change and focus on green jobs and energy independence instead.

Environmentalist Lee Wasserman commented on this meeting: “Had Lyndon Johnson likewise relied on polling he would have told the Rev. Martin Luther King to talk only about the expanded industry and jobs that Southerners would realize after passage of a federal civil rights act. I could imagine Dr. King’s response.” Obama has stayed true to the polling. In his 2011 State of the Union Address there was not a single mention of global warming. (I actually prefer the term climate destabilization to climate change.) It is one thing to fail to mount the pulpit and warn Americans of the dire crisis we and future generations are in, it is altogether another to order advocates to stop using the term altogether. Given his timidity about even using the term, it is not surprising that Obama also failed to push a meaningful climate destabilization bill. Advocates constantly complained that the administration was a “no show” as they attempted to get a bill passed. There has not only been complete failure to pass a climate bill but instead the environmental community is now fighting off a last ditch effort by Republicans to remove the

authority of the EPA to regulate climate destabilization gases, an authority upheld by the Supreme Court in 2007. Additionally with no bully pulpit defending the science of climate destabilization, the global warming deniers have had a field day in the media and we have seen a marked increase in the number of Americans who now doubt the existence of global warming.

Climate destabilization has not been Obama's only blind spot when it comes to the progressive environmental agenda. In his book *The Audacity of Hope*, Obama does not mention the environment once. As for policy, it was Obama's Department of Interior that gave the final permit for Deepwater Horizon. The administration then was very slow to recognize the dimension of the disaster. What's worse, the Obama EPA allowed for the massive use of potential toxic dispersants despite claims that they were controlling the use of these little researched and understood chemicals. Finally the administration was actively complicit in prematurely claiming an end to the harms of the spill as this stance became politically expedient due to the upcoming election.

Obama's focus on jobs over the environment is especially harmful as the progressive narrative is that whether we like it or not our human economy is a wholly owned subsidiary of ecology. Wall Street investments and indeed the whole gamut of market economics and employment, if based on non-ecological principles, are not only not sustainable, but actively speed the exhaustion of the remaining stores of the earth's resources. Appropriately, there has been much talk about peak oil. But we also face peak water, peak topsoil, pollinator collapse, and a myriad of other crises all exacerbated by climate destabilization. Obama's unwillingness to take a leadership role in redefining our societal relationship to the natural world at this critical time may be his most lasting failure as a leader.

## **Conclusion**

There is no immediate panacea to the "empty pulpit" problem we now face with the Obama administration. However, as we approach the next presidential election it is important, at a minimum, for progressives to challenge the president in the primaries. Not because there is a serious chance of having more progressive candidates at this time. But rather so that progressive narratives and voices so critical at this time can speak to an America that I believe is truly hungry for this vision of our society and ourselves.

*Andrew Kimbrell is Executive Director of both the International Center for Technology Assessment and the Center for Food Safety. He is one of the country's leading environmental attorneys and the author of many books and articles on the environment, technology and society, and food issues; his most recent is Your Right to Know: Genetic Engineering and the Secret Changes in Your Food (2006).*

# Food Safety News

## Science & Research

### Who Should Conduct Biotech Crop Assessments?

by Eric Burkett | Apr 25, 2011

Are companies with a vested interest in the outcome of environmental assessment studies qualified to conduct those studies themselves? A pilot project announced by an agency at the United States Department of Agriculture is preparing to give for-profit corporations the ability to do just that.

Earlier this month, the USDA's Animal and Plant Health Inspection Service (APHIS) published a notice in the Federal Register announcing a two-year pilot project that would farm out the responsibility for studying environmental assessments of proposed biotech crops, such as Monsanto's Round-Up Ready alfalfa, to those companies themselves, or USDA-approved third parties. Right now, those studies are conducted by APHIS.

The project, the department hopes, will "test new approaches to developing environmental analyses and documents" currently required under the National Environmental Policy Act, and reduce the length of time -- and costs -- associated with those reviews. "The pilot project will focus only on NEPA analyses and documents associated with petitions for non-regulated status for [genetically engineered] organisms."

In order for genetically modified plants to gain approval from the USDA, petitioners -- such as biotech companies Monsanto or DuPont, for example -- must submit specific information to help APHIS determine whether the biotechnology in question is eligible for deregulation. The process, critics say, is slow and a large number of crops are tied up in the queue awaiting decisions by the agency.

It's possible that this change can help streamline the process, said Karen Batra, communications director at the Washington, D.C.-based Biotechnology Industry Organization. Much of the problem lies with staff shortages and availability of resources at APHIS, she said.

Petitioners would have one of two options if they choose not to have APHIS conduct the research. The first option would be to let the petitioners actually conduct the research themselves, submitting it to the agency for final approval. The second option would be to farm the research out to an APHIS-approved third party, private firms that would conduct the research on behalf of the petitioner.

"It's important to point out, this program will be voluntary," Batra said. Such an arrangement would still make it possible for smaller companies without the resources to conduct such research on their own to leave the studies to the USDA.

"We would point out that the proposed pilot program doesn't change the fact that APHIS retains accountability for the rigor of the review," noted Lisa Dry, communications manager for biotech and regulatory affairs at Iowa's Pioneer Hi-Bred, a DuPont company, "and the responsibility to thoroughly research and analyze all the data in the [environmental impact statement] or [environmental assessment] regardless of who prepares it. We also believe that public participation in the review process is important -- all existing opportunities for public comment and review of EISs and EAs remain unchanged."

But not everyone is as optimistic. Bill Freese, science policy analyst for the Center for Food Safety, said from his office in Pennsylvania the project will only continue APHIS's longstanding role as a rubberstamp for biotechnology companies.

"The underlying issue is -- I don't say this lightly -- APHIS doesn't really have the will to regulate genetically engineered crops," said Freese. "They're too tied to the industry; a lot of their people come from the biotech industry."

Freese worries, too, that third-party research firms may find themselves shut out if they produce too many reports that "reflect adversely on the crop."

A better alternative would be to follow the Environmental Protection Agency's model, he said. When the EPA finds itself dealing with issues it doesn't have experience with, the agency calls together scientific advisory panels to investigate. There's nothing similar at APHIS.

"Our basic position is that we need to have USDA personnel performing these assessments," he said.

## A First: USDA Allows Monsanto to Approve its Own Crops

04/27/2011

Wouldn't every company like to do their own environmental impact analysis to determine the safety of its products on the environment?

Yes, they would, but since companies have special interests, usually putting profits over environmental protection, the job of determining the impact of their products falls on the shoulders of the government.

Not in this case. Believe it or not, the USDA has decided that Monsanto and other biotech companies should conduct its own environmental impact assessments on the impact of its genetically modified organisms (GMOs).

This is the latest in a series of terrible decisions by the USDA.

In March, a [lawsuit was filed against the USDA](#) for its [unrestricted approval](#) of genetically engineered "Roundup Ready" Alfalfa. The alfalfa is known to spread uncontrollably and would threaten organic crops in addition to releasing toxic herbicides into the environment.

Monsanto is [also being sued](#) by family farmers, seed businesses and organic agricultural organizations, challenging its patents on genetically modified seed.

And a Federal judge issued [revoked USDA approval for genetically engineered sugar beets](#) because it had not adequately assessed the environmental consequences of commercial cultivation. The beets would easily cross-pollinate with other varieties, which would contaminate organic products grown nearby.

Monsanto's GMO corn, soy, and cotton, which now constitute a vast majority of those crops in the US - are unregulated - and have resulted in a plague of Roundup-resistant "superweeds," forcing farmers to apply ever-higher doses of Roundup and other poisons.

Still, the USDA continues to allow farmers to plant GMOs without environmental assessments. And the USDA announced a two year pilot project, which would allow biotech developers to conduct their own environmental impact studies, or contract them out.

Federal environmental law requires the agency to complete such reviews before deregulating biotech crops.

The biotech industry, of course, loves this, which would speed approval of GMO crops, and "help the documents hold up in court," Karen Batra of the Biotechnology Industry Organization told *Capital Press*.

The USDA defends the action saying that agency employees would be able to spend more time reviewing studies if it doesn't have to write them.

"It's like asking BP to write an assessment of an offshore drilling operation," said Bill Freese, science policy analyst for the Center For Food Safety and a biotech opponent. "The pilot program basically treats the environmental review process as a "rubber stamp" for getting biotech crops to market more quickly.

Read about the benefits and strategies of organic farming:

Website: <http://www.grist.org/sustainable-farming/2011-04-20-eliot-coleman-essay-organic>

# California

## FARMER

Ag ed on line  
to get the ax Page 3

What grape crush implies  
for wine sales Page 14

Cotton rebound to  
boost prices Page 26

**POLLINATION:** An alfalfa leafcutting bee, *Megachile rotundata*, alights on an alfalfa flower. This bee species is one of many wild bees called on to help honeybees pollinate the nation's crops.

# Alfalfa angst

By LEN RICHARDSON

### Key Points

- Approval of genetically modified alfalfa doesn't end the debate.
- Alfalfa is grown on more state acres than any other crop.
- Debate comes when forage, hay prices rise 45% to 50%.

**T**HE USDA's decision to approve unregulated planting of genetically modified alfalfa, rather than ending debate, has fed a new crop of misinformation and baled greater concerns. This comes when hay and forage prices are 45% to 50% higher and exports are growing.

Alfalfa is grown on more acres in California than any other crop, and is the third-most valuable U.S. crop. Dairy feed is the primary use of alfalfa. For this reason, University of California alfalfa specialist Dan Putnam often refers to alfalfa as "ice cream in the making."

### Legal challenges

USDA's decision has unleashed a new round of legal challenges. Attorneys for the Center for Food Safety and Earthjustice filed a lawsuit against the USDA arguing that the agency's unrestricted approval of genetically modified, or GM, Roundup Ready alfalfa was unlawful. The crop is engineered to be immune to the herbicide glyphosate, marketed as Roundup by Monsanto.

In 2007, in another case brought by the Center for Food Safety, a federal court ruled that the USDA's approval of the engineered crop violated environmental laws by failing to analyze

risks such as the contamination of conventional and organic alfalfa, the evolution of glyphosate-resistant weeds, and increased use of Roundup. The case resulted in USDA undertaking a court-ordered, four-year study of GM alfalfa. This marked the first time USDA had ever undertaken such a study in more than 15 years of approving GM crops.

Added to this is a claim by Don M. Huber, an emeritus professor at Purdue University, that he has found a link between GM soybeans and soybean sudden death syndrome. The claim was reported in the *Los Angeles Times*, spread earlier over the Internet and sent to *California Farmer* by readers.

Alfalfa, like the soybean, is a legume and a key livestock feed, adding to fears about GM crops despite mountains of research to the contrary.

What is needed are unbiased information and research results to let growers make intelligent decisions, and California is doing just that. Read more on Page 4.

AGRICULTURAL RESEARCH SERVICE PHOTO BY PEGGY GREEB



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# Los Angeles Times

## Genetically engineered salmon must be labeled, California Assembly bill says

May 6, 2011



Photo: An 18-month-old genetically modified salmon outsizes a farmed salmon of the same age.  
Credit: Reuters / Barrett & MacKay Photo

Genetically modified fish sold in California would be labeled as such under a bill approved by the California Assembly Health Committee this week. Assemblyman Jared Huffman (D-San Rafael) authored AB 88 in response to the U.S. Food and Drug Administration's review of an application to approve the farming and sale of genetically engineered fish.

Genetically engineered, or GE, fish have yet to be approved for the U.S. But the FDA has been reviewing the first application to produce GE fish as food from the Massachusetts firm Aqua Bounty Technologies "for several years," said FDA spokeswoman Siobhan DeLancey. The FDA held a public meeting about the application last fall. "There hasn't been any forward progression on the application" to sell GE fish eggs to approved growing facilities since then, she added.

GE fish are derived from combining the DNA of different types of fish, which allow them to grow, and go to market, more quickly. Aqua Bounty's GE salmon are estimated to grow to full marketable size in one-third the time of traditional farmed fish. Many environmental groups, including the Center for Food Safety in Washington, oppose GE fish, citing potential health and environmental risks.

Rebecca Spector, West Coast director of the Center for Food Safety, said GE fish are more allergenic than regular fish; they also have higher levels of hormones and decreased levels of Omega-3 fatty acids. She also expressed concern that GE fish could escape from farmed environments and cross-contaminate wild fish.

Calls to Aqua Bounty Technologies on two separate days were not returned, nor was a call to the Biotechnology Industry Organization, which opposes AB 88.

GE animals, including fish, are regulated under the U.S. Animal Drug Approval Act, which treats genetic modification as a drug because it alters the structure or function of the animal. The FDA review process for GE animals tracks the genetic modification from test tube to animal for multiple generations to see if it mutates or causes unintended effects. The review also looks into its safety for human and animal consumption, as well as environmental containment.

According to Delancey, the FDA has instructed Aqua Bounty to provide multiple and overlapping pathways of containment to prevent GE fish from escaping into the wild. She said 95% to 99% of the GE fish are sterile females.

While GE fish have not been approved by the FDA, Assemblyman Huffman does not think AB 88 is jumping the gun. "We're going to continue to see applications like this," he said. "We've been hearing about the possibility of GE salmon for years. If it's approved, that's a big problem in California and every other salmon state."

Still, Huffman added, AB 88 does not ban the sale of GE fish. It merely mandates that GE fish be clearly labeled: "If you're going to sell it right next to wild California salmon, you've got to put a label on it so people know what you're selling. That's the kind of protection we need to have on the books."

-- Susan Carpenter



## What we know—and don't know—about the safety of eating GMOs



by Tom Philpott

16 May 2011



GMOs ahead: Proceed at your own risk.  
Are genetically modified foods safe to eat?

The conventional answer is "yes," and it's not hard to see why. Since their introduction in 1996, genetically modified (GM) or genetically engineered (GE) corn and soy seeds quickly conquered U.S. farm fields. Today, upwards of 70 percent of corn and 90 percent of soy are genetically modified, and these two crops form the basis of the conventional U.S. diet. Nor are they GM technology's only pathway onto our plates. Nearly 80 percent of U.S. cotton is now genetically engineered, and cottonseed oil has emerged as a staple fat for the food industry. ([USDA has figures on this.](#)) Canola oil -- another crop that has largely succumbed to genetic modification -- is yet another common ingredient.

Given their swift path to ubiquity, wouldn't we know by now if GMOs posed some threat? Since no obvious problems have come to the fore, some scientists -- and certainly the agrichemical industry, which dominates GM seed production -- have seen fit to declare them safe. Pamela

Ronald, professor of plant pathology at the University of California, Davis, recently [summed up](#) the conventional view: "After 14 years of cultivation and a cumulative total of two billion acres planted, GE crops have not caused a single instance of harm to human health or the environment."

Let's leave aside Ronald's claim about the environment (which is rendered suspect by the rise of herbicide-resistant "[superweeds](#)") and dig into the human-health aspect. What we do know is that GMOs are not *acutely* toxic to eat. That is, we know that if you dine on a burger made from cows gorged on GM corn and soy, French fries cooked in oil from GM cottonseed, and soda laced with high-fructose syrup from GM corn, you're not likely to keel over in agony. Tens of millions of people do it every day.

But what about more subtle, long-term effects -- problems that public-health professionals call "chronic"? Here we enter less certain territory. With our highly processed diets largely deficient in fruits and vegetables, Americans have [high and rising rates](#) of chronic diseases like obesity and heart disease. Meanwhile, food allergies, autism, and [non-alcohol-related liver disease](#) have rocketed. It's highly plausible that GMOs, which have existed in our diets for less than a generation, have emerged as another of many contributors to such long-term conditions.

So GMOs could *theoretically* be unsafe to eat. What does science tell us about the matter? Unfortunately, not much. Back in 1992, before the first GM seed had been commercially planted, the FDA declared GM foods to be "generally regarded as safe" -- despite a complete absence of rigorous testing. And that meant that safety testing is completely unnecessary if, say, Monsanto wants to bring a novel crop to market. In a [peer-reviewed 2004 paper](#) [PDF] -- which remains an extremely useful primer on regulation of GM crops -- William Freese and David Shubert show that the FDA made the "generally regarded as safe" decision over the objections of several agency scientists, who saw significant potential for harm. Moreover, when the agency rubber-stamps the introduction of a GM crop into the food supply, it does so using extremely non-committal language. As Freese and Shubert put it:

The review process outlined above makes it clear that, contrary to popular belief, the FDA has not formally approved a single GE crop as safe for human consumption. Instead, at the end of the consultation, the FDA merely issues a short note summarizing the review process and a letter that conveys the crop developer's assurances that the GE crop is substantially equivalent to its conventional counterpart.

The authors quote from the letter the FDA sent to Monsanto on approval of Bt corn back in 1996:

Based on the safety and nutritional assessment you have conducted, it is our understanding that Monsanto has concluded that corn products derived from this new variety are not materially different in composition, safety, and other relevant parameters from corn currently on the market, and that the genetically modified corn does not raise issues that would require premarket review or approval by FDA. ... as you are aware, it is Monsanto's responsibility to ensure that foods marketed by the firm are safe, wholesome and in compliance with all applicable legal and regulatory requirements.

Shorter version: We're approving this crop based on your word -- don't blame us if someone gets sick!

To put it more broadly, regulation of the safety of GM food is virtually nil, and research is scant and largely industry-funded. In a [2010 paper](#) [PDF] in the journal *Food Policy*, researchers looked at all the papers on the health and nutritional effects of GM foods published in English between 1996 and 2009. Of the 94 studies they identified -- not a large number, given the surge of GMOs into our diets over that period -- 80 delivered "favorable" conclusions about the novel foods, while 10 had "negative" views and two were neutral. That sounds at first glance like a positive near-consensus around GMOs.

But then the researchers dug deeper and looked for industry ties. In 44 of the 94 total papers, one or more of the researchers had a financial or professional tie to the agrichemical industry. Of those 44, 43 had "positive" conclusions and one turned out "negative." Meanwhile, 37 of the studies were done by independent researchers. Of those, 27 came back positive, eight came back "negative," and two were "neutral." In other words, near-complete consensus reigns among industry-linked scientists as to the safety of GM foods. But among independent scientists, the issue is much more contested.

In a peer-reviewed 2008 paper, Don Lotter demonstrates that only one independent long-term study has ever assessed how eating GMOs affects mammals. Funded by the Austrian government and released in 2008, that study [initially seemed to reveal disturbing reproductive trouble in mice fed GMOs](#). But then in 2010, the Austrian government [withdrew it from publication](#), citing insufficient data. I am trying to contact the study's lead author, Austrian scientist Jurgen Zentek, for comment.

So where does all of this leave us? Obviously, in need of much more independent research. In April, a bit more trickled out from Quebec, Canada -- and again, the results are unsettling. The study, published in the journal *Reproductive Toxicology*, focused on corn engineered to possess a trait from the bacteria Bt, which is toxic to a range of insects. So-called Bt corn is extremely common in the United States; according to the [USDA](#), upwards of 60 percent of corn planted here has it. Since its introduction in the '90s, its maker, Monsanto, has insisted that Bt corn *must* be safe, because the toxin embedded in it cannot survive the human digestive system.

The Quebec study (here's the [abstract](#)) casts serious doubt on that bedrock assumption. Researchers checked blood samples of 39 pregnant women and 30 non-pregnant women for the presence of the toxin. None were exposed directly to Bt, but all had conventional diets. The [results](#): The Bt toxin showed up in 93 percent of pregnant women and 80 percent of their fetuses. It was also present in 69 percent of non-pregnant women in the study.

So, 15 years after the introduction of GMOs, we know that they pose no threat of immediate, spectacular harm. That is, they won't kill us suddenly. Whether they're killing us slowly -- contributing to long-term, chronic maladies -- remains anyone's guess.

*Tom Philpott was Grist's senior food writer until May 2011. He now writes for Mother Jones.*

# Food Safety News

## Court Says No GM Sugar Beets Without Final EIS

BY **DAN FLYNN** | MAY 24, 2011

Up until now, court challenges to genetically engineered crops have mostly been about process and procedure, not the merits of the brave new GM world.

But a decision last week out of the Ninth Circuit Court of Appeals is going to change all that, according to attorney George Kimbrell from the Center for Food Safety. He says the court order "cements a critical legal benchmark in the battle for meaningful oversight of biotech crops and food."

"Because of this case," Kimbrell said, "there will be public disclosure and debate on the harmful impacts of these pesticide-promoting crops, as well as legal protections for farmers threatened by contamination."

Tom Helscher, Monsanto's spokesman, says there is less to the decision than the opponents claim. "As a result of subsequent court decisions and USDA actions, continuation of the appeals had little consequence for Roundup Ready sugar beet growers or seed companies," he said. "The (USDA) Animal and Plant Health Inspection Service has issued interim measures to allow the planting of Roundup Ready sugar beets and farmers are planting their Roundup Ready sugar beet crops."

The Ninth Circuit's summary order directs the U.S. Department of Agriculture to conduct a "rigorous review" of the impacts of GE sugar beets engineered to be resistant to Monsanto's Roundup herbicide.

USDA approved the use of so-called Roundup Ready sugar beets in 2008, and their share of the market quickly grew to as much as 95 percent. Opponents, led by the Center for Food Safety, initially challenged the USDA action in federal district court in San Francisco.

They feared the Roundup Ready sugar beets will contaminate organic and other crops that are not genetically engineered, including table beets and chard.

District Judge Jeffrey S. White agreed, and ordered USDA to write a full blown Environmental Impact Statement (EIS). By last August, Judge White had not only stuck with his EIS order, but also rejected USDA's "partial deregulation" of GE sugar beets base on an environmental assessment, and halted plantings.

It was Monsanto that appealed White's decisions to the Ninth Circuit, and that's been dismissed.

USDA plans on finishing the EIS on GE sugar beets in 2012, at which time it will be able to make a new decision on commercialization.

Vilsack has taken a "why can't we all get along" approach with interim measures, hoping to deal with both the pro- and anti-GMO camps.

USDA limited GM sugar beet plantings to exclude environmental hotspots like the entire state of California and western counties in Washington state. While those measures were not welcomed by Judge White, they might be how USDA may keep warring camps apart in the future.

## House Vote Blocks FDA Approval of Genetically Engineered Salmon

**06/20/2011**

The US House of Representatives last week passed an amendment that blocks the Food and Drug Administration (FDA) from approving genetically engineered (GE) salmon - the first genetically engineered animal intended for human consumption.

During full floor debate of the Fiscal Year 2012 Agriculture and FDA appropriations bill, members of the House passed an amendment offered by Reps. Don Young (R-AK) and Lynn Woolsey (D-CA) to prohibit use of FDA funds to approve any application for approval of genetically engineered salmon.

The full appropriations bill, The Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act (H.R. 2112), passed on Thursday by a 217-203 vote.

The Center for Food Safety (CFS) applauded passage of the amendment:

"We thank members of the House for stepping in to correct FDA's misguided decision to go ahead with this approval process which fails to take into account a plethora of economic, human health, environmental and animal welfare concerns," says Andrew Kimbrell, Executive Director of the Center for Food Safety. "Any decision to approve GE salmon would be a continuation of the Obama Administration's illogical biotech bailout at the expense of American jobs and our fishing economy."

The FDA currently approves GE animals through its new animal drug law, yet critics fault the process as failing to require adequate safety assessments and lacking transparency and public engagement. The decision to regulate GE animals as animal drugs was announced by FDA in 2009 in the form of a Guidance to Industry, a non-binding form of regulation.

"We need a robust regulatory system that assesses the full suite of economic, human health, environmental and animal welfare risks posed by GE animals and allows for full and open public participation," adds Colin O'Neil, Regulatory Policy Analyst for the Center for Food Safety.

In September 2010, more than 40 members of Congress sent letters requesting FDA halt the approval of the long-shelved [AquaBounty transgenic salmon](#).

"The FDA's hastily completed approval process puts American consumers and the environment at risk. GE salmon could be devastating to fishing and coastal communities, our food source, and already depleted wild salmon populations. The FDA should put the interests and safety of American families and our ocean resources above special interests," Rep. DeFazio said in September.

In February, Senator Mark Begich (D-Alaska) and Representative Don Young (R-Alaska) introduced complimentary legislation that would ban genetically engineered (GE) fish and require mandatory labeling if approved.

The two pieces of legislation were endorsed by 67 consumer, worker, religious and environmental groups, along with commercial, recreational and subsistence fisheries associations, and food businesses and retailers.

Those groups include the Center for Food Safety, Ocean Conservancy, Bristol Bay Regional Seafood Development, the Alaska Trollers Association, Food and Water Watch, the National Cooperative Grocers Association, Trout Unlimited and the Pacific Coast Federation of Fishermen's Associations among others.

Last fall, over 300 environmental, consumer, health, and animal welfare organizations, along with salmon and fishing groups and associations, food companies, chefs and restaurants [signed joint letters to the FDA](#), opposing the approval of AquaBounty's GE salmon. Additionally nearly 400,000 public comments were sent to FDA from citizens demanding the agency reject this application and require mandatory labeling of this transgenic salmon should it decide to approve it.

## New guide aids access to fresh Valley food

Tuesday, May. 31, 2011

By Robert Rodriguez / The Fresno Bee

Shopping for fresh local produce just got easier, thanks to a first-ever food guide for the San Joaquin Valley.

The 32-page free publication is packed with information about farmers markets, u-pick farms and a chart showing what's in season. There are also recipes, profiles of Valley small farmers and tips on eating healthy.

The guide is a collaborative effort between the Community Alliance with Family Farmers and the Central California Regional Obesity Prevention Program.

"The Valley is where the abundance of food comes from," said Ariane Michas, a local food systems manager for the alliance. "And we want to make sure we help people understand what food is available and how to access it."

The alliance has put together local food guides for other parts of the state, including the Bay Area, Central Coast and Southern California.

Organizers say the Valley's guide will help local food advocates know what's in season and where to buy it, and it will improve access to healthy food for those on public assistance.

As part of the "Buy Fresh, Buy Local" guide, the region's farmers markets and swap meets are listed, including the hours of operation and location. Also included is whether they accept vouchers from supplemental nutrition assistance programs, such as Women, Infants and Children.

One way to create healthy eating habits is to make sure people have fresh fruits and vegetables available, said Edie Jessup, a program development specialist for the regional obesity prevention project.

"What we have seen in the Valley is that there are people who don't have access to fresh produce," Jessup said. "And the guide can help change that."

Local farmers say they welcome the guide.

Nick Salazar runs a Reedley-based produce delivery company called Farmer and the Dale. His customers order what is in season, and he delivers it to their home or office.

Known as community-supported agriculture, or CSA, the concept is still new to many people, Salazar said.

The guide lists more than a dozen CSAs in the Valley.

*For more information about where to get a copy of the San Joaquin Valley's "Buy Fresh, Buy Local" guide, call the Regional Obesity Prevention Program at (559) 228-2140. Or, you can access the guide at the program's website, [ccropp.org](http://ccropp.org).*



## Buy Fresh Buy Local

Tuesday, May 31, 2011  
Nancy Osborne

FRESNO, Calif. (KFSN) -- The search for a local farmers market or fresh produce stands in the Central Valley just got easier. A new guide was unveiled called Buy Fresh Buy Local, with 50 locations in eight San Joaquin Valley counties.

Tuesday brings farmers to the 'Garden Market' in Downtown Fresno. But this Tuesday it also brought a tasty and healthy cooking demonstration. As well as word of a new and handy publication: 'the eater's guide to local food'.

You can find a farm market in whatever county you live or visit: Fresno, Kern, Kings Madera, Merced, San Joaquin, Stanislaus and Tulare.

Tom Willey said, "It helps put urban folks who are wanting to eat more healthfully and flavorfully in touch with the cadre of farmers out in the country side who are responding to that need."

Just what this local farmers market does every week.

Kingsburg farmer, Laurel Jackson said, "And we have boysenberries, the one container for two dollars or two for four."

Laurel Jackson of Kingsburg is one of the regulars here. Like most vendors she takes cash or payments from 'WIC' and 'Cal Fresh' funds in payment.

Healthy food builds and maintains healthy bodies. That's why the Central California Obesity Prevention Program and the Community Alliance with Family Farmers supported this joint venture. Along with Fresno County Supervisor Henry Perea.

"I think what this guide does is that it lets people know that food really is accessible, especially fresh food... It's a great opportunity for people to shop, eat healthy and prepare the kind of meals that will deal with the issue of obesity." Perea said.

Link to complete video report: <http://abclocal.go.com/kfsn/video?id=8155694>

## Where to buy produce, fruit in Stanislaus County

**By John Holland**

June 01, 2011

People who crave a variety of fruits and vegetables might want to look up Charley Fernandez — on Page 27 of a guide released Tuesday.

His farm east of Patterson is among those listed in "Buy Fresh Buy Local: The Eater's Guide to Local Food."

The free 32-page guide aims to promote small, sustainable farmers in the San Joaquin Valley while helping consumers avoid eating habits that contribute to obesity.

Fernandez, who with his wife owns Ellie & Charley's Natural Garden Organic Produce, said the local food movement is catching on with younger consumers.

"People between 25 and 45 seem to be our biggest clientele," he said. "They're interested, they're knowledgeable and they know what they want."

The guide was produced by the Central California Regional Obesity Prevention Program, based in Fresno, and the Community Alliance with Family Farmers, based in Davis.

### **2 acres yield cornucopia**

The guide has information on farmers markets, crop seasons, home gardening and shopping for fresh food on a tight budget.

"Buying smart, cooking creatively and knowing where fresh produce is available are all ways to help you eat healthy and local, no matter what your budget is," the guide says.

The guide includes dairy, fruit, nuts, vegetables, eggs, honey and other goods.



(Debbie Noda/dnoda@modbee.com) - Charley Fernandez with one of the trays of microgreens at Ellie and Charley's Natural Garden where they grow organic produce in Patterson is one of the listings in a new guide to locally grown food (5-31-11). - -

Fernandez, a retired airline mechanic, sells at the Turlock Certified Farmers Market, Main Street and Broadway, from 8 a.m. to 1 p.m. Fridays through October. He also sells at his farm gate on Elm Avenue from 8 a.m. to noon Saturdays through October.

The farm is less than two acres, but it yields a cornucopia — tomatoes, zucchini, salad greens, kohlrabi, apricots, apples, quince, figs, pomegranates, eggs and much more.

"People like quality and local food, but I think with the economy, some people are still shopping for price," Fernandez said. In the long run, he said, eating well is an inexpensive way to good health.

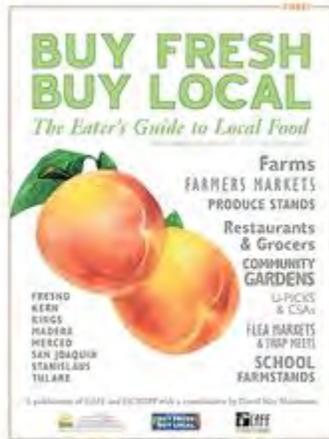
On Page 24 of the guide is Lagier Ranches, a grower of organic fruit and almonds near Escalon. It sells at several farmers markets and stores.

"One of the cornerstones of what we do is to have people eat fresh, eat local and try to cut down on the carbon footprint," owner John Lagier said.

Fast food might seem the cheapest way to eat, he said, but consumers can save in the long run if they know how to cook the fresh stuff.

"You're getting actually a better bang for your buck, and it's much healthier," he said.

## Publication leads consumers to fresh Valley produce



By Joe Goldeen  
Record Staff Writer  
June 01, 2011

STOCKTON - A new regional guide to healthy, affordable foods has been published, raising awareness of the importance of buying products that are locally grown and raised in one of the richest agricultural regions in the world.

The "Buy Fresh Buy Local San Joaquin Valley Eater's Guide" is a free publication primarily available online at [ccropp.org](http://ccropp.org), with limited printed copies made available through its joint developers, the Fresno-based Central California Regional Obesity Prevention Program and Berkeley-based California Alliance With Family Farmers.

The 32-page guide, covering the eight Valley counties from San Joaquin to Kern, includes listings of farms that sell direct to consumers, farmers markets, swap meets, flea markets, produce stands, community gardens, restaurants and school-based farmstands.

The section on San Joaquin County includes vendors and farms from Acampo to Ripon and Tracy, and all points in between.

Casey Havre with Escalon's Lagier Ranches was "thrilled" that more Valley people will finally learn about their fourth-generation family farm at 16161 S. Murphy Road, southeast of Stockton. It's primarily been selling its organic produce to stores, restaurants and farmers markets in the Bay Area.

Havre said the certified organic ranch - that grows cherries, blackberries, citrus, table grapes, almonds and other produce, including homemade jams - "is a rarity in the Valley." She asked that people call the ranch first at (888) 353-5618 before coming out to see what produce is available, since this year's spring weather has been unfavorable to many crops. Tours of the farm also are available.

The guide includes articles on fresh produce, a calendar showing when your favorite fruit or vegetable is in season, recipes using the freshest Valley ingredients and tips on eating healthy on a tight budget.

## **Fresh food guide**

Due to limited funding and staff, the free "Buy Fresh Buy Local San Joaquin Valley Eater's Guide" is primarily available online. The Central California Regional Obesity Prevention Program and its partners will be distributing some printed copies of the guide throughout different communities in the San Joaquin Valley and at various community events. A special emphasis will be placed on low-income communities. For an online guide:

- Central California Regional Obesity Prevention Program: [ccropp.org](http://ccropp.org) or (559) 228-2140.
- Community Alliance With Family Farmers: [caff.org](http://caff.org) or (510) 832-4625. You will also find similar guides for the Bay Area, Central Coast, Humboldt County and Southern California.

March 2, 2011

**OP-ED COLUMNIST; Don't End Agricultural Subsidies. Fix Them.**

By MARK BITTMAN

Agricultural subsidies have helped bring us high-fructose corn syrup, factory farming, fast food, a two-soda-a-day habit and its accompanying obesity, the near-demise of family farms, monoculture and a host of other ills.

Yet - like so many government programs - what subsidies need is not the ax, but reform that moves them forward. Imagine support designed to encourage a resurgence of small- and medium-size farms producing not corn syrup and animal-feed but food we can touch, see, buy and eat - like apples and carrots - while diminishing handouts to agribusiness and its political cronies.

Farm subsidies were created in an attempt to ameliorate the effects of the Great Depression, which makes it ironic that in an era when more Americans are suffering financially than at any time since, these subsidies are mostly going to those who need them least. That wasn't the plan, of course. In the 1930s, prices were fixed on a variety of commodities, and some farmers were paid to reduce their crop yields. The program was supported by a tax on processors of food - now there's a precedent! - and was intended to be temporary. It worked, sort of: prices rose and more farmers survived. But land became concentrated in the hands of fewer farmers, and agribusiness was born, and along with it the sad joke that the government paid farmers for not growing crops. The farm bill, up for renewal in 2012, includes an agricultural subsidy portion worth up to \$30 billion, \$5 billion of which is what you might call handouts, direct payments to farmers.

The subsidy-suckers don't grow the fresh fruits and vegetables that should be dominating our diet. Indeed, if all Americans decided to actually eat the five servings a day of fruits and vegetables that are recommended, they would discover that American agriculture isn't set up to meet that need. They grow what they're paid to grow: corn, soy, wheat, cotton and rice.

The first two of these are the pillars for the typical American diet - featuring an unnaturally large consumption of meat, never-before-seen junk food and a bizarre avoidance of plants - as well as the fortunes of Pepsi, Dunkin' Donuts, KFC and the others that have relied on cheap corn and soy to build their empires of unhealthful food. Over the years, prices of fresh produce have risen, while those of meat, poultry, sweets, fats and oils, and especially soda, have fallen. (Tom Philpott, writing in the environment and food Web site Grist and citing a Tufts University study, reckons that between 1997 and 2005 subsidies saved chicken, pork, beef and HFCS producers roughly \$26.5 billion. In the short term, that saved consumers money too - prices for these foods are unjustifiably low - but at what cost to the environment, our food choices and our health?)

Eliminating the \$5 billion in direct agricultural payments would level the playing field for farmers who grow non-subsidized crops, but just a bit - perhaps not even noticeably. There

would probably be a decrease in the amount of HFCS in the market, in the 10 billion animals we "process" annually, in the ethanol used to fill gas-guzzlers and in the soy from which we chemically extract oil for frying potatoes and chicken. Those are all benefits, which we could compound by taking those billions and using them for things like high-speed rail, fulfilling our promises to public workers, maintaining Pell grants for low-income college students or any other number of worthy, forward-thinking causes.

But let's not kid ourselves. Although the rage for across-the-board spending cuts doesn't extend to the public - according to a recent Pew poll, most people want no cuts or even increased spending in major areas - once the \$5 billion is gone, it's not coming back.

That the current system is a joke is barely arguable: wealthy growers are paid even in good years, and may receive drought aid when there's no drought. It's become so bizarre that some homeowners lucky enough to have bought land that once grew rice now have subsidized lawns. Fortunes have been paid to Fortune 500 companies and even gentlemen farmers like David Rockefeller.

Thus even House Speaker Boehner calls the bill a "slush fund"; the powerful Iowa Farm Bureau suggests that direct payments end; and Glenn Beck is on the bandwagon. (This last should make you suspicious.) Not surprisingly, many Tea Partiers happily accept subsidies, including Vicky Hartzler (R-MO, \$775,000), Stephen Fincher (R-TN, \$2.5 million) and Michele Bachmann (R-MN \$250,000). No hypocrisy there.

Left and right can perhaps agree that these are payments we don't need to make. But suppose we use this money to steer our agriculture - and our health - in the right direction. A Gallup poll indicates that most Americans oppose cutting aid to farmers, and presumably they're not including David Rockefeller or Michele Bachmann in that protected group; we still think of farmers as stewards of the land, and the closer that sentiment is to reality the better off we'll be.

By making the program more sensible the money could benefit us all. For example, it could:

- Fund research and innovation in sustainable agriculture, so that in the long run we can get the system on track.

- Provide necessary incentives to attract the 100,000 new farmers Secretary of Agriculture Vilsack claims we need.

- Save more farmland from development.

- Provide support for farmers who grow currently unsubsidized fruits, vegetables and beans, while providing incentives for monoculture commodity farmers to convert some of their operations to these more desirable foods.

- Level the playing field so that medium-sized farms - big enough to supply local supermarkets but small enough to care what and how they grow - can become more competitive with agribusiness.

The point is that this money, which is already in the budget, could encourage the development of the kind of agriculture we need, one that prioritizes caring for the land, the people who work it and the people who need the real food that's grown on it.

We could, of course, finance or even augment the program with new monies, by taking a clue from the '30s, when the farm subsidy program began: Let the food giants that have profited so mightily and long from cheap corn and soy - that have not so far been asked to share the pain - pay for it.



## Growing power

# Debunking the stubborn myth that only industrial ag can 'feed the world'



by Tom Philpott  
10 Mar 2011



Hold the agrichemicals: Organic ag could keep markets brimming with food.

I've [written about it once already](#), but I want to return to *The Economist's* [recent special series](#) about how industrial agriculture is the true and only way to feed the 9 billion people who will inhabit the world by 2050. The framing, I think, is extremely interesting.

The widely revered magazine identifies two strains of thought on the food system's future: one serious and one frivolous.

The serious one -- made up of "food companies, plant breeders, and international development agencies" -- is "concerned mainly with feeding the world's growing population," which it plans to do "through the spread of modern farming, plant research and food processing in poor countries."

The frivolous one -- "influential among non-governmental organizations and some consumers" -- "concentrates more on the food problems of richer countries, such as concerns about animal welfare and obesity," *The Economist* writes. This group fixates on the question of "what should we have for dinner," but has little to say about feeding the globe's growing population. And since *The Economist's* special report "concentrates on the problems of feeding the 9 billion," not the trivial omnivorous dilemmas of wealthy Berkeleyites, the magazine throws its lot in with the companies, plant breeders, and international development agencies -- the Serious People Looking for Real Solutions for Feeding the World.

I'm focusing on this *Economist* spread because I think it beautifully exemplifies (and reinforces) the conventional wisdom on the future of food.

President Obama displayed his fealty to it by [placing an agrichemical-industry lobbyist in charge of agricultural trade negotiations](#) and by [tapping a Monsanto-funded scientist to lead the USDA's research program](#).

USDA chief Tom Vilsack expresses it when he [natters on about ramming open foreign markets to our surplus farm products](#).

Nina Fedoroff, until recently the State Department's chief science advisor, promotes it [every chance she gets](#). She has moved on from shaping U.S. foreign policy on ag science to another influential position: president of the [American Association for the Advancement of Science](#).

The globe's best-endowed grantmaker, the Gates Foundation, endorses it every time it [cuts a deal](#) with agribusiness giants like Monsanto and BASF.

The problem is, the conventional wisdom is wrong -- or, at the very least, much more contested than its champions let on. *The Economist* insisted that international development agencies had embraced Big Ag as the solution to the globe's food problem, but that simply isn't true.

Indeed, for years now, a steady stream of reports has emerged from the development agencies calling for new directions. In 2008, the U.N. Conference on Trade and Development and the U.N. Environment Program issued a [paper](#) [PDF] called "Organic Agriculture and Food Security in Africa." It reads like a direct refutation of *The Economist's* claims. The report concludes:

Organic agriculture can increase agricultural productivity and can raise incomes with low-cost, locally available and appropriate technologies, without causing environmental damage. Furthermore, evidence shows that organic agriculture can build up natural resources, strengthen communities and improve human capacity, thus improving food security by addressing many different causal factors simultaneously ... Organic and near-organic agricultural methods and technologies are ideally suited for many poor, marginalized smallholder farmers in Africa, as they require minimal or no external inputs, use locally and naturally available materials to produce high-quality products, and encourage a whole systemic approach to farming that is more diverse and resistant to stress.

That same year, the U.N.'s Food and Agriculture Organization (FAO) issued a [report](#) [PDF] that echoed those conclusions. Entitled "Mitigating Climate Change, Providing Food Security and Self-Reliance for Rural Livelihoods," the report points to the [Tigray area of Ethiopia](#), "previously known as one of the most degraded Regions of Ethiopia." There, more than 20,000 farming families saw yields of major cereals and pulses nearly double "using ecological agricultural practices such as composting, water and soil conservation activities, agroforestry, and crop diversification" -- even as "the use of chemical fertilizers ... steadily decreased." The phaseout of synthetic and mined fertilizers was key, because "most poor farmers, particularly in degraded lands and in market-marginalized areas, are not able to afford external inputs," the report states.

Perhaps even more crucially, the FAO researchers found that "ecological agriculture" could "assist farmers in adapting to climate change" by making farm fields more resilient to stress. So why isn't eco-agriculture catching on? The report cites a bevy of obstacles, none of them technological:

[L]ack of policy support at local, national, regional and international levels, resource and capacity constraints, and a lack of awareness and inadequate information, training and research on ecological agriculture at all levels.

At a [conference in 2009](#), the FAO once again bluntly contradicted the conventional wisdom. "In the name of intensification in many places around the world, farmers over-ploughed, over-fertilized, over-irrigated, over-applied pesticides," Shivaji Pandey, director of FAO's Plant Production and Protection Division, declared. "But in so doing we also affected all aspects of the soil, water, land, biodiversity and the services provided by an intact ecosystem. That began to bring yield growth rates down."

In place of industrial methods, Pandey called for "conservation agriculture," which he described as a "farming system that does not use regular ploughing and tillage but promotes permanent soil cover and diversified crop rotation to ensure optimal soil health and productivity."

Then there's the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD). Under the auspices of the United Nations, World Bank, World Health Organization, and other institutions, the IAASTD gathered 400 scientists and development experts from dozens of nations to assess the very problems examined by *The Economist*. A three-year project, it has been called the [IPCC](#) of agriculture.

Its [conclusion](#) [PDF]: agroecological practices -- including the very organic-farming techniques scorned by *The Economist* -- are at least as important as agrichemicals and biotechnology in terms of "feeding the world" in the decades to come. As for the alleged panacea of genetically modified seeds, the IAASTD was so unenthusiastic about GMOs that CropLife International, the trade group for the globe's dominant GMO/agraceutical purveyors, [angrily pulled out](#) [PDF] of participation shortly before its release -- as, disgracefully, did the U.S. and Canadian governments in solidarity.

Just last week, the U.N. Environment Program yet again came out against Big Ag, this time as part of its broad [Green Economy](#) initiative. The agency released an advance copy of a report

called "Agriculture: Investing in Natural Capital." It amounts to a blistering assault on the agribusiness-as-usual model. It briskly names the main problems with the goal of spreading U.S.-style industrial agriculture to the global south:

Conventional/industrial agriculture is energy- and input-intensive. Its high productivity relies on the extensive use of petrochemical fertilizers, herbicides, pesticides, fuel, water, and continuous new investment (e.g. in advanced seed varieties and machinery).

In place of the industrial model, the report calls for what it terms "green agriculture," characterized by low-tech, high-skilled methods like "restoring and enhancing soil fertility through the increased use of naturally and sustainably produced nutrient inputs; diversified crop rotations; and livestock and crop integration." In other words, the basic tenants of organic agriculture, which were developed by an [English plant pathologist drawing on the methods of Indian peasant farmers in the first half of the 20th century.](#)

Such agriculture can indeed "feed the 9 billion," to use *The Economist's* phrase. The report concludes that "use of green agricultural practices and technologies" can boost global per capita calorie availability from today's 2,800 to around 3,200 calories by 2050. And it can do so in a way that doesn't drive millions of smallholder farmers off the land and into cities ill-equipped to absorb them, like the so-called Green Revolution transition to industrial farming in the '60s and '70s did in South Asia. "Green agriculture has the potential to be a net creator of jobs that provides higher return on labour inputs than conventional agriculture," the report states.

Transitioning to green agriculture will take serious investment, the report acknowledges: \$198 billion per year from 2011 to 2050. But the original Green Revolution required massive investments, too -- as do present-day schemes that involve "feeding the world" with patented biotech seeds, large, energy-sucking machines, and chemical fertilizers. And investing in green ag offers high returns:

Studies suggest that "Return on investments (ROI) in agricultural knowledge, science and technology across commodities, countries and regions on average are high (40-50 per cent) and have not declined over time. ... In terms of social gains, the Asian Development Bank Institute concluded that investment needed to move a household out of poverty through engaging farmers in organic agriculture could be only US\$32 to US\$38 per capita

This latest report confirms that there is indeed a consensus forming in development-policy circles on the feed-the-world question, but it's the opposite of what *The Economist* presented. Green ag, not Big Ag, points the way forward.

The question becomes, why are so many influential commentators behind the curve? How can *The Economist* so confidently pretend away the emerging consensus? (I can't resist noting that in the [acknowledgments](#) to its special food series, the magazine named as sources Monsanto, Syngenta, the Monsanto-funded Donald Danforth Plant Science Center, and Kraft Foods, along with the World Bank and the FAO.) Why did Obama staff his ag-policy positions with people who act like they've never heard anything but Big Ag propaganda? When is the Gates Foundation going to move its considerable resources behind green ag? How can a smart writer

like *The Washington Post's* ace political blogger Ezra Klein casually declare, as he did last year, that "[Industrial farms are the future](#)," citing nothing more than a [half-baked newspaper report](#)? By all means, disagree with the consensus if you find it flawed; but acknowledge it, wrestle with the literature, refute it (if you can).

Perhaps the tide will turn with the ascension of veteran food writer Mark Bittman to *The New York Times* op-ed page -- still probably the nation's most influential opinion forum. In his [latest column](#), published today, Bittman teases out the implications of the new U.N. report. Are you listening, President Obama? Mr. Gates?

*Tom Philpott is Grist's senior food and agriculture writer.*



## California schemin': How a fake organic fertilizer bamboozled farmers and watchdogs alike



by Samuel Fromartz

18 May 2011



**What's the difference?:** What seemed like organic fertilizer to farmers could have been spiked with the synthetic kind.

Truck photo (left): Iris Shreve Garrott

It's no secret that the organic food industry has seen explosive growth, taking only a mild drubbing through the recession and then continuing its ascent. At the heart of that growth has been trust -- consumers are willing to shell out more bucks for organic because the food's been grown without synthetic chemicals, with that claim verified from farm to market.

Yet two major cases of federal fraud have been filed in the past six months, rocking the California farming world and alleging that probably millions of pounds of produce sold as organic over several years weren't worthy of the label.

So why haven't you heard about this? Because the shady practices came from a side of the farming world that few shoppers think about: the fertilizer industry. And the real dupes weren't consumers but organic farmers.

In March, [Kenneth Nelson Jr. was indicted by a federal grand jury on 28 counts of mail fraud](#) as part of long-running scheme to sell liquid fertilizer through Port Organic Products and several related businesses. He claimed the juice was made from fish meal, bird guano, and other organic-friendly products -- but it turns out it may have been spiked with far cheaper synthetic fertilizer.

His was just the latest case. In October, FBI agents swooped into LAX and arrested Peter Townsley, who headed California Liquid Fertilizer in the Salinas Valley, the heart of the state's produce industry. Although the company's product was labeled as natural fertilizer made from fish, it also allegedly contained synthetic nitrogen -- and it had been widely used by organic farmers for years.

"This was probably one of the most significant cases of fraud in the history of the NOP," said Miles McEvoy, deputy administrator of the USDA's National Organic Program (NOP).

You can think of Townsley as the Bernie Madoff of the organic farming world, arrested and charged with mail fraud for submitting false statements about the juice, called Biolizer XN. Farmers applied his synthetic-nitrogen-rich fertilizer and then sold the crop as organic. Consumers at the end of the line were buying products they thought were grown organically but technically weren't.

### **Secret sauce**

Fertilizer has been a weak link in the organic chain for a number of reasons, although it hasn't gotten little attention outside organic circles.

First, fertilizer companies fall outside of the USDA's National Organic Program, so they aren't required to be inspected by third parties and certified in the same way that farmers or food processors are. While organic rules spell out what can and can't be applied to fields -- and synthetic fertilizer is definitely not allowed -- regulators at the USDA have no authority to take the next step and certify fertilizer manufacturers. Fertilizer oversight has rested with states.

Second, fraudulent fertilizer has been hard to detect. Only recently have tests evolved that can trace the source of fertilizer ingredients.

Finally, fertilizer is pretty far down the list of consumers' reasons for buying organic, which tend to prioritize avoiding chemical residues over esoteric soil fertility practices.

"People are much more freaked out about pesticides than fertilizers," said Brian Baker, who evaluated substances at the Organic Materials Review Board (OMRI) and now heads the Institute for Sustainability at Alfred State College in New York.

But this might be ecologically shortsighted. Baker points out that the biggest difference between organic and conventional farming isn't the use or avoidance of chemical pesticides, "but the way the nitrogen cycle is managed." Soils are often doused with synthetic fertilizers to raise yields, but the end result can be more pest and disease pressures, which in turn can lead to more pesticide use.

Instead of relying on petroleum- or ammonia-derived fertilizers to energize plants, organic farmers feed their soil with crop rotations, cover crops, and compost. They may supplement with concentrated fertilizers such as fish emulsion, but that's an expensive measure and not the core of the soil fertility regime.

So how does a farmer know a substance conforms with organic methods? They rely on two bodies for help.

Both the nonprofit Organic Materials Review Institute in Eugene, Ore., and the Washington State Department of Agriculture evaluate products such as fertilizers, soil amendments, and pest controls, then "list" the substance as allowable. (Even home gardeners can [make use of the OMRI site](#) to check out products). But they have no statutory authority to investigate or ban a product. At best, they can withhold a listing. Farmers can still use a product, but do so at their own risk.

With Biolizer XN, however, there was no grey area: By allegedly submitting false statements to OMRI, California Liquid Fertilizer's product made the preferred list. And farmers used the stuff - from as early as 2000 until 2007.

Baker, the former OMRI official, said that he had inspected the company's plant, though he noted that finding evidence of fraud was especially difficult -- not only in this case but in others. He recalled that in the 1990s, one company claimed that a particularly potent organic fertilizer came from a secret lake bed in the Midwest.

"Every time we asked to see the lake, they refused," he said. Turns out the lake didn't exist.

That was the drill with questionable substances. OMRI would ask for documentation, set deadlines, and on some instances, ask to inspect a plant. "They'd fail to get back to us, or a deadline would lapse and we would not approve the product," said Baker.

### **Stinking to high heaven**

California Liquid Fertilizer was an especially popular product with a third of the California market, according to the *Sacramento Bee*, which broke the story. While growers for Earthbound, the largest organic produce company in the nation, and Driscoll's -- the big berry grower -- had used the product, it wasn't confined to large farms. Even organic CSAs used it.

Port Organic's products were popular as well, becoming the largest source of organic fertilizer to farmers in the western half of the U.S., according to the federal indictment, generating \$9 million in profits and a Porsche and BMW for Nelson.

These fertilizers tend to be applied in the winter months, when produce grow more slowly, and to heavy-feeding, shallow-rooted crops such as strawberries that produce month after month. The products were attractive because they were potent and could be delivered through drip irrigation lines that run down field rows and water plants. Fish emulsions with organic material can plug up drip lines.

"It was the cheapest stuff around and very popular," said Zea Sonnabend, a policy specialist and organic inspector at California Certified Organic Farmers (CCOF), the state's largest certifier.

Although Sonnabend said there had been suspicions about the products, notably from competitors, CCOF could not block a product based on rumor. While OMRI had misgivings about California Liquid Fertilizer, state regulators in California had asked OMRI to back off, pending the results of a state investigation that began in 2005. So with the OMRI seal, organic farmers continued to apply the stuff.

A state investigator in 2006 found rail cars that had delivered ammonium nitrate to the California Liquid Fertilizer plant, reported the *Bee*. As a result of the investigation, the product was pulled off the market in 2007, with no admission of guilt. The transgression didn't come to light until late 2008.

Then, in the second instance of alleged fraud, the FBI raided Nelson's Port Organics in 2009 and found a tank of ammonia under the floor boards in its Bakersfield, Calif., headquarters. The ammonia was used to make synthetic fertilizer sold as organic.

Certifiers made a decision not to punish farmers who had unwittingly applied the products, even though synthetic fertilizers aren't allowed under organic regulations. There was, after all, no admission of wrongdoing. Plus, everyone from OMRI to the farmers were duped.

If certifiers had taken that step -- a move that ultimately would have been decided by the USDA - California organic farms, which account for [22 percent of organic farms in the nation and more than 430,000 acres of organic crops](#), would have taken a big hit. After all, it takes three years to bring land back to organic once a prohibited substance is applied. The \$25 billion industry might have stumbled too, given that organic produce is the largest single segment.

"It would have jeopardized a huge amount of crops at great cost if all growers had to go out of organic for three years," said Charles Benbrook, chief scientist at The Organic Center, an industry-backed think tank.

That risk is now over, since it has been three years since any of this stuff was applied and all fields would technically be free of a "disallowed" substance. Even if Townsend and Nelson are found guilty, farmers and the industry won't suffer.

## Trust busters

The breadth of organic farming in California may have made it especially vulnerable to fraud, since it presents a welcome market -- for anyone. But the industry's maturity might also be a counterweight to this happening again, because it has prompted more vigilance.

A California state law overseeing organic fertilizer went into effect in 2011, which requires inspection and certification of fertilizer sold in the state. The program may become a kind of pilot for the National Organic Program, the USDA's McEvoy said.

In 2009, the NOP also began requiring that all liquid fertilizers with greater than 3 percent nitrogen content must be reviewed by OMRI or an accredited certifier.

Earthbound didn't wait for the new state law to take effect. "By the time the regulators get involved it's often too late," said Will Daniels, Earthbound's vice president of quality, food safety, and organic integrity.

Once the scandal broke, the company began testing fertilizers. It now posts the information on an internal website so contract growers can see what soil amendments are approved.

Testing is a big part of the company's quality assurance regime. Aside from fertilizer, it also tests organic compost for pathogens. Salad mix and other crops delivered to its processing plants are tested for pesticides and pathogens. Then once they're washed and bagged, they're sampled again -- a particularly rigorous program the rest of the industry has yet to emulate.

But Earthbound has a reason for being so thorough. Its parent company, Natural Selection Foods, processed the spinach greens for Dole that were contaminated with *E. coli* and ended up sickening 205 people and killing two in 2006, only a year before the fertilizer case came to light.

While fraudulent fertilizer may not be in the same league as tainted spinach, the two cases have a lot in common. In both, a central source made its way into the middle of a robust system, tainting everything in its path. But they also have a notable difference: *E. coli* arose from the environment; while for the fake organic fertilizers, the root cause was fraud.

One way to prevent these type of incidents would be to beef up oversight -- something that the [Food Safety Modernization Act](#) that passed Congress late last year would attempt to do for, say, salad mix. California's state law will also mean greater oversight and inspections of fertilizer makers, adding another layer of assurance for farmers and creating a potential model for the National Organic Program.

But perhaps the biggest lesson from the case is that every link in the chain of the organic industry, from farmer to product testers to certifiers, should have been more suspicious all along. If the fertilizers were so good, so cheap, and so much more potent than the norm, maybe they were simply too good to be true.

In other words, everyone was duped, but perhaps too easily. Organic consumers can only hope that the renewed sense of vigilance will be present when the next case of fraud -- with fertilizers, pesticides, or false labeling -- inevitably arises.

*Samuel Fromartz is author of the recently published [Organic, Inc.: Natural Foods and How They Grew](#). See excerpts and background at [his website](#).*



## Will the real food movement please stand up?



by Woody Tasch  
2 May 2011



Image: Will Etling's "Sustain," originally for GOOD magazine and contributed to Green Patriot Posters.

Farmer Bob Comis [recently suggested](#) that the food movement is suffering from "multiple personality disorder." He argued that several vocal factions -- foodies, locavores, and "smallists"

-- tend to dominate the food movement discussion, unrealistically distracting us from our ultimate objective: bringing affordable, organic food to all as part of a broader commitment to social justice.

For decades now, organic farmers and sustainable food activists of all stripes have been vexed by the question: Is this a movement? Can it scale and have meaningful impact?

At one eloquent and entrepreneurially-impeccably-credentialed end of the spectrum stands farmer [Joel Salatin](#):

Don't let them confuse you. Organic farming is not an industry. It is a movement. It is part of a movement that began when the first indigenous peoples fought against the Conquistadors. It is fighting back against the modern Conquistadors, the multinational corporations, those who would patent and genetically modify life and destroy diversity.

At the other eloquent and entrepreneurially-impeccably-credentialed end of the spectrum stands Stonyfield Farm CEO [Gary Hirshberg](#): "I hate the 'm' word. Organics is an industry. We must build and utilize industrial-scaled enterprises, if we are going to get toxics out of the food chain in one generation."

There are 6,132 farmers markets in the U.S., up 350 percent since 1994. There were 60 CSAs in 1990; today there are almost 13,000. Some 400,000 people belong to them. That seems movement-ish, until you consider some countervailing data. 50,000 in Copenhagen, alone, belong to a single box scheme. More than 60 million people play Farmville online. McDonald's first quarter profits in 2011 were \$1.21 billion, up 11 percent from Q1 2010. So, despite *Food Inc.*'s nomination for an Oscar, Michael Pollan's single-handed splicing of the local, organic food gene into the American consciousness, and Jamie Oliver's much ballyhooed *Food Revolution* on TV, where's the (grass-fed, organic) beef? Where's the movement?

The beginning of an answer lies with Paul Hawken, who beautifully argues in [Blessed Unrest](#) that it is a fool's game to try to put a single name on the millions of initiatives emerging around the globe as an immune response to the destruction of natural systems. Add to Hawken's prognosis Wendell Berry's disdain for movements. Berry fears that movements, however well-intentioned, devolve into warring special interests, abstractions that deflect us from reducing, in our daily lives, our complicity in the destructiveness of the modern economy.

Where does that leave us?

Well, being stubborn, slogan-loving Americans, we could try to come up with names anyway: Foodie, locavore, vegan, localism, smallism, anti-GMOism, anti-Conquistadorism, anti-Twinkie-ism, raw milkism, school lunchism, ethical treatment of animalism, family farmism, urban farmism, farmers market vs. Walmartism, heirloom variety-ism, real foodism, slow foodism, indigenous culturism, nurture capitalism, biocharism, terroirism.

Or we can zoom out, and zoom down, and look for the broader and deeper process of which all this food related activism is a part. Here are some of the perspectives of people who have been working for decades to transform the food system (or create new ones):

Think: [Eliot Coleman](#)'s advice, "Feed the soil, not the plant."

Think: Gary Snyder's observation: "Food is the field in which we daily explore our harming of the world."

Think: Joan Gussow's aphorism, "I prefer butter to margarine, because I trust cows more than I trust chemists."

Think: Odessa Piper's insight, "Local is the distance the heart can travel."

Along this Coleman-Snyder-Gussow-Piper axis lies the connection between the food movement and its deepest roots, which reach all the way to the nonviolent ethics of Gandhi and King.

This enterprise that we are a part of, with its new organic farmers and the host of small food enterprises that are emerging to bring their produce to market, is about an economy that does less harm. It's about rebuilding trust and reconnecting to one another and the places where we live. It's about healing the social and ecological relationships that have been broken by hundreds of years of linear, extractive pursuit of economic growth, industrialization, globalization, and consumerism. It's about pulling some of our money out of ever-accelerating financial markets and its myriad abstractions -- called, with more than a little irony, securities -- and putting it to work near where we live, in things that we understand, starting with food -- creating a more immediate and tangible kind of security.

This attention to and, even, celebration of the small, the slow and the local can seem, at times, rather precious against the scale of global economic, political, and environmental challenges. But it was agriculture that gave birth to the modern economy, and, as Paul Ehrlich recognizes, it must be agriculture that we fix if there is to be a postmodern economy:

The agricultural revolution led to a period of cultural evolution unprecedented in its rapidity and scale ... It is a story that starts with the obtaining of food but returns us to two aspects of human behavior that, although present in hunter-gatherers, became even more important in sedentary groups--religion and violence.

CSAs to the rescue. [Local Harvest](#) and [Greenling](#) and Green Mountain Creamery and [Mamma Chia](#) and [Revolution Foods](#) and [People's Grocery](#) and [Gather Restaurant](#) and [Shepherd's Way Cheese](#) and [High Mowing Organic Seeds](#) and [Growing Power](#) and [Slow Food](#) and the [Business Alliance for Local, Living Economies](#), and [RSF Social Finance](#) to the rescue.

Can we imagine a pro-soil, pro-earthworm, pro-small farmer, anti-fiduciary-razzmatazz, pro non-capitalist-pig movement that becomes as robust in this second decade of the 21st century as the anti-war movement was in the 1960s?

Peace Now. Fertility Now. Food Here Now. Slow Money.

*Woody Tasch is president of [Slow Money](#) and Chairman Emeritus of Investor's Circle, a nonprofit network of angel investors, venture capitalists, foundations, and family offices that, since 1992, has facilitated the flow of \$130 million to 200 early-stage companies and venture funds dedicated to sustainability. He lives in northern New Mexico.*



## Why Is Damning New Evidence About Monsanto's Most Widely Used Herbicide Being Silenced?

By Jill Richardson, AlterNet  
Posted on April 27, 2011

Dr. Don Huber did not seek fame when he quietly penned a confidential [letter](#) to Secretary of Agriculture Tom Vilsack in January of this year, warning Vilsack of preliminary evidence of a microscopic organism that appears in high concentrations in genetically modified Roundup Ready corn and soybeans and "appears to significantly impact the health of plants, animals and probably human beings." Huber, a retired Purdue University professor of plant pathology and U.S. Army colonel, requested the USDA's help in researching the matter and suggested Vilsack wait until the research was concluded before deregulating Roundup Ready alfalfa. But about a month after it was sent, the letter was leaked, soon becoming an internet phenomenon.

Huber was unavailable to respond to media inquiries in the weeks following the leak, and thus unable to defend himself when several colleagues from Purdue publicly [claiming to refute](#) his accusations about Monsanto's widely used herbicide Roundup (glyphosate) and Roundup Ready crops. When his letter was finally acknowledged by the mainstream media, it was with titles like "[Scientists Question Claims in Biotech Letter](#)," noting that the letter's popularity on the internet "has raised concern among scientists that the public will believe his unsupported claim is true."

Now, Huber has finally spoken out, both in a second letter, sent to "a wide number of individuals worldwide" to explain and back up his claims from his first letter, and in interviews. While his first letter described research that was not yet complete or published, his second letter cited much more evidence about glyphosate and genetically engineered crops based on studies that have already been published in peer-reviewed journals.

The basis of both letters and much of the research is the herbicide glyphosate. First commercialized in 1974, glyphosate is the most widely used herbicide in the world and has been for some time. Glyphosate has long been considered a relatively benign product, because it was thought to break down quickly in the environment and harm little other than the weeds it was supposed to kill.

According to the [National Pesticide Information Center](#), glyphosate prevents plants from making a certain enzyme. Without the enzyme, they are unable to make three essential amino acids, and thus, unable to survive. Once applied, glyphosate either binds to soil particles (and is thus immobilized so it can no longer harm plants) or microorganisms break it down into ammonium and carbon dioxide. Very little glyphosate runs off into waterways. For these reasons, glyphosate has been thought of as more or less harmless: you spray the

weeds, they die, the glyphosate goes away, and nothing else in the environment is harmed.

But Huber says this is not true. First of all, he points out, evidence began to emerge in the 1980s that "what glyphosate does is, essentially, give a plant AIDS." Just like AIDS, which cripples a human's immune system, glyphosate makes plants unable to mount a defense against pathogens in the soil. Without its defense mechanisms functioning, the plants succumb to pathogens in the soil and die. Furthermore, glyphosate has an impact on microorganisms in the soil, helping some and hurting others. This is potentially problematic for farmers, as the last thing one would want is a buildup of pathogens in the soil where they grow crops.

The fate of glyphosate in the environment is also not as benign as once thought. It's true that glyphosate either binds to soil or is broken down quickly by microbes. Glyphosate binds to any positively charged ion in the soil, with the consequence of making many nutrients (such as iron and manganese) less available to plants. Also, glyphosate stays in the soil bound to particles for a long time and can be released later by normal agricultural practices like phosphorus fertilization. "It's not uncommon to find one to three pounds of glyphosate per acre in agricultural soils in the Midwest," says Huber, noting that this represents one to three times the typical amount of glyphosate applied to a field in a year.

Huber says these facts about glyphosate are very well known scientifically but rarely cited. When asked why, he replied that it would be harder for a company to get glyphosate approved for widespread use if it were known that the product could increase the severity of diseases on normal crop plants as well as the weeds it was intended to kill. Here in the U.S., many academic journals are not even interested in publishing studies that suggest this about glyphosate; a large number of the studies Huber cites were published in the *European Journal of Agronomy*.

If Huber's claims are true, then it follows that there must be problems with disease in crops where glyphosate is used. Huber's second letter verifies this, saying, "we are experiencing a large number of problems in production agriculture in the U.S. that appear to be intensified and sometimes directly related to genetically engineered (GMO) crops, and/or the products they were engineered to tolerate -- especially those related to glyphosate (the active chemical in Roundup® herbicide and generic versions of this herbicide)."

He continues, saying, "We have witnessed a deterioration in the plant health of corn, soybean, wheat and other crops recently with unexplained epidemics of sudden death syndrome of soybean (SDS), Goss' wilt of corn, and take-all of small grain crops the last two years. At the same time, there has been an increasing frequency of previously unexplained animal (cattle, pig, horse, poultry) infertility and [miscarriages]. These situations are threatening the economic viability of both crop and animal producers."

Some of the crops Huber named, corn and soy, are genetically engineered to survive being sprayed with glyphosate. Others, like wheat and barley, are not. In those cases, a farmer would apply glyphosate to kill weeds about a week before planting his or her crop, but would not spray the crop itself. In the case of corn, as Huber points out, most corn varieties

in the U.S. are bred using conventional breeding techniques to resist the disease Goss' wilt. However, recent preliminary research showed that when GE corn is sprayed with glyphosate, the corn becomes susceptible to Goss' wilt. Huber says in his letter that "This disease was commonly observed in many Midwestern U.S. fields planted to [Roundup Ready] corn in 2009 and 2010, while adjacent non-GMO corn had very light to no infections." In 2010, Goss' wilt was a "major contributor" to an estimated one billion bushels of corn lost in the U.S. "in spite of generally good harvest conditions," says Huber.

The subject of Huber's initial letter is a newly identified organism that appears to be the cause of infertility and miscarriages in animals. Scientists have a process to verify whether an organism is the cause of a disease: they isolate the organism, culture it, and reintroduce it to the animal to verify that it reproduces the symptoms of the disease, and then re-isolate the organism from the animal's tissue. This has already been completed for the organism in question. The organism appears in high concentrations in Roundup Ready crops. However, more research is needed to understand what this organism is and what its relationship is to glyphosate and/or Roundup Ready crops.

In order to secure the additional research needed, Huber wrote to Secretary Vilsack. Huber says he wrote his initial letter to Secretary Vilsack with the expectation that it would be forwarded to the appropriate agency within the USDA for follow-up, which it was. When the USDA contacted Huber for more information, he provided it, but he does not know how they have followed up on that information. The letter was "a private letter appealing for [the USDA's] personnel and funding," says Huber. Given recent problems with plant disease and livestock infertility and miscarriages, he says that "many producers can't wait an additional three to 10 years for someone to find the funds and neutral environment" to complete the research on this organism.

If the link between the newly discovered organism and livestock infertility and miscarriages proves true, it will be a major story. But there is already a major story here: the lack of independent research on GMOs, the reluctance of U.S. journals to publish studies critical of glyphosate and GMOs, and the near total silence from the media on Huber's leaked letter.

*Jill Richardson is the founder of the blog [La Vida Locavore](#) and a member of the Organic Consumers Association policy advisory board. She is the author of [Recipe for America: Why Our Food System Is Broken and What We Can Do to Fix It.](#)*



## A New Approach to Recycling

An Interview With Bill Sheehan

March 1, 2011 | Jim Motavalli



Bill Sheehan

Bill Sheehan cofounded the Product Policy Institute (PPI) with Helen Spiegelman in 2003, and serves as its executive director. In his work at PPI, he tackles waste from every angle—from championing waste-reduction methods to promoting cleaner manufacturing processes and the use of less-toxic materials. Sheehan has been a major supporter of bringing extended producer responsibility (EPR) to the U.S., and his work has led to the formation of Product Stewardship Councils in California, New York, Texas, Vermont and other states. Here, he talks to E about the promise for widespread adoption of EPR in the U.S.

***E Magazine:*** Is EPR reaching a tipping point in the U.S.?

**Bill Sheehan:** Yes. EPR is in a high legislative phase. The question now is what kind of EPR recycling we will have. The danger is that powerful corporations—in concert with the garbage industry and public sector waste departments—will water down EPR so that it does little to move the needle towards sustainability. If all EPR does is throw industry funding at programs that collect masses of mixed material that are sold on low-grade global commodities markets, we won't get meaningful change.

***E:*** What kinds of EPR schemes are being advocated for packaging?

**B.S.:** Two camps are squaring off. One approach is the mixed-basket-of-goods approach proposed by the beverage industry in Vermont as an alternative to beverage container deposits. This employs industry financing for a “comprehensive” material-based program for all packaging and printed paper. In practice, it relies on industry financing of government-delivered curbside programs. In Canada, this approach has been implemented in Ontario and Manitoba and has delivered poor results.

The second approach, pioneered in western Canada, is phased and targeted EPR. Government targets specific product categories—such as soft drinks, fast food, detergents and cleaners, and lets producers engage with consumers to innovate new programs. That’s how it has worked with the successful EPR programs for household hazardous products that are underway.

***E: Should local and state governments pay part of the cost of EPR programs, or should corporations bear the burden alone?***

**B.S.:** The central principle of EPR is that those who design, market and use products and packaging—producers and consumers—should pay for all of the environmental management costs. Experience shows that good EPR programs do not require any further subsidies from state or local governments. In fact, they work better when government sets the bar and then lets industry design and operate the most effective programs. One of the opportunities in EPR is that it offers brand owners an opportunity to build a relationship of trust with the consumer.

***E: How do you view the beverage industry’s proposal for EPR for packaging in the Vermont legislation?***

**B.S.:** Coca-Cola and Nestlé have made a fundamental concession: They admit that they have a moral responsibility to provide stewardship of their empty containers. But repealing effective, industry-managed container deposit programs makes no sense from a sustainability perspective. Deposits get more than double the recovery rates of mixed curbside collection, they yield clean material that is used to make new products, they work for beverages consumed away from home and they engage consumers rather than taxpayers or garbage ratepayers. Industry-managed bottle deposits are the grandmother of North American EPR programs—they should be improved and expanded, not abandoned.

***E: Is the Maine law a model for the rest of the U.S.?***

**B.S.:** Maine’s first-in-the-nation framework law establishes the principles of EPR in policy, and also a process for identifying priority products in the waste stream for new product stewardship programs. Maine has more EPR laws than any other state, a strong state environmental agency and, not insignificantly, a campaign finance reform law.

Maine also has a collegial culture that allowed the bill’s author to get support from the business community through the Maine State Chamber of Commerce. States with less experience and capacity than Maine may need to first pass several product-specific EPR bills. Those can ultimately be rolled into a framework regulation as British Columbia did in 2004.

***E: Why is Congress so unfriendly toward EPR?***

**B.S.:** I think it's more a matter of neglect. Recycling has never been a major focus of our federal government. In Europe and Canada, they've moved beyond debating whether EPR is the right policy and are asking how to make it work. Ultimately, harmonized federal or national EPR policies make sense. But brand owners are more powerful in Congress than in the state legislatures.

***E: How does the Product Policy Institute see its role?***

**B.S.:** PPI was the first environmental organization in the U.S. to raise the fundamental question of whether local communities should be bearing the burden of cleaning up after the throwaway economy. We told the story of the history of waste: how the provision of convenient municipal garbage collection, at no cost to those who design and market consumer goods, encouraged the proliferation of toxic and throw-away products and packaging.

We challenged—and still challenge—end-of-pipe services by local governments and waste haulers that don't solve the waste problem, but perpetuate it. We think it's time for the public to demand "cradle-to-cradle" product stewardship from the companies they do business with, so that consumers can return products and packaging rather than resorting to garbage trucks, landfills and incinerators.

CONTACT: [Product Policy Institute](#).



## Waste Not

Better Standards are in the Works to Keep Products and Packaging out of Landfills—But They're In Danger of Being Hijacked by the Beverage Industry

March 1, 2011 | Jim Motavalli



Three quarters of what the U.S. throws into landfills today is products and packaging. A lot of it is Designed for one-time use, and a lot of it is toxic.

Can something be moving forward and backwards at the same time? It's happening with extended producer responsibility (EPR), which is an evolution of recycling that places the burden of taking back waste on the companies that created the products, containers or packaging in the first place. EPR is gaining real traction in the U.S., but it's also in danger of being hijacked by corporate interests with hidden agendas.

Until very recently, EPR, also known as “the producer pays,” had become the rule in Europe (see “In Europe, EPR Is the Law,” page 27) and was establishing beachheads all over the world. But the U.S., where corporations have powerful lobbies and the ear of Congress, was stubbornly opting out. Meanwhile, the number of states that had enacted bottle bills (creating a deposit system for beverage containers and producer-maintained collection centers) remained small. To this day, just 10 states have bottle bills, the country's best example of producer-supported recycling efforts in action.

But a noticeable shift happened in early 2010, when Maine became the first state in the U.S. to enact a product stewardship “framework” law that targets products well beyond just beverage

containers—including the handling of electronics and batteries at the end of their useful lives. The electronics take-back alone in Maine saves the state’s cities and towns up to \$3 million annually.

In related initiatives, municipalities (including Austin, Texas, and the state of Hawaii) started to get serious about “zero waste,” or so-called “nil to landfill” programs, meaning that nothing going into the plant is wasted—it all has a second use. General Motors says it has met zero-waste goals for its U.S. plants, having located reuse options for everything it produces.

The Product Policy Institute (PPI), an EPR leader, is in talks with the carpet and packaging industries on mutually acceptable guidelines. Some 32 states have now established product-specific EPR laws (taking back, say, end-of-life TVs and other electronics and making their manufacturers liable for the cost of recycling them). In the U.S. today, 24 state laws address electronic take-back, 15 cover the safe disposal of mercury-containing automobile switches, nine cover the handling of lead-acid batteries, 10 address beverage container recycling and nine address mercury thermostats. Hazardous products are those most frequently covered, but the scope is expanding rapidly.

In the U.S., EPR is playing out at the state and local level, but is still very unlikely to become a federal mandate as it is in Europe and elsewhere (especially in the post-midterm election climate). As it gains strength locally, however, it will become a force to be reckoned with, enjoying the same kind of widespread public support that recycling has across the country.

EPR has also become well established in Canada, where British Columbia law has been phasing in for various products since 1994. The province’s law has been closely studied, and less-successful versions have also been enacted in Ontario and Manitoba.

The United States Conference of Mayors voted to “encourage its members to develop producer responsibility policies” in 2009, and it has become the rage for city councils—including Woodland, California’s just before Christmas—to enact EPR laws. As that city said in its report, “Solid waste ratepayers and taxpayers are financing costly collection infrastructure and programs that, in effect, amount to subsidies for product manufacturers who profit from the sale of products without having to take responsibility for their safe and efficient disposal, reuse or recycling.”

### **Taking Responsibility: Who, Us?**

Woodland got to the heart of the matter. Three quarters of what the U.S. throws into landfills today is products and packaging. A lot of it is designed for one-time use, and much of it is toxic. Taxpayers subsidize that waste disposal through their local governments, and if the waste is contaminated it’s up to those same taxpayers to figure out and pay for proper disposal. The current system imposes few penalties on manufacturers that put their beverages in one-way, non-refillable containers or swath their goods in excess packaging. And the producers want to keep it that way. According to *The Economist*, the success of EPR “worries businesses, few of which are eager to pick up the bill for waste disposal. Some business associations, such as the California Chamber of Commerce, have denounced EPR bills as ‘job killers.’”

The problem is that businesses can't "just say no" when it comes to EPR—it makes them look greedy and insensitive. A much better approach for them—in fact, a textbook case—is unfolding today in Vermont. A really effective bottle bill (with some producer responsibility built in) is under attack from industry-sponsored legislation that describes itself as EPR, but in reality would weaken recycling in the state. Vermont's bottle bill goes back to 1972 and covers metal, plastic, glass and paper drink containers with a five-cent deposit (15 cents for liquor bottles). Vermont has an 85% recycling rate and, along with concurrent curbside programs, it collected 73 million containers for recycling in 2008. It's a law that clearly works. The proposed law that would undo it is the Vermont Extended Producer Responsibility Act of 2010, and—to the horror of the Container Recycling Institute and Vermont Public Interest Research Group (VPIRG), among many others—it would replace the bottle bill with a law that they say is EPR in name only.

Paul Burns, executive director of VPIRG, a leading opponent of the campaign to kill the bottle bill, says the bill is likely to be revised before being taken up by the state legislature in early 2011, but "I'm sure it will still contain the repeal of our most successful recycling campaign, which is the bottle bill. However else it might be changed, that is the bottom line for the beverage industry, and they're putting a lot of lipstick on this pig to get it through. The big corporate beverage giants think they can come in here and hoodwink the people into repealing the bottle bill, but along with [Vermont's ban on billboards] it's one of the most strongly supported environmental laws in the state."

### **Wolf in Sheep's Clothing**

The same industries that disdained EPR are now embracing it as a work-around in the states (including huge population centers California and New York) that still have bottle bills. The beverage industry has long supported groups such as Keep America Beautiful (the group famously known for its "crying Indian" ads) that emphasize individual responsibility for litter collection but which, unbeknownst to most consumers, work behind the scenes to oppose and defeat bottle recycling bills. But that approach is getting threadbare.

A new tactic is to publicly embrace recycling, mainly by distributing free bins. The industry likes such one-time payments, not the costly ongoing commitment represented by bottle bills. PepsiCo, for instance, is sponsoring the multi-year Dream Machine recycling initiative with big player Waste Management, Inc., Keep America Beautiful and Greenopolis that has so far put bins and interactive recycling kiosks in 14 states.

But the campaign against bottle bills is getting into high gear. "The beverage industry should be applauded for claiming responsibility for their packaging while other packaging brand owners are opposing EPR," says Bill Sheehan, PhD, executive director of PPI. "But bottle bills help keep curbside paper clean and should not be sacrificed in the name of EPR."

Further inflaming bottlers is the fact that New York recently declared that it would keep 80% of its unclaimed deposits from its state program. That's money that the bottlers pay up front to fund the deposit program, and it accumulates when cans or bottles are tossed away. It's a sum amounting to \$120 million a year.

The new tactic is to disparage recycling as ineffective, while claiming that industry proposals will painlessly achieve long-sought EPR goals. Kim Jeffery, CEO and president of Nestlé Waters North America (a leading bottled water manufacturer), is spearheading the fight. In a GreenBiz.com article entitled “Why It’s Time to Rethink Recycling in the U.S.,” Jeffery charges that “bottle bills...aren’t the answer. The problem with bottle bills is they create an enormous government bureaucracy, do only a reasonable job of diverting a very small portion of the waste stream—beverage containers—from landfills, and do nothing to build curbside, public space and commercial recycling infrastructure.”

Jeffery has shared a stage with veteran green architect Bill McDonough to present his vision at forums across the U.S. “I’m so pleased to be joining Bill to share our sustainability vision,” he says. “For me, EPR means that all manufacturers must consider what happens to packaging materials at the end of a product’s life, and we must figure out a way to get those materials back, and use them again.” McDonough could not be reached for comment.

Coca-Cola took much the same approach in a 2010 white paper conducted by Natural Logic that it reportedly financed, “Product Stewardship & Extended Producer Responsibility: Toward a Comprehensive Packaging Recycling Strategy for the U.S.” The proposal’s foundation involves enacting product stewardship bills through state legislatures, just like the strategy now underway in Vermont. According to the report, “This will effectively shift the burden of cost for current recycling programs to producers and away from local governments.” One doesn’t have to be a total cynic to ask why a major bottler would fund a study that advocates making itself responsible for financial burdens now shouldered by local governments. The short answer is, it didn’t—because under the Vermont model beverage companies would save “millions” every year, according to Susan Collins, executive director of the Container Recycling Institute. Instead of paying deposit money up front on bottles and cans, she says, the industry proposals would have the beverage companies paying only for the products that make it into recycling bins.

Certain Canadian programs enacted with the same model as Vermont’s proposed law—and in fact coauthored by the same company, StewardEdge, headed by Derek Stephenson—have been deeply troubled. Stephenson, who declined to comment for this article, is a major figure in EPR programs in Canada, and has recently branched out to Europe, Asia and Australia. Vermont would be a significant beachhead in the U.S., and bottlers like the version of EPR designed by Stephenson and others because it saves them a lot of money.

In the calamitous Ontario version of the legislation, recycling costs \$25.5 million (Canadian) annually, but bottlers pay only \$7 million of that, Collins says. Half of the cost is borne by municipalities. Discounts are built into the system. Because the producer pays out only on the bottles collected, rather than on each one sold with a deposit, as in bottle bills, huge savings are realized.

One of the prime defenders of the proposed Vermont EPR law is Andrew MacLean, a lobbyist for the beverage industry in northern New England. “This bill greatly expands recycling beyond the bottles and cans that are 2% of the waste stream, and I’m surprised that some environmentalists don’t like it,” he says. “I think they’re upset because they didn’t think of our

approach themselves. Vermont's bottle bill is the most expensive in the country, and our program makes sense for a much greater percentage of the waste."

MacLean, who acknowledged that his bottler clients hate bottle bills, says he would have wanted to sit down with VPIRG to iron out a workable program, but "they refused to work with us." Meanwhile, he says, the national beverage industry is looking at Vermont as a model for the rest of the country. And, indeed, it is.

### **Why Single-Stream Recycling Doesn't Work**

A major problem for the industry's approach to EPR is that it would dump all the bottles and cans that now go to redemption centers into household blue bins. That gets you part of the way toward a goal, articulated by Jeffery of Nestlé in his article for GreenBiz.com, of a 60% recycling rate for all PET plastic beverage containers in the U.S. by 2018—at least on paper. But simply because bottles and cans go into bins doesn't mean they will actually be recycled into something new.

The major issue, recycling advocates say, is that American recycling programs are increasingly "single stream," which means that instead of presorting paper, plastic and other recyclables, everything is collected together. And that leads to a much higher percentage of spoilage.

According to Collins, "Recovery rates don't report what is contaminated—just what is delivered to the recycler. If Vermont abandoned its bottle bill, it would end up with twice the amount of contaminated product. A lot of paper mills, for instance, won't buy from single-stream systems. From collection centers there is a contamination rate of maybe 2%, but it's 25% from single stream."

Buddy Boyd of Gibson's Recycling Depot, which works with the pioneering EPR system in British Columbia on e-waste, says convenience is no panacea. "Single-stream collection of materials increases contamination rates by commingling everything together rather than trying to separate them and make everything whole and clean again," he says. "It's like trying to unscramble an egg." Electronics collected via the single-stream approach end up being crushed together with other recyclables, which defeats any reuse or resource recovery efforts (while also failing to remove any hazardous materials, such as mercury switches).

Sheehan says that, over the last decade, 60% to 70% of American recycling programs have gone single stream. "And the stuff given to the recycling facilities is significantly contaminated unless a lot of money goes into sorting it. The paper people don't like it, because the glass and plastic gums up their recycling machines. And the glass people aren't getting enough clean glass."

### **A Critical Year**

All of this suggests that 2011 will be a critical year for EPR in the U.S. It could end up co-opted and neutered by industry, or it could find itself in its strongest position ever—with local and state governments dictating terms to bottlers and other packagers. "I take this personally," says

Sheehan. “What could be lost is the whole reason behind recycling, which is to close the loop and make new products [out of old ones].”

Ontario’s experience offers a case history of how not to do EPR. Its Blue Box program, launched in 2004, is not true EPR. Unlike corporate-funded programs in Europe, the costs in Canada are shared by the government and producers. And it has led to a backlash, with some retailers imposing “eco fees” on consumers.

According to “The Eco-Fee Imbroglia,” a report from the C.D. Howe Institute, a Canadian research institution, “Public outcry over the imposition of fees relating to this plan by some retailers led the government to suspend and eventually scrap the program.” Ontario’s environment ministry is now in the process of reviewing a proposal to move to a full EPR system—making producers pay 100% of the cost.

Well-designed EPR—such as the programs in British Columbia and Maine—is phased in slowly and carefully, with plenty of competition and full stakeholder participation. It doesn’t have to be run by or even have the participation of local governments—if the producer pays, the producer can also design the most cost-effective solution. In fact, it forces them to do so, which is the point.

That said, Neil Seldman, director of the Institute for Local Self Reliance, points out that government-run programs are much more likely to be unionized and pay a decent living wage than programs subcontracted by corporations with an eye only for the bottom line. “EPR has to be green and pro-labor, too,” he says, pointing to the disparity of programs that pay \$7 an hour with few benefits, as in Atlanta, and those that are unionized and pay \$20 an hour, with benefits, as in San Francisco.

Sheehan’s response is that labor rights have to be built into the design of EPR programs by local governments. “It needs to be articulated as part of performance standards,” he says. “Let industry figure out how to achieve those outcomes.”

The moral seems to be that corporations should be empowered to create and pay for their own EPR programs—under strict guidelines and with regular monitoring. EPR is on the move, finally, and vigilance is needed to keep it moving in the right direction.

There are ominous signs of a national counter-attack against EPR, however. In Maine, incoming governor Paul LePage, a conservative Republican, says that he believes in “strong environmental laws,” but one of his first acts was to order a review of the state’s EPR law to “ensure that manufacturers do not have to pay to recycle their consumer products...” But making manufacturers pay is the essence of EPR, and removing that provision would gut the whole meaning of EPR.

**JIM MOTAVALLI** *is a senior writer at E.*



## S.F. farmers delight! Urban agriculture now in the law

It's no longer illegal in this locally-sourced foodie capital to grow Swiss chard in your backyard and sell it to the corner restaurant.

Posted By: John Coté | April 20 2011



Michael Macor / The Chronicle  
Mayor Ed Lee makes it official.

With the stroke of pen -- punctuated by a celebratory "salad toast" of local greens -- Mayor Ed Lee today signed legislation that allows for "urban agriculture" throughout the city, including the sale of produce from gardens.

"We're going to make this legal!" Lee declared as he stood surrounded by sprouting vegetables and urban farmers at Little City Gardens in the Mission Terrace neighborhood.

The legislation, which grew out of the mayor's office under former Mayor Gavin Newsom and was approved by the Board of Supervisors on April 12, [rewrites old zoning laws that prohibited selling homegrown produce](#) without a costly permit and a hearing in front of the city Planning Commission.

The new ordinance allows for the sale, pick-up and donation of fresh food and horticultural products grown on-site throughout the city. It also allows for the sale of "value-added products" like jams, pickles or pies where the primary ingredients are grown and produced on-site in all

areas except those zoned exclusively for residential uses. Growing food or horticultural products for personal use remains unregulated.

Lee called urban agriculture a "more enlightened thing to do."

"A lot of our ordinances, in my opinion, are outdated and we need to modernize them," Lee said.

Eli Zigas of the San Francisco Urban Agriculture Alliance, who led the "salad toast" with plates held aloft and a "hip, hip, hooray" (we are not making that up), said the new law "not only encourages people to connect with food and build community by cultivating fruits and vegetables in their neighborhoods, but also allows gardeners to earn a little extra cash to make a living selling what they grow."

## When it Comes to Food, One Size Doesn't Fit All

By Jim Cochran  
April 25, 2011



*Jim Cochran has been a pioneer in sustainable food production for more than three decades. Jim started the first organic strawberry farm in California in the 1980s before the industry thought that organic growing could be profitable. Sustainability on Jim's farm now goes well beyond environmentally friendly growing practices. Swanton Berry Farm was the first 100 percent unionized organic farm in the country, and Jim's employee stock ownership plan (ESOP), health coverage and other benefits recognize his employees as vital partners in the operation. Jim is NRDC's 2011 Growing Green Award winner in the Food Producer category.*

With strawberries lining grocery shelves from Boston to Tokyo, some say that global food supply chains are becoming ever more complex. In one sense, that's true: speeding fresh-picked fruit across the country, or around the world, is no small trick. But in order to achieve this, it is actually necessary to *simplify* the way food is grown -- to turn food from a source of nutrition and local pride into an industrial commodity produced by industrial-scale farms.

Having farmed for over three decades, I've watched it happen. The world of agriculture has become less complex, and less resilient.

Our global, industrial food system is causing a slow erosion of the rich complexity that used to exist in farming communities around the world. As food corporations grow ever larger, shrinking wallets force more and more growers to leave their farms and communities to work for a big company growing a single crop. Money flows away from their community to a handful of people, often living far away. And as their community life slowly succumbs to changes in global agriculture, somehow human dignity erodes as well. Social problems worsen. The complex social and environmental web gradually breaks down, with people -- and plant and animal species -- falling through the cracks.

Of course, global suppliers say that in order to produce strawberries and other foods on a scale necessary to supply the world market, you have to make some trade-offs. Maybe drop some varieties that don't ship well. OK, I'll buy that.

But what about the *way* in which strawberries are produced? Much like Henry Ford's assembly line, churning out berries for a global market requires a transformation of growers into incredibly

efficient, centralized farms. Instead of a diverse mix of farm scales and crops, you end up with industrial-scale operations, with hundreds of employees growing a standardized product. Less diversity, less care, and some serious consequences for the environment, the people working on the farm, and those living nearby.

In 1983, when I started experimenting with growing organic strawberries in California, everyone in the industry told me that it couldn't be profitable on a commercial scale. At the time, the pesticide of choice for berry growers was Methyl Bromide, a highly toxic fumigant that even the EPA [has admitted](#) can damage the neurological system, the lungs, and the ozone layer. Many other toxic chemicals were *de rigueur* in strawberry production. Even today, the increasing use of [methyl iodide](#) as a soil fumigant threatens human health in a very worrisome way.

Back then, I wanted to prove that it was possible to grow a commercially viable crop of strawberries without depending on all these chemicals. I talked with old-time farmers, read some of the pre-WWII literature, talked with Stephen Gleissmann of the agroecology program at UC Santa Cruz, and tried a lot of ideas based on hunches and intuition. At the time, there was no "how-to" guide to organic strawberry production. It was all trial and error. But by using traditional methods of crop rotation and nurturing the surrounding ecological balance, I was finally able to grow a commercially successful crop.

[Swanton Berry Farm](#) gradually expanded to about 45 people working over 200 acres of leased land along the central coast of California, about 65 miles south of San Francisco. We've now been certified organic for 24 years, and we proudly [grow](#) 20 acres of strawberries, as well as blackberries, kiwis, artichokes, broccoli, cauliflower, peas, celery, brussels sprouts, and a few other vegetables.

But even as I discovered new (and old) ways of growing, I turned my attention to the larger context: the people and the community involved in the farming process.

By then, there was a lot of talk about organic farming -- about the bugs and soil and plants. But what about the people who work a piece of ground in order to coax a living out of it? What about their livelihoods, their communities?

We decided to begin to address these issues by negotiating a contract with the [United Farm Workers](#), founded by Cesar Chavez back in the 1960's. In 1998, we became the first organic farm in the country to join with the United Farm Workers, and we've had a very successful relationship ever since. Apart from tangible benefits like health and dental insurance, a pension plan, paid holidays, and vacation pay, there are significant intangible benefits that come with the professional relationship that a union contract brings. Our employees are professionals and have all the rights that come with that status.

Our employees are intimately invested in the farm, and have ownership to show for it. Through our "Employee Stock Ownership Plan," all employees receive bonuses in the form of stock in the company. They own about 12 percent of the company now, and their ownership share is increasing every year. Employees participate in major decisions -- from production to marketing to personnel policies -- because they know they are vital partners in the operation.

But because good workplace benefits raise the cost of production, it's been a struggle to get even organic farmers to incorporate unionization into their labor forces. On the one hand, it makes sense -- higher labor costs mean an even more expensive product. But in our view, sustainability goes well beyond protecting the environment. That's why we're trying to lead by example to further better labor practices in the organic industry.

While in our little corner of the world we are working to develop a new business model for organic farming, the fact remains that the current world food system requires standardization, large scale, and "simplified" streams of money flowing through a few major pipelines. A few people are making good money, and the rest are working for them. All the rich complexity -- social, cultural, economic, and environmental -- of a small farm community is disappearing fast. Most people engaged in "farming" now work for a big company. Too simple.

But the good news is that there is a significant counter-trend to revitalize farming communities and re-create the local food systems that used to support healthy communities. Right here in California, I'm proud to say that while I started as nearly 100 percent of the organic strawberry market, my market share is down to about 1 percent. That means more growers -- well, more than a hundred of them for strawberries alone -- are finding sustainable growing profitable.

And even more gratifying is the fact that more and more organic farmers are improving their labor standards. But nonetheless we -- all of us -- have a long way to go before we can say that we are truly sustainable in the broadest sense.

Winning a [Growing Green Award](#) from [NRDC](#) is a milestone for our industry in that a major environmental group is recognizing that true sustainability must include better wages, benefits, and working conditions for the workers and communities that grow our food. It is an award not just for Swanton Berry Farm or myself, but for an entire generation of people who have been doing their best to follow a truly holistic vision of sustainability.



## NRDC Growing Green awards highlight alternatives to toxic methyl iodide

Cameron Scott | April 26, 2011

NRDC [announced winners](#) of its annual Growing Green awards today, and it's clear the environmental group is using the awards to influence the ongoing [controversy](#) surrounding use of the cancer-causing fungicide methyl iodide — which both [California](#) and the [federal government](#) have approved for use despite its well documented health risks.

Winning the Food Production award — the \$10,000 top prize — is **Jim Cochran** of Swanton Berry Farms, the first California commercially successful grower of organic strawberries in California. [Methyl iodide](#) is primarily used for strawberries.

**Pam Marrone** of Marrone Bio-Innovations took the Business Leader award. The company produces natural alternatives to commercial pesticides, one component of a program that could viably replace methyl iodide. Marrone's products are made from plant extracts and microorganisms.

Although 90 percent of her products replace chemicals in conventional — not organic — farming, Marrone is careful not to proclaim too loudly that they are alternatives to methyl iodide — or the ozone-destroying [methyl bromide](#) that methyl iodide was okayed to replace. She explains that because "the regulations are really black and white," if a non-toxic alternative can be found, farmers are forced to start using it immediately, exacerbating resistance to new methods.

Marrone says, "everyone wants a silver bullet — a drop-in replacement. Methyl iodide is popular because it is a drop-in replacement" for methyl bromide.

But, she explains, "Everyone says there's no alternative. But actual testing of a *program* that's an alternative to methyl bromide hasn't been done because no one wants it to be done. Less than 10 percent of the money going to looking for an alternative is going to truly ecological" options.

Organic farmers like Jim Cochran do without toxics by employing methods that conventional farmers would dismiss as too complicated and expensive. When Cochran first started growing pesticide-free strawberries in 1987 — partly motivated by a bout of pesticide poisoning —

conventional farmers predicted he'd fail. Not only did he not fail, he paved the way for more than 100 other growers of organic strawberries in California.

So how does he keep fungus at bay?

"I picked up from the wine industry when they were talking about how to control [botrytus](#) — they thin vine out in a certain way; they don't crowd the canopy [which is] warm and humid and a great place for fungus to grow." So, he says, "I switched to a single row of plants" per bed. Most farms grow 2-4 rows of berries in a single bed. "But then they form a canopy," Cochran says.

Cochran concedes that with fewer plants per acre he has to charge more. So how does he get away with it?

"I've concentrated on flavor; he explains. "There's an inverse relationship between flavor and yield. If you concentrate on flavor, you just not going to get the yield. Maybe it's because you have a certain amount of flavor that's available."

Cochran made a "difficult decision" 28 years ago when he shared his techniques with others. By now U.C. Santa Cruz has published and augmented them, so they're no secret.

Simply, Cochran explains, he's done it by "returning to old-fashioned good farming practices. Crop rotation has been largely abandoned in industrial business. If you dump chemicals you don't really need to rotate crops; that's one of the advantages of chemical farming." Swanton rotates with broccoli and cauliflower because "when they break down they seem to suppress certain kinds of soil disease."

Methyl who?

<http://www.youtube.com/watch?v=u0PjA6BcJFs>



## Farm Bill 2012: Will the West Coast Set its Own Table?

May 4th, 2011 By Dan Imhoff

The West Coast is a place where, on a recent rainy winter night in Seattle, hundreds of people turned out to discuss food policy. Like their counterparts in Portland, San Francisco, and other cities and towns, these folks were hungry for information about the connection between healthy food and community health. They saw local and regional food as an engine to revitalize economies. At events like these, it's easy to imagine that Washington, Oregon, and California could become a regional force in the national dialog leading up to the next Farm Bill.

I am often asked what audience members can do to affect change in the food system. To my mind, individual action takes place in radiating circles, starting with the personal and moving out to the local, regional, state, national, and global. I am increasingly drawn to the personal and local, where influence and outcomes are most powerful and tangible. Raise your own fruits, vegetables, or chickens and you know exactly what goes into the entire process. Work on a campaign to protect open space or build a school garden and you can have personal contact and investment.

Things are not so clear or accessible at the national level. The Farm Bill, driver of federal food policy, is so complex that it is hard to know where to begin. Absent campaign finance reform, you are swimming with the sharks: grain monopolies, corn growers, farm bureaus, livestock associations, sugar lobbies, ethanol processors that pour billions of dollars into the political process.

We can't let this intimidate us from righting a broken food system. By pulling back to the regional level, it might be possible to form an alliance of concerned eaters with political power at the national level. In January 2011, the [City of Seattle approved a Farm Bill platform](#). Given the growing awareness of the importance of food and farm policy on the West Coast, it is reasonable to expect that city councils in Olympia, Portland, Eugene, Ashland, Ukiah, Santa Rosa, San Francisco, Los Angeles, and all the way down to San Diego may consider and eventually sign on to a similar document. Its main tenets share a lot in common with a California Farm Bill platform drafted by the nonprofit Roots of Change in Los Angeles in November 2010:

- a health centered food system;
- sustainable agriculture practices;
- community and regional prosperity and resilience;
- equitable access to healthy food;
- social justice and equity; and
- systems approach to policy making.

While the Farm Bill is the Big Kahuna in the food and agriculture system, there are other forceful unifying levers. In 2008 California passed Proposition 2, an animal welfare initiative that will ban three forms of egregious confinement systems: cages for laying hens; confinement stalls for pregnant sows; and veal crates for male dairy calves. Proposition 2 can't be dismissed as a purely California phenomenon. It passed with 63 percent of the vote. [Seven states](#) have now banned certain animal confinement systems, and the Humane Society of the United States has introduced similar initiatives in two more key states: Washington and Oregon.

In addition to unified Farm Bill platforms, imagine the entire West Coast agreeing on advanced animal welfare standards. Most citizens believe that food animals deserve humane treatment while they are alive, yet there are no laws at the national level to protect livestock during their production cycles. Intervention is still possible at the state level.

Health practitioners are also joining the food policy reform movement, concerned about the epidemic of obesity, diabetes, heart disease, and other nutritionally related ailments ravaging adults and children in their communities. They are following the lead of innovative programs like the [California Farmers' Market Consortium](#) that links the food stamp program (SNAP) with regional growers of fruits and vegetables in 60 farmers markets, from Santa Rosa to San Diego. SNAP recipients can receive up to double the value of their purchases of fruits and vegetables—money that goes right into the hands of farmers. They can also watch demonstrations on how to cook and eat more healthfully. Doctors are collecting data on the medical benefits of such programs to analyze their effectiveness.

Coastal livestock producers and consumers interested in high quality, pasture-raised animal food products are united around a common concern: a lack of slaughter facilities within reasonable driving distances from production centers. In years past, each large town had some sort of slaughter facility. But decades of massive consolidation have devastated local processing capabilities. Small-scale slaughter facilities are one of the crucial missing links in local food system capabilities. In California, for example, only about a dozen remain, and some of those aren't open to all producers. Just as Farm Bill dollars once built the giant monoculture farming infrastructures and Concentrated Animal Feedlot Operation industry that dominate today's food system, it can do the same for the modern pastured livestock movement. Assistance can come in the form of value added producer grants, loan guarantees, important research, and regulations tailored to smaller operations—to complement necessary private investment. Reformers could ask for 10 new West Coast processing facilities, for example, in the upcoming Farm Bill as a pilot project.

If we citizens don't impact policy at the national level, there are plenty of agribusinesses and food manufacturers already working to set the rules and spend taxpayer money for us. As the old adage says, we reap what we sow. The West Coast can set its own table.

*Dan Imhoff is the author of [Food Fight: The Citizen's Guide to the Next Food and Farm Bill](#) (2012 updated edition due out in September) and [CAFO: The Tragedy of Industrial Animal Factories](#), (winner of the Nautilus 2011 Gold Prize for Investigative Reporting). Find out more at [www.watershedmedia.org](http://www.watershedmedia.org).*

# Sustainable farming takes root in agriculture

Carolyn Lochhead, Chronicle Washington Bureau

Monday, May 16, 2011



Photo: Seth Perlman / Associated Press

**(05-16) 04:00 PDT Washington** -- Georgetown University last week packed a lecture hall usually reserved for presidential foreign policy addresses for a conference on food, keyed by the world's most famous organic farmer, Prince Charles.

"Topsoil is the cornerstone of the prosperity of nations," the Prince of Wales told the crowd of more than 700, citing at times UC Berkeley professor Michael Pollan and first lady Michelle Obama, heralds of the new food movement. "Why is it that an industrialized system, deeply dependent on fossil fuels and chemical treatments, is promoted as viable, while a much less damaging one is rubbished and condemned as unfit?"

The sustainable farming movement, cradled in Northern California, has gone mainstream, challenging the industrial model that has ruled American farming for more than half a century.

Eight big foundations - the Ford Foundation, the Bill & Melinda Gates Foundation, the William and Flora Hewlett Foundation, the David and Lucile Packard Foundation, W.K. Kellogg Foundation, the McKnight Foundation, Rockefeller Foundation and the Walton Family

Foundation - have just banded together in a group, called AGree, to examine food systems and mediate the conflict between conventional and alternative farming.

"This is a big issue, of equal importance to health security, energy security and national security," said co-chair Dan Glickman, a former U.S. secretary of agriculture. The United States is the world's largest food exporter. The challenge, Glickman said, is how to feed a rapidly rising world population in a way that doesn't "rip up the Earth."

## **Call for change**

The authors of a major 2010 study of sustainable agriculture by the National Research Council, an arm of the National Academy of Sciences, said in a recent peer-reviewed piece in *Science* magazine that agriculture is "at a critical juncture" and called for a "transformative approach" to change.

"Incremental changes are OK, but that's where most of our dollars are going," said lead author John Reganold, a professor of soil science and agro-ecology at Washington State University. "We have to move more quickly. The slower we move, the more damage to the environment."

But questions remain about what sustainable agriculture actually is and whether it can feed a world population headed toward 9.3 billion by 2050 from nearly 7 billion now.

## **High industrial cost**

An emerging scientific consensus that alternative farm systems work, and that the environmental and health costs of industrial agriculture are too high, has drawn powerful new interests to what was a parochial arena controlled by commodity groups.

These costs in the United States include depletion of soil fertility and aquifers, from the Sacramento-San Joaquin River Delta to the Ogallala aquifer in the High Plains. They also include giant algae blooms in the Gulf of Mexico from fertilizer runoff in the Mississippi River, antibiotic resistance from heavy use of antibiotics in livestock, pollinator loss from pesticides and large-scale, single-crop farming, and water pollution from concentrated animal feeding operations.

## **Fossil fuel dependent**

One billion of the world's people are obese or overweight, and yet another billion are hungry, drawing scrutiny of farming systems by public health and development specialists.

Conventional farming is heavily dependent on fossil fuels, an increasingly weak link in the food chain as global oil reserves dwindle.

"I don't know how we feed 9 billion people," said Deanne Meyer, a UC Davis livestock waste management specialist and an author of the National Research Council study. "It's even scarier when you try to figure out how to feed 9 billion people without petroleum."

## **Environmental impact**

Farming plays a huge role in the environment. One-quarter of California - 27.6 million acres - and half of the U.S. land mass is farmland. Farming accounts for 41 percent of freshwater use.

"Agriculture is probably the biggest player in the environment," Reganold said. "Most people don't realize that."

But sustainability remains a loaded and ill-defined term. It is much more than organic farming, which while growing rapidly, especially in California, remains at less than 1 percent of U.S. cropland. Alternative farming systems, considered friendlier to nature but not necessarily organic, include such practices as rotating crops and raising cattle on grass.

Improved methods of conventional farming have brought some of the biggest environmental gains. No-till practices - which organic farms cannot use because they require tillage for weed control - slash soil erosion, improve wildlife habitat and reduce fuel use. Drip irrigation has cut water use, "precision farming" technologies cut fertilizer use and integrated pest management techniques greatly reduce pesticide use.

## **State's long-term plan**

California's AgVision 2030, sponsored by the state government and instigated by the American Farmland Trust, a conservation group, is working with conventional and alternative agriculture on a long-term strategy for the state's huge farm industry, the nation's largest.

Edward Thompson, the group's executive director, said California farmers are the most heavily regulated in the nation and probably the world, yet face conflicting environmental regulations. "There's no farmland without farmers," he said.

California farmers are ahead of the rest of the nation in addressing sustainability, said Michael Dimock, president of Roots of Change, a California nonprofit focused on creating a sustainable food system in the state. "We're all coming to the realization that there doesn't have to be a bad guy, that agriculture can make changes. We're seeing it in California. Agriculture is deeply engaged, and resistance is evaporating."

Nationally, the American Farm Bureau has formed the U.S. Farmers and Ranchers Alliance to counter an increasingly hostile climate toward large-scale farming.

"Every time I turn on the television, it seems every 10th commercial is some food or farm company talking where the farmer or food came from," said Bob Heuer, a Chicago-based food and farm consultant. "Big Ag is under siege."

## **Defining sustainable**

American Farm Bureau chief economist Bob Young took issue with how sustainability is defined.

"We've got folks in our membership that have been farming cranberries on the same bog for the last 225 years," Young said. "They think they're sustainable. They fertilize the plant, they take care of the weeds, they take care of the bugs, why would you not think that's sustainable?"

Fertilizer use on U.S. farms peaked in 1980 and pesticide use peaked in 1973, said Robert Paarlberg, a professor of political science at Wellesley College who researches farm policy.

"Prince Charles says he wants fertilizer to come from renewable sources," Paarlberg said. "That all sounds very environmentally friendly until you realize that that manure has to come from billions of additional animals that have to graze on pasture somewhere. That's not a sustainable use of nature."

Washington State University's Reganold said the argument that organic farming can't feed the world is beside the point.

"Guess what, neither can conventional farming," he said. "No one system can. We need a blend of systems, and a blend of these alternative systems is our best shot."



Photo: Frederic Larson / The Chronicle

## New easement concept hopes to preserve small family farms

By Gina Kim

Saturday, May. 7, 2011



Photo: José Luis Villegas

Jeff Main and his dog Bean walk in a newly tilled field at Good Humus Farm in Capay. Main and his wife, Annie, have farmed the acreage since 1983, selling their vegetables, flowers, herbs and fruit in farm boxes and twice weekly at the Davis Farmers Market.

Annie and [Jeff Main](#) ease into chairs set in the part of their Capay property dedicated to the blooming colors of spring, a gap in distant trees offering a view of the rolling hills just beyond.

The sun dips lower in the sky and the couple – with their sun-wizened skin and bodies toughened from physical labor – unwind from the planting, harvesting and bundling that fill their days as the farmers behind the 20-acre [Good Humus](#) Produce.

"We feel like we wake up every morning knowing we do something good for the kids, something good for the earth, something good for ourselves," said [Jeff Main](#), 60. "It's a great way to live."

But the couple – who began dating while students at the [University of California](#), Davis, and have since raised three children on their farm – recognize that their decades of work could simply go away when the time comes to sell.

Most of the acreage surrounding [Good Humus](#) is no longer tilled for [food production](#), and what is farmed is rented out by the landowners.

"We realized that the important thing was to save the work we were doing, so tearing down and starting over on this land wasn't a possibility," said [Jeff Main](#), who cites farms in [England](#) where farmers build on the work of the generations before them.

The couple are almost 40 percent toward the goal of raising \$400,000 to turn their property into what they've dubbed an affirmative agriculture easement.

The easement will require that the land always be organically farmed by an owner who lives on the property and earns 50 percent of his or her income from whatever can be coaxed from the earth.

"The light went off in my head," [Paul Cultrera](#), general manager of the Sacramento [Natural Foods Co-op](#), recalled thinking when he heard about the idea. "If their farm goes away and the next farm goes away, then we have a problem. The heart and soul of the co-op is the relationships with the farmers."

The co-op, which buys directly from about 40 local farmers, has partnered with the Davis Food Co-op to help [Good Humus](#) raise the needed money in a project called One Farm at a Time.

The hope is to help farm after farm file similar easements to ensure their legacies.

The average farmer today is about 58 years old, up from 39 in 1945. And for every six farmers over the age of 60, there is just one under the age of 30, according to Cultrera.

"There are a lot of young people who would like to farm but given the unaffordability of land today, it's very difficult for them," Cultrera said. "That's where Annie and Jeff's idea of an agricultural easement, which takes the value of the farm and tosses it out the window, that's why that makes sense."

The easement would work like this: The \$400,000 being raised would pay for processing costs plus the farm business and the property's structures. Then, when the Mains get ready to sell to a new farmer, that farmer would pay simply for what the land would be worth if there were nothing on it – an expected \$75,000 to \$100,000.

While on the surface it may sound like a boon for the Mains, it is important to understand the farm's finances. The average profit of [Good Humus](#) is \$50,000 a year. The couple carry about \$250,000 worth of debt and no savings.

"It's really having the diversity of agriculture throughout [Yolo County](#) that we're looking at," said [Michele Clark](#), executive director of the [Yolo Land Trust](#), which is considering servicing the easement. "It's our food; how much more important can that be?"

The Mains hope to build a small house when they retire. For now, they simply want to move out of the modest barnhouse where they've lived since they began farming the land in 1983 and into the one across the garden they've been constructing on weekends and evenings since 2000.

The couple did not mean to spend their lives farming – selling their vegetables, flowers, herbs and fruit in farm boxes and twice weekly at the Davis Farmers Market.

"Every year I'd say, 'I'm never going to do this again,' but we always did," said [Annie Main](#). 58. "We had a plan if we went belly up – we'd go to [New England](#). ... But Jeff and I have never been there yet."

There are struggles – cucumber beetles attacking squash plants, deer taking out a row of flowers, oranges turning out sour. But the joys outweigh them: a woodpecker nest discovered in an old nectarine branch, the smell of blooming citrus, the juice of a freshly picked apricot dripping down a chin.

"One of the pleasures is to get up and be on a ladder before 6 a.m. as the sun rises and picking fruit into a bucket," said [Jeff Main](#). "[Life](#) doesn't get better than that."



**Photo: José Luis Villegas**

Annie Main surveys the garden near the main house. The Mains hope to preserve their farm and its bounty for generations to come.



**Photo: José Luis Villegas**

Annie Main plants lettuce with cat Mufasa at the Good Humus Farm in Capay. Main and her husband, Jeff, hope to make it financially feasible for a new farmer to take over when they retire.

## Steve Gliessman: Planting the roots of agroecology deep in Santa Cruz

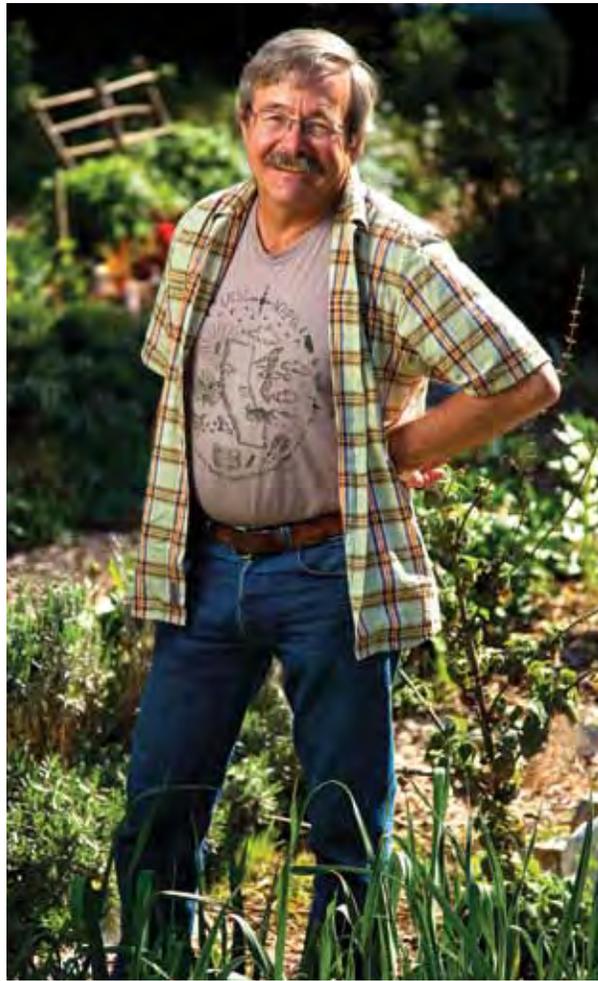
**The term dates** back to the late 1920s, but when Steve Gliessman and two Mexican colleagues began using “agroecology” nearly 35 years ago they pronounced it in Spanish: “agroecología.”

Gliessman was teaching at the Colegio Superior de Agricultura Tropical in Tabasco, Mexico, and studying the traditional Mayan techniques that form the foundation of sustainable small-scale farming that respects the land, farmers, and their culture.

Three years later, in 1980, Gliessman joined the UC Santa Cruz environmental studies faculty and founded the UCSC Agroecology Program. In 1997, he wrote the textbook *Agroecology: The Ecology of Sustainable Food Systems* and published a second edition 10 years later. Today, agroecology is an interdisciplinary concept that extends beyond organic farming, and is widely known and taught in universities (often using Gliessman’s textbook) across the nation and around the world.

“Steve is one of the pioneers and founders of agroecology worldwide,” said professor Miguel Altieri at UC Berkeley’s Department of Environmental Science, Policy and Management. “His influence has been enormous.”

Said another colleague, Professor Charles A. Francis, director of the Center for Sustainable Agricultural Systems at the University of Nebraska-Lincoln: “Three decades ago, agroecology was a little known idea in the minds of a few academics in Latin America, the U.S., and Germany. Through his writing and teaching, Steve became one of the most prolific and articulate advocates of this confluence of agriculture and ecology.”



**“Social change doesn’t happen overnight. The goal is to create transformative action and a whole new way of thinking about the entire food system.”**

Today, Gliessman, holder of the first endowed chair at UC Santa Cruz, the Ruth and Alfred E. Heller Chair in Agroecology, is scaling back ever so slightly. After all, he is supposed to be retired as of last July. But that hasn’t seemed to slow him down.

He spent two weeks teaching in Spain this winter. He’s organizing the 12th annual International Agroecology Shortcourse that will bring 35 to 40 participants from around the world to UCSC in July for two weeks of intensive instruction and practice in transforming food systems from field to table.

He continues to be editor-in-chief of the *Journal of Sustainable Agriculture*, and his *Agroecology* publisher is lobbying hard for a third edition because the book is selling better than ever.

Gliessman’s dream of establishing a “green kitchen” at the Program in Community and Agroecology (PICA), where he has focused his attention since 2002, is nearing fruition. Located at the Sustainable Living Center in UCSC’s lower quarry, PICA brings students from diverse disciplines to live in a community where they learn firsthand the principles of sustainable agriculture through classroom learning and community gardens.

The modular kitchen building will demonstrate the latest in green building, alternative energy, and reducing the carbon footprint, Gliessman says. He envisions it as a sustainable living laboratory for students from multiple majors to experience, learn about, and even research sustainable technologies.

Sustainability, as Gliessman defines it, is an approach to life based on treating the land in an ecologically sound way. It must also encompass a just system socially and economically that treats people, land, animals, and water in “a way that lasts forever.”

“It’s about healthy food, healthy land, and healthy people,” he says, “and it’s going to require some social changes.

“Social change doesn’t happen overnight,” Gliessman notes. The goal, he says, “is to create transformative action and a whole new way of thinking about the entire food system.”

—By Guy Lasnier (Merrill ’78)