

**Columbia Foundation**  
**Articles and Reports**  
October 2010

**Arts and Culture**

**CALIFORNIA HISTORICAL SOCIETY**

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

1. [San Francisco Chronicle, September 6, 2010](#)

*Home sought for 1940 3-D map of San Francisco*

Gray Brechin has recovered a three-dimensional relief map of San Francisco in 1940. The map was found in a warehouse at UC Berkeley divided among 17 large wooden boxes. The map had been stashed and forgotten. If assembled, the map would be 41 feet long by 37 feet wide, an exact scale replica of the city of San Francisco in 1940. Brechin [director of the *Living New Deal Project*] believes the relief map was made by artists working for the Depression-era Works Progress Administration (WPA), and that it was built for two purposes: (1) to put people to work, and (2) to help regional planners. The WPA presented the map to the planning department in San Francisco in the spring of 1940, and it was apparently donated to UC Berkeley after possibly being on display at the Golden Gate International Exhibition on Treasure Island. The WPA built a number of Bay Area projects, including what became the San Francisco and Oakland airports, and Treasure Island, among others. Brechin is looking for an institution to house and display the map.

**LOS CENZONTLES**

\$225,000 awarded since 2004, including a three-year \$150,000 grant in 2007 for *Cultures of Mexico in California*

2. [Youtube.com, August 17, 2010](#)

*Soy Mexico Americano – Los Cenzontles*

Legendary filmmaker Les Blank directs the classic ranchera, Soy Mexico Americano, performed by Los Cenzontles from their new CD Raza de Oro [video with audio embedded.]

3. [Contra Costa Times, August 27, 2010](#)

*Our Neighbors: San Pablo Mexican arts center director lauded for work*

Los Cenzontles executive director and founder Eugene Rodriguez is one of six local leaders honored by KQED for Latino Heritage Month chosen for “their commitment and contributions to their local communities and the Bay Area community at large”.

4. [Santa Cruz Sentinel, September 30, 2010](#)

*The Bay Area group Los Cenzontles works to revive traditional Mexican music*

Los Cenzontles’ The Mockingbirds is the public face of the Los Cenzontles Mexican Art Center in San Pablo near Richmond in the North Bay. The group borrows from a myriad of regional traditions in Mexico, and considers itself a traditional roots band. The leader of both the group and the center is Eugene Rodriguez, whose mission is to keep Mexican traditions alive expressly for young Mexican-Americans. Recently, they produced a song challenging the immigration law in Arizona, but mostly the role of the group is to stay engaged in San Pablo and Richmond, an area that has seen significant immigration from Mexico over the last fifteen years. Rodriguez says, ““We really underestimate what

culture can do. Only the corporate marketers and the right wing respect it. We need to understand its power better.”

#### NA LEI HULU I KA WEKIU

\$20,000 awarded in 2009 for this dance-theater company to present original works using hula, chanting, storytelling, and music to create a bridge of understanding across cultures and generations as well as advance the public dialogue about the experiences and contributions of America’s indigenous people

5. [San Francisco, Chronicle, September 12, 2010](#)

*Na Lei Hulu I Ka Wekiu's '25 Years of Hula': review*

Review of Na Lei Hulu I Ka Wekiu’s 25<sup>th</sup> anniversary performance in San Francisco; the writer says, “I doubt that even Patrick Makuakane, the founder of the company Na Lei Hulu I Ka Wekiu harbored such fantasies. Yet, the huge and remarkably diverse crowd that packed the Palace of Fine Arts Theater on Saturday evening for the kickoff to the troupe’s 25th anniversary celebration was a testament to Makuakane’s melding of community interest, serious ethnography, exuberant showmanship and something approximating kitsch. The accomplishment is significant. In his disarming way, Makuakane has made us aware of the potential of hula as more than a national dance of Hawaii. It is a movement language adaptable to various circumstances and musics, suitable for both transmitting narrative and expressing emotional states.”

#### ODC THEATER

\$276,000 awarded since 1980, including a two-year \$200,000 grant in 2009 to renovate, refurbish, and expand the original ODC Theater as a performance space for the dance community

6. [San Francisco, Chronicle, September 12, 2010](#)

*Brenda Way reshapes San Francisco ODC Theater*

Brenda Way is about to unveil a \$9 million makeover of the company’s ODC Theater at 17th and Shotwell streets in the Mission District, following the 2005 completion of the nearby \$10 million ODC Dance Commons, a “light-filled” complex of studios, office space, dance library, and the Healthy Dancers injury-prevention clinic. Together, the two spaces comprise 36,000 square-feet of dance-activity space. The center offers 280 dance classes per week in countless genres, serving more than 15,000 professionals, students, and beginners each year. The newest ODC project will provide “a dramatically enhanced public face for dance and other types of performance”. Well over 100 companies, large and small, are projected to offer a total of 225 performances per year in the 187-seat ODC Theater.

#### SAN FRANCISCO CAMERAWORK

\$85,000 awarded since 2007, including \$25,000 in 2010 for *Soldiers' Stories from Iraq and Afghanistan*, an exhibition of “staged narrative portraiture” by photographer Jennifer Karady of U.S. veterans suffering from war-related post-traumatic stress disorder

7. [National Public Radio, July 4, 2010](#)

*Weekend Edition Sunday: Visualizing Memory, Photographing War Stories*

Radio interview with Jennifer Karady regarding *Soldiers' Stories from Iraq and Afghanistan*, a photographic exhibition at San Francisco Camerawork featuring symbolic portraits of returned soldiers in re-creations of their most traumatic war moments in their present-day environments [radio broadcast linked.]

### SOUTHBANK CENTRE

\$160,000 awarded since 2008, a \$50,000 grant in 2010 for *The Bernstein Project*, a multi-disciplinary participatory program involving community performers in the chorus and orchestra that will culminate in a major performance of *Mass*, a musical theater work by Leonard Bernstein in July 2010

8. [Reuters, July 7, 2010](#)

*Alsop resurrects Bernstein's "Mass" in London*

American conductor Marin Alsop conducts Bernstein's *Mass* at Southbank's Royal Festival Hall in London in July 2010. The production includes 500 people: an orchestra, rock band, marching band, soloists, three choruses, and dancers. Alsop says, "*Mass* is really a synopsis and summation of Bernstein's philosophy of offering aspect and inclusion and sort of a big embrace to as many people as possible. That was always his goal – to involve as many people in this art form as possible." For these performances, Southbank has engaged Britain's National Youth Orchestra, Brazil's Youth Orchestra of Bahia, Iraq's National Youth Orchestra and America's Sphinx Organization of black and Latino musicians, among others. Alsop is the first woman conductor of a major American orchestra, the Baltimore Symphony Orchestra.

9. [The Independent \(London\), July 11, 2010](#)

*Bernstein Mass, Royal Festival Hall, London*

4-out-of-5 star review of *Bernstein Mass*; the writer says, "The musical juxtapositions come thick and fast in jarring, crunching, shifts of gear; the cheesy rubs shoulders with the sublime, musical genres are crossed and re-crossed. And *Mass* has things to say about what exactly a "crisis of faith" – the central plank of its thesis – might mean, not just for him but for us all. It asks the awkward questions, challenges the dogma, the hypocrisy. It's a 1970s piece with a millennium reach and it will always polarise opinions. But it is Bernstein's masterpiece – of that I am in no doubt – and this culminating blast of the South Bank's year-long Bernstein Project came as close to nailing it as we could reasonably expect."

### TECTONIC THEATER PROJECT

\$5,000 awarded in 2011 for a San Francisco performance in October 2010 of *The Laramie Project*, and *The Laramie Project: Ten Years Later* at the San Francisco Jewish Community Center

10. [The Patriot Ledger, September 30, 2010](#)

*THEATER REVIEW: 'Laramie' still resonates 10 years later*

Review of *The Laramie Project* and preview of *The Laramie Project: Ten Years Later*; the writer says, "The fallout from the murder of Matthew Shepard hasn't dissipated. The country did much soul-searching in its wake, and still does. But the underlying attitudes that allowed it to happen still exist. To see how *Laramie*, itself, has fared over the years, the Tectonic Theater Project returned on the 10th anniversary of Matthew's death to re-interview many of the same people. The plan, they have said, was to simply show how the town has moved on."

### 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 (as part of the Ohlone Profiles Project) that will take place as part of the 33rd San Francisco Ethnic Dance Festival in June 2011, and at the Herbst Theatre in San Francisco in November 2011

11. [San Francisco Chronicle, August 11, 2010](#)

*Ohlones want a voice on Hunters Point project*

According to state law in California, tribal descendants must be notified when development projects could happen around sacred burial sites. Burial sites around the proposed Hunters Point Shipyard/Candlestick

Point redevelopment project are sacred to the Ohlone people. Although no one disputes that the Ohlone were the primary natives living in the area before the Spanish arrived, because there is no consensus on which particular Ohlone tribe lived where, the federal government has refused to grant official recognition to any of the Ohlone tribes, which means they generally do not have to be consulted in connection with federal projects that may affect their homelands. Tony Cerda, chairman of the Costanoan Rumsen Carmel Tribe, says that the government has always pitted the tribes against each other. Cerda says, "We want to be shown the respect we deserve as the original people of that land. We need city recognition." The San Francisco Board of Supervisors have unanimously approved a resolution urging both the Planning Department and the Redevelopment Agency to put together specific protocols for working with the Ohlones on the shipyard redevelopment project. While the resolution is not ironclad, it is an important bit of recognition, says Neil MacLean of the Ohlone Profiles Project, a San Francisco-based group aiming to connect people with the history of the Ohlone tribe. Maclean says that the tribe not only wants to prevent the desecration of the resting place of their ancestors, but also to see construction of a cultural center with a genealogical research center and a place for sacred ceremonies. [*Welcome to Ohlone Territory: Right of Return*, a dance project to be performed at the San Francisco Ethnic Dance Festival in June 2011, is a performance-centered component of the much larger Ohlone Profiles Project, an effort to raise awareness about the ongoing, contemporary lives of the Ohlone people and to be recognized as the original inhabitants of San Francisco.]

## Human Rights

### CALIFORNIA INSTITUTE FOR RURAL STUDIES

\$250,000 awarded since 2004, including \$100,000 in 2008 for the development of a multimedia presentation on California farm labor, in collaboration with photographer Rick Nahmias, titled [upon completion] *Fair Food: Field to Table*

#### 12. [Los Angeles Times, July 29, 2010](#)

*Schwarzenegger vetoes overtime for farmworkers*

Governor Schwarzenegger vetoes the first bill in the nation that would have given farmworkers the same rights to overtime pay guaranteed to all other hourly workers in California. [The article quotes Don Villarejo, an agriculture policy consultant at the California Institute for Rural Studies.]

#### 13. [California Institute for Rural Studies program update, October 4, 2010](#)

*Screening of "Fair Food: Field to Table" at All Things Organic/Expo East*

*Fair Food: Field to Table* will screen at All Things Organic Festival in Boston on October 15, 2010.

## Public financing of campaigns

### CHANGE CONGRESS

\$90,000 awarded since 2009, including \$40,000 in 2010 to end pay-to-play politics and corruption in the U.S. government by creating a grassroots online citizen movement to hold Congressional leaders accountable, and to promote public finance of Congressional campaigns

#### 14. [The Washington Post, October 1, 2010](#)

*How the campaign finance system is eroding confidence in Congress*

Lawrence Lessig says that in late September the House Committee on Administration approved a bill that would give candidates the option to fund their campaigns through small-dollar contributions only. The Fair Elections Now Act would offer a 4-to-1 match for contributions capped at \$100. It would ensure qualifying candidates a sufficient chance to wage an effective opening campaign. The aim of this

legislation is to increase the total resources available to candidates to fund their campaigns and thus reduce the significance of large contributors at the extremes. Lessig argues, “The current system of campaign finance has corrupted the institution of Congress. Not because members are being bribed or taking kickbacks for government favors, but because it has produced a public that has no confidence that the agents of the institution serve their principal – the People” [op-ed written by Lawrence Lessig, co-founder of Change Congress.]

15. [The Washington Post, October 1, 2010](#)

*Change in Campaign Finance?*

Lawrence Lessig discusses campaign-finance reform embodied in the Fair Elections Now Act in an interview by the Washington’s Post’s Fred Hiatt. [This linked video is a companion to the op-ed by Lawrence Lessig in The Washington Post.]

COMMON CAUSE

\$50,000 awarded in 2010 for its work in California to educate the public and policymakers about the negative impacts of privately financed campaigns on California governance

16. [ABC News, July 7, 2010](#)

*Topline: Fair Elections Now*

According to Bob Edgar and David Donnelly, money has influenced the way that Congress is operating. Members of Congress spend too much of their time fundraising, and are not responsive to their constituents. Instead, Congresspeople serve the special interests that fund their campaigns. Edgar and Donnelly believe that the Fair Elections Now Act is a first step in separating money from politics and toward a public-financing system. [The embedded video from ABC’s Topline features Bob Edgar, president of Common Cause and David Donnelly, national campaigns director of Public Campaign and Fair Elections Now Coalition campaign director. Common Cause and Public Campaign are partners in the Fair Elections Now Coalition, which also includes Change Congress, among others.]

17. [The Huffington Post, September 16, 2010](#)

*Counting on Democracy*

According to Bob Edgar, the American system of voting and election fails more of us every year. On September 16, 2010, Common Cause and Demos released a report that documents the “flawed processes and inadequate protections that could impact enough voters to determine election results, especially in 10 states likely to have close elections in 2010” [op-ed by Bob Edgar, president of Common Cause, includes link to the Common Cause and Demos report.]

18. [The Huffington Post, September 21, 2010](#)

*A chance to do something lasting*

In the run-up to the vote by the House Administration Committee on the Fair Elections Now Act, Bob Edgar calls the legislation “arguably the most far-reaching political reform proposal since the Watergate era”. The bill, which has quietly gained the support or co-sponsorship of nearly 170 House members, is a “bold attempt to break the hold that big dollar political contributors – oil companies, pharmaceutical houses, insurers, banks, defense contractors and others – have on our government” [op-ed by Bob Edgar, president of Common Cause.]

19. [The Huffington Post, September 23, 2010](#)

*Historic Movement on Fair Elections*

The Committee on House Administration passes landmark legislation, the Fair Elections Now Act, which would allow candidates for Congress to run competitive campaigns for office by relying on small contributions from constituents [includes embedded video of a Fair Elections Now Act ad featuring Sam Waterson, created with support from Common Cause.]

### PIPER FUND

\$125,000 awarded since 2009, including \$75,000 in 2010 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

#### 20. [New Haven Independent, August 10, 2010](#)

##### *Money Didn't Talk After All*

Connecticut's public-financing program, called the Citizens Election Program, proved successful in the Connecticut's primaries for Governor on August 9, 2010, by demonstrating its ability in major races to assist candidates who are considered substantial underdogs to become quite competitive. The results in both gubernatorial primaries are a clear indication of how public financing can help candidates, who are vastly outspent and considerably behind in polls two months or even one month prior to an election, to stunningly win or come very close to winning their race [Connecticut Common Cause and the Connecticut Citizen Action Group (Piper Fund grantees), bolstered by national groups and legal centers, crafted the Citizens Election Program law in 2005.]

#### 21. [Hartford Courant, August 13, 2010](#)

##### *House Overrides Rell Veto On Campaign Finance Law*

In Connecticut, the state House of Representatives approved a bill that safeguards the state's landmark program of public financing for political candidates, overriding a veto by Governor M. Jodi Rell. The 106-30 vote clears the way for Democratic gubernatorial candidate Dan Malloy to access to \$6 million in public-campaign funds. The Senate passed an override vote a week beforehand. The bill was a fix to the Citizen's Election Program after a judge ruled certain aspects unconstitutional. The new law doubles the amount of the initial grant to participating candidates to \$6 million. Under the old law, participating candidates received \$3 million in initial grants, and could qualify for up to an additional \$3 million if they were significantly outspent by an opponent, and yet another \$3 million (\$9 million total), if they were judged to be the subject of attack ads by special interests. The 2nd Circuit Court of Appeals had ruled that the previous provisions were unconstitutional because they imposed "a substantial burden on the exercise of the First Amendment" rights of advocacy groups and of candidates who choose to privately or self-finance their campaigns. Malloy says, "Today, the legislature saw fit to preserve a system that gives candidates who aren't wealthy a chance to compete and the ability to run a campaign that isn't funded by corporate and special interests." [Connecticut Common Cause, a Piper Fund grantee, led the advocacy team to protect the state's public-financing system.]

#### 22. [The Connecticut Mirror, August 13, 2010](#)

##### *House vote adds \$3 million to public funding for governor*

The Connecticut House of Representatives voted 106 to 30 on August 13, 2010, to override a veto of a bill that preserves the State's public financing of campaigns and doubles the general-election grant for gubernatorial candidates. Though the bill clears the way for Democratic gubernatorial candidate Dan Malloy to access to \$6 million in public-campaign funds, when the bill originally passed on July 30, 2010, legislators did not know if the bill would favor a Democrat, a Republican, or neither.

[Connecticut Common Cause, a Piper Fund grantee, led the advocacy team to protect the state's public-financing system. The article links to the July 13, 2010, decision of the 2nd Circuit Court of Appeals to which the bill was a response in order to fix provisions in Connecticut's Citizen's Election Program, which the court deemed unconstitutional.]



## Marriage equality

### CIVIL MARRIAGE COLLABORATIVE

\$875,000 awarded since 2004, including \$75,000 in 2010, for a funder collaborative that awards grants to marriage-equality advocates working to win marriage equality on a state-by-state basis

#### 23. [Associated Press, October 12, 2010](#)

##### *Feds appeal Massachusetts rulings against US marriage law*

On October 12, 2010, the U.S. Department of Justice defended the federal Defense of Marriage Act, known as DOMA, which defines marriage as between a man and a woman, by appealing two rulings in Massachusetts by a judge who ruled the law unconstitutional for denying federal benefits to same-sex married couples. In July, U.S. District Judge Joseph Tauro ruled that DOMA is unconstitutional because it interferes with a state's right to define marriage and denies married gay couples an array of federal benefits given to heterosexual married couples, including the ability to file joint tax returns. President Barack Obama has repeatedly said he would like to see the 1996 law repealed, but the Justice Department has defended the constitutionality of the law, which it says it is required to do. Tauro's rulings came in separate challenges: one filed by Massachusetts Attorney General Martha Coakley and the other by Gay & Lesbian Advocates & Defenders [GLAD, a Civil Marriage Collaborative grantee], a Boston-based legal-rights group that argued successfully to make Massachusetts the first state in the country to legalize gay marriage. Mary Bonauto, GLAD's civil-rights project director says, "We fully expected an appeal and are more than ready to meet it head on. DOMA brings harm to families like our plaintiffs every day, denying married couples and their children basic protections like health insurance, pensions and Social Security benefits. We are confident in the strength of our case." In the ruling in GLAD's case, Tauro said that DOMA violates the equal-protection clause of the U.S. Constitution.

### EQUALITY CALIFORNIA

\$155,000 awarded since 2007, including \$55,000 in 2010 for community-based education programs throughout California designed to build connections between, and understanding and appreciation of, gays and lesbians and Californians who are undecided about marriage equality

#### 24. [San Francisco Chronicle, August 4, 2010](#)

##### *Prop. 8 judge strikes down same-sex marriage ban*

In an historic federal-court decision, U.S. District Court Judge Vaughn Walker rules that Proposition 8, which banned same-sex marriage in California, is unconstitutional [for it violates the equal-protection clause and due process clause of the 14<sup>th</sup> Amendment to the U.S. Constitution.] Democratic gubernatorial candidate and [current Attorney General of California] Jerry Brown praises the ruling. Equality California plans to organize to put a bill on the 2012 ballot that would repeal Proposition 8 regardless, as the appeals process could delay a final decision [quotes Geoff Kors, executive director of Equality California; text of the ruling is linked.]

#### 25. [The Nation, August 17, 2010](#)

##### *How I Learned to Stop Worrying and Love the Proposition 8 Lawsuit*

The 9<sup>th</sup> District Court of Appeals has put same-sex marriage in California on hold until at least December, when it promises to hear the appeal from Judge Walker's decision in *Perry v. Schwarzenegger*, which struck down California's Prop. 8. The lawyers, David Bois and Ted Olsen, seemed to be aiming for a decision that like *Loving v. Virginia* [legalizing inter-racial marriage] would open the doors for same-sex marriage across the country. Secretly, some LGBT advocates disagreed with the strategy to file a federal case so soon, as the number of states in support of same-sex marriage has not reached a tipping point that historically the Supreme Court has used as a general reference to make decisions in favor of social justice. However, some advocates assert that it might not be on the fast-track to the Supreme Court and might stop at the 9<sup>th</sup> District Court, including the possibility of a narrower ruling for just California. Marc

Solomon, marriage director at Equality California says that trained volunteers and paid staff have had nearly a million conversations with voters since 2008, concentrating particularly in Latino and African-American communities, that just over 50% of California voters now tell pollsters they support same-sex marriage, and that he believes the majority will be much stronger by 2012, when Equality California is considering putting repeal on the ballot.

26. [GLT News Now, September 22, 2010](#)

*Equality California to launch TV ads urging Whitman, Cooley to Change their Stance on Proposition 8*  
Equality California will launch a new television advertising campaign to educate Californians about Meg Whitman and Steve Cooley's pledge to defend Proposition 8 in court and urging them to change their position [quotes Geoff Kors, executive director of Equality California.]

27. [Los Angeles Times, October 14, 2010](#)

*California's next attorney general could delay ruling on Proposition 8*

At a news conference sponsored by Equality California, UC Irvine Law School Dean Erwin Chemerinsky says that if the new Attorney General of California were to support Proposition 8, it would significantly delay a 9<sup>th</sup> District Court of Appeals decision. Current Governor Arnold Schwarzenegger and Attorney General Jerry Brown have refused to challenge U.S. District Court Judge Vaughn Walker's ruling. The Republican candidate for Attorney General, Los Angeles District Attorney Steve Cooley, supports Prop. 8, while Kamala Harris, the San Francisco District Attorney and Democratic candidate for Attorney General, opposes it. If the state continues to refuse to defend the measure, Chemerinsky says "I think it's possible, even likely, that the 9th Circuit is going to dismiss this case for lack of standing. The attorney general's race can matter greatly when it comes to restoring marriage equality in California." Although a legal deadline for appealing has passed, Chemerinsky says that the court could permit a new attorney general's intervention or filing of a friend-of-the-court brief in favor of Proposition 8. The 9th District Court is currently reviewing written arguments before a hearing in early December.

FREEDOM TO MARRY

\$625,000 awarded since 2002, including \$50,000 in 2010 for continuing support of this national-strategy center on marriage equality

28. [The Huffington Post, July 22, 2010](#)

*Freedom to Marry to NOM: This is What a Summer For Marriage Really Looks Like*

The National Organization for Marriage (NOM) leads an anti-gay bus tour across the country. Freedom to Marry responds with its own bus tour in July and August 2010 calling on real families with same-sex couples to tell their personal stories and talk about why marriage matters [written by Evan Wolfson, executive director of Freedom to Marry.]

29. [The Huffington Post, August 5, 2010](#)

*After Historic Prop 8 Ruling, What's Next for the Freedom to Marry*

The historic ruling against Prop. 8 provides for equal protection under the law. Evan Wolfson, executive director of Freedom to Marry, writes, "What we can control is whether we seize this historic moment and create the climate that will empower and embolden decision-makers to do the right thing, whether those decision-makers turn out to be appellate judges or the California electorate that may well vote on a ballot-measure undoing Prop 8. Simply put, to maximize the chances both of winning on appeal and winning at the ballot-box, we now must make as compelling a case for the freedom to marry in the court of public opinion as in the court of law." Freedom to Marry is following its Roadmap to Victory strategy to win marriage nationwide and Equality California is continuing public-education work to build support for marriage in California in anticipation of the ballot-measure that may be needed to repeal Proposition 8 as soon as 2012.



30. [The New York Times, August 21, 2010](#)

*Over Time, a Gay Marriage Groundswell*

A CNN poll found that a narrow majority of Americans now support same-sex marriage — the first poll to find majority support. However, more important conclusions can be drawn from data at the state level. According to the authors' research, as recently as 2004, same-sex marriage did not have majority support in any state. By 2008, three states had crossed the 50% line. Today, 17 states are over that line (more if you consider the CNN estimate correct that just over 50% of the country supports gay marriage) [attached graphics show how support for same-sex marriage has increased over time in states; the writers and authors of the state-by-state study are Columbia University professors of political science.]

31. [Edge Boston, September 23, 2010](#)

*Freedom to Marry's Evan Wolfson Looks at Those Polls Showing His Side Winning*

According to Evan Wolfson, executive director and founder of Freedom to Marry, as more people are engaged in conversations about the freedom to marry, the more that opposition to marriage equality declines [interview with Evan Wolfson, following the release of the CNN poll showing that there is now a national majority for marriage equality.]

32. [Keen News Service, September 28, 2010](#)

*NOM sues for protection from campaign disclosure laws*

The U.S. Supreme Court decision in the Citizens United case allows corporations to spend unlimited amounts of money to influence the outcome of elections without disclosing that spending to the public. James Bopp, lead counsel for Citizens United group, is now seeking to extend that ruling beyond corporations and to groups such as National Organization for Marriage. Bopp is now the lead attorney on at least 11 federal lawsuits seeking to strike down state limits on campaign spending and requirements for disclosure as those apply to membership groups. Four of those involve the National Organization for Marriage (NOM) as the plaintiff, and a fifth involves an anti-gay political-action committee in Washington State. The other six involve anti-abortion groups as plaintiffs. Evan Wolfson, executive director of Freedom to Marry, says NOM's real reason for wanting to ignore state campaign-finance laws is motivated by its primary function: "laundering money funneled from sources that don't want to be exposed."

33. [The Bergen County Record, October 10, 2010](#)

*Opinion: Seizing the moment*

Despite two recent federal-court rulings ruling against marriage discrimination and two recent polls that show majority support for the freedom to marry, other tragedies show that discrimination based on sexual orientation is still very much alive. In recent weeks, several teenagers have committed suicide as a result of anti-gay bullying, including Rutgers University freshman Tyler Clementi, and in New York, two separate hate crimes occurred where gay people were targeted for violence. Responding to these tragedies, citizens, national leaders, and leading gay-rights organizations issued urgent calls to address the bullying and assaults pervasive in schools and in society. Says Evan Wolfson, "scholarly studies have shown that legal inequality, including marriage discrimination, and the way in which the debate over gay people's aspirations to equality under the law is conducted, has a profoundly negative impact on gay Americans", including significantly higher suicide rates, particularly among young people. Further, Wolfson argues, "Every child deserves to be affirmed and supported, and every person deserves equal protection under the law. The best way to combat hopelessness and hostility, violence and suicide is to repudiate the destructive messages and eliminate the burdens that incite such pain and damage."

34. [The New York Times, October 10, 2010](#)

*Letters: The Many Faces of Antigay Prejudice*

Evan Wolfson writes that the biggest problem with anti-gay remarks by [Republican nominee for New York Governor] Carl Paladino is not just not their “display of ignorance and prejudice” or “their appalling timing, coming in a prepared campaign speech just days after front-page reports of a horrific hate crime in which non-gay young people felt licensed to torture gay men, and just a couple of weeks after a wave of suicides by despondent young gay people feeling isolated and battered by derision and discrimination”, but that the U.S. government is the “number one discriminator against gay Americans through its denial of equality under the law, including the freedom to marry that Mr. Paladino attacked” [letter to the editor written by Evan Wolfson, executive director of Freedom to Marry; includes a link to the New York Times editorial to which he is responding regarding “bigoted” remarks by Carl Paladino.]

35. [Los Angeles Times, October 13, 2010](#)

*A quiet shift in GOP stance on gay marriage – The GOP isn't displaying its usual anti-gay election-year demagoguery, and not just in the "Pledge to America."*

In the Republicans midterm-campaign document “Pledge to America”, explicit opposition to same-sex marriage is “conspicuous in its absence”. The GOP, in large part, is not displaying anti-gay election-year rhetoric, and not just in the “pledge.” In fact, a number of Republican leaders have come out in support of marriage equality. Evan Wolfson and Jon Cowan write, “The implications of such a historic shift in the GOP establishment’s stance on marriage should not be underestimated. For Republicans, it means they could become less moored to their socially conservative base and may get back in touch with the cautious but forward-looking American political center that is vital to GOP hopes of cobbling together a governing majority. For the country, it is evidence that we are inching ever closer to a national consensus that gay and lesbian couples should have the freedom to marry under the law.” [The op-ed is co-written by Evan Wolfson, executive director of Freedom to Marry and Jon Cowan, president and co-founder of Third Way, a moderate think tank.]

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

36. [The New York Times, August 4, 2010](#)

*Court Rejects Same-Sex Marriage Ban in California*

Saying that it discriminates against gay men and women, a federal judge in San Francisco struck down California’s voter-approved ban on same-sex marriage. Judge Walker writes, “Proposition 8 cannot withstand any level of scrutiny under the Equal Protection Clause. Excluding same-sex couples from marriage is simply not rationally related to a legitimate state interest.” Kate Kendell, executive director for the National Center for Lesbian Rights, says, “This legal victory profoundly changes the conversation” by involving “folks in the legal world and the policy world who were previously unmoved by this struggle”. [The article links to the ruling and also quotes Jennifer Pizer, the marriage project director for Lambda Legal, a Civil Marriage Collaborative grantee.]

## Food and Farming

### CALIFORNIA FARMLINK

\$555,000 awarded since 2006, including \$50,000 in 2010 for capacity building to strengthen the organization's ability to provide a comprehensive set of resources that facilitates land access for a new generation farming sustainably, and a \$350,000 program-related investment in 2007 for the *Farm Opportunities Loan Fund*

37. [Santa Cruz Sentinel, September 8, 2010](#)

*Cheesemaker's plan paying off with Garden Variety Cheese*

Rebecca King has become an award-winning cheesemaker. She began her farmstead cheese business, which she realized in full in 2009, with the help of a matching grant from California FarmLink.

### CENTER FOR FOOD SAFETY (CFS)

\$415,000 awarded since 2003, including \$75,000 in 2010 for legal, policy, and educational work to halt the further commercialization of genetically engineered crops until their safety and effectiveness for sustainable agriculture can be demonstrated

38. [SustainableBusiness.com, July 7, 2010](#)

*Lawsuit Filed to Halt Release of Genetically Engineered Eucalyptus Trees*

An alliance of conservation organizations, including the Center for Food Safety, are suing the USDA over its approval of open-air field tests of a genetically engineered hybrid of eucalyptus tree across the southern United States. Eucalyptus trees are not native to the United States and are known to become invasive, displacing native wildlife and plants in various areas around the country and increasing wildfire risk. According to the U.S. Forest Service, GE Eucalyptus plantations in the southern United States would use more than twice the water of pine plantations in a region already suffering from a depleted water supply as well. In approving the GE eucalyptus permits, plaintiffs say the USDA ignored the concerns of numerous agencies and scientists, including the Georgia Department of Natural Resources and the Florida Exotic Pest Plant Council, which formally criticized the proposed open field tests of these genetically engineered trees [includes links to the Georgia Department of Natural Resources and the Florida Exotic Pest Plant Council statements.]

39. [KTVU.com, July 27, 2010](#)

*Debate Over Genetically Modified Animals Heats Up*

Federal regulators are poised to make a decision on a salmon that would be the first genetically engineered animal food approved for human consumption. Advocates such as UC Davis researcher Professor James Murray are working in one of only three labs nationwide to genetically modify large animals. At UC Davis, the research is looking far beyond fish. They want to expand their research to cows and point out work already being done on pigs to limit phosphorous in their manure and cut down on contamination in the environment. Jaydee Hanson, a senior policy analyst at the Center for Food Safety argues that the conditions in which we raise livestock need to be changed first. He says, "In the United States we have an industrial food system. They aren't genetically engineering animals for any other purpose but to make them fit better into the industrial food system. Essentially, our animal food system is animal concentration camps."

40. [The New York Times, August 13, 2010](#)

*Judge Revokes Approval of Modified Sugar Beets*

Federal District Court Judge Jeffrey White revoked the government's approval of genetically engineered sugar beets, saying that the USDA did not adequately assess the environmental costs before approving them for commercial cultivation, effectively banning the planting of the genetically modified sugar beets

until the USDA prepares an environmental-impact statement. However, crops already in the ground can be harvested. The decision is a result of a lawsuit filed by the Center for Food Safety. During the case, various sugar growers, processors, and seed companies intervened on the side of the USDA, including Monsanto and Duane Grant, chairman of the Snake River Sugar Company. The judge granted a CFS request to formally vacate the USDA approval of the beets, which would bar farmers from growing them outside of a field trial, but denied their request for a permanent injunction that would have also banned the growing of the crops. He said an injunction was not necessary if the crop was no longer approved for commercial planting. A decision by the United States Supreme Court earlier this year in a similar case involving genetically engineered alfalfa essentially precluded the granting of an injunction. Andrew Kimbrell, executive director of the Center for Food Safety, says the ruling is another sign that the USDA is not doing its job. “This is regulation by litigation,” he said. [The ruling is linked to the article.]

41. [Reuters, September 9, 2010](#)

*USDA sued over genetically modified beet permits*

The Center for Food Safety, among other groups, announce a lawsuit against the USDA over the agency's recent decision to allow limited plantings of genetically modified sugar beets, despite a federal judge's ruling, which banned its planting just a month prior. The USDA has said it would take at least two years to develop new regulations in response to the ruling by U.S. District Court Judge Jeffrey White. Sugar beets account for over half the U.S. sugar supply. However, despite the ruling, conventional sugar beets remain widely available.

42. [CBS News, September 13, 2010](#)

*USDA sued over genetically modified beets: Food Wars Heat Up*

The Center for Food Safety and other food-safety groups have sued the USDA over its recent decision to allow the planting of genetically modified sugar beets, for the agency's decision violates an August court ruling that prohibited future plantings of modified beets. Andrew Kimbrell, executive director of the Center for Food Safety, says in a written statement, “The Court has already found that the approval of this engineered crop was illegal. Rather than complying with the court's order, the USDA is once again acting as a rogue agency in illegally allowing these crops to be planted without the required hard look at their environmental and economic dangers.” [includes a link to the Center for Food Safety statement]

43. [All Things Considered on National Public Radio, September 16, 2010](#)

*Sugar Beet Beatdown: Engineered Varieties Banned*

A federal judge ruled in August that farmers cannot plant genetically engineered sugar beets, Monsanto's Roundup Ready beets, next year. Duane Grant, chairman of the Snake River Sugar Company, claims that the ruling will put him in a bind because there are not enough seeds and the company no longer has the expertise to apply conventional herbicides. George Kimbrell, staff attorney from the Center for Food Safety, says, “They've been on notice since we filed our complaint that this was a likely result of the case – so for over two years now. So any crying wolf now is not in good faith.” Despite the judge's ruling, the USDA approved the planting of the genetically engineered beets this year. The Center for Food Safety and other groups are suing to block the approval. Kimbrell says, “The concern is the farmers' loss of their fundamental right to choose the crop of their choice. If you're marketing your product as organic, or non-GMO, and it's contaminated, you can lose your markets; you can lose your certification.”

44. [CNN, September 20, 2010](#)

*Safety of genetically engineered salmon debated*

The Food and Drug Administration (FDA) has to decide if genetically engineered salmon is safe enough for human consumption, and is considering safety and labeling issues over a three-day period. If approved it would represent the first-ever genetically engineered animal to be approved for human consumption. Aqua Bounty Technologies has developed AquaAdvantage Salmon, which is genetically modified to grow to full-size in half the time it now takes for natural salmon. The fish would get a growth gene from the

Pacific chinook salmon and genetic material from the ocean pout, an eel-like fish, allowing it to grow in the summer and winter. The company was required to file a new animal drug application for AquaAdvantage salmon because the process alters the structure and/or function of the animal. Wenonah Hauter, from the group Food & Water Watch, called on the FDA to move cautiously. “This is a dangerously limited set of data. Even the FDA acknowledges problems in the sample size, what’s the rush?” For years genetically manufactured crops and food have been grown and eaten in the United States. According to the Center for Food Safety, tomatoes, strawberries, potatoes, and corn have all been genetically altered. In fact, about 45% of the corn and 85% of the soybeans grown in the United States are genetically engineered. “It has been estimated that 70-75 percent of processed foods on supermarket shelves – from soda to soup, crackers to condiments – contain genetically engineered ingredients,” the group says.

45. [USA Today, September 21, 2010](#)

*FDA panel on genetically modified salmon leaves questions unanswered*

The Food and Drug Administration has wrapped up three days of hearings and public comment on an effort by AquaBounty Technologies, a Massachusetts company, to sell salmon genetically engineered to grow twice as fast as normal salmon. But the meetings ended without an FDA decision on whether the company can move ahead with sales. According to Andrew Kimbrell, executive director for the Center for Food Safety, each year millions of farmed salmon being grown in ocean pens escape into the wild, outcompeting native populations for resources and straining ecosystems. “We believe any approval of the salmon would represent a serious threat to the survival of native salmon populations already teetering on the brink of extinction,” he says. [The article includes a graph of the percentage of major crops genetically engineered in 2009.]

CHEZ PANISSE FOUNDATION

\$185,000 awarded since 2002 for the *Edible Schoolyard* and the *School Lunch Initiative*, including a two-year \$100,000 grant for the *School Lunch Initiative* to create a sustainable-food system in the Berkeley School District

46. [San Francisco Chronicle, September 23, 2010](#)

*School meals study provides food for thought*

According to a new study, the School Lunch Initiative is a success. The three-year UC Berkeley study, commissioned by the Chez Panisse Foundation, shows that students fed a steady curriculum of gardening, cooking, and nutrition have significantly better eating habits than children who do not get the same instruction. The study is one of the first to look at how an “integrated approach to food education at the elementary-school level can contribute to children’s health and welfare”. Ann Cooper, a chef who was hired to renovate the district’s lunch program and has since left to start a similar program in Boulder, Colorado, says “This is the first evaluation that really shows that after two to three years, you can have a profound impact on the well-being of children.” Alice Waters, founder of Chez Panisse, says, “It just validates everything we’ve known to be true. It’s important that we demonstrate around the country how powerful these ideas are. We put physical education into the core curriculum under the Kennedy administration. Now more than ever before, we have to worry about our children’s welfare.”

COMMUNITY ALLIANCE WITH FAMILY FARMERS (CAFF)

\$490,000 awarded since 1992, including a three-year \$225,000 grant in 2008 for *Buy Fresh Buy Local*

47. [The Wall Street Journal, September 9, 2010](#)

*A New Recipe for Feeding The Farm-to-Table Chain*

The San Francisco Foodshed Project was launched in July by several nonprofits and business groups to connect small, local farmers with consumers within the region. The effort is part of a “burgeoning movement nationwide in which nonprofits and businesses are trying to find viable models for distributing



food locally”. In the Foodshed program, a few dozen farms sell their produce via Ben and Annie Ratto, who act as middlemen between farms and food distributors. Food distributors pick up produce from small farms at the Rattos’ warehouse in Oakland and deliver it to customers. The goal of the supply chain is to tap into the growing market for local produce and to bolster small farms around the Bay Area. The project is easing the logistical burden to both the farmers and the restaurants who prize locally cultivated produce. Bob Corshen of the Community Alliance with Family Farmers says, “We have to keep small farmers viable.” CAFF has been working with wholesalers including the Rattos on its own local-food effort, called Growers Collaborative, while also helping to spearhead the Foodshed Project.

ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC)

\$263,000 awarded since 1986 for legal and advocacy work to protect the Sinkyone Wilderness and Headwaters Forest from logging

INSTITUTE FOR SUSTAINABLE FORESTRY

\$100,000 awarded since 1991 for development of sustainable forestry practices and standards for certification of sustainably harvested wood

SAVE THE REDWOODS LEAGUE

\$100,000 awarded in 1998 to create the first east-west biological wildlands corridor to connect Humboldt Redwoods State Park to the King Range National Conservation Area on the Pacific Coast

48. [San Francisco Magazine, October 2010](#)

*Seeing the forest for the trees*

[According to the article] For 150 years, California redwoods were harvested almost to the point of destruction. For the past 23 years, a debate has raged and the region has been divided between loggers and environmentalists. The writer says, “the battle involved thousands of activists and longtime timber workers, Bay Area power brokers and infamous Wall Street tycoons, backroom deals hammered out at the top levels of state and federal government, and charges of fraud that led to multimillion-dollar lawsuits”. Pacific Lumber Company was owned by Texan Wall Street mogul Charles Hurwitz, who in 1985 had leveraged \$800 million in junk bonds to engineer a hostile takeover of the company, putting approximately 70% of California’s old-growth redwoods in his hands. Hurwitz began clear-cutting the land, doubling Pacific Lumber’s logging rate, and began to move his operations closer to the Headwaters Forests, which were dominated by old growth. Multiple lawsuits were filed against Hurwitz and Pacific Lumber Company. In an agreement with California, he sold 3% of his land back to the state, including the Headwaters old growth, and agreed to follow forestry department rules requiring him to submit a Sustained Yield Plan for the other 97% of redwoods land he owned. Later, it was determined that Hurwitz had padded the numbers of trees to persuade the government to let his company log at a higher rate. Hurwitz overlogged the land for 20 years, nearly decimating California’s redwoods and the local habitat. But this has remarkably all changed. Hurwitz was sued for fraud for his numbers padding by Richard Wilson, the author of the Sustained Yield Plan rules and former head of the California Department of Forestry, and Chris Maranto, a sustained-yield forester who was hired by the forestry department after Wilson had resigned following the Headwaters agreement. The case would not be heard until 2009, but in 2008 Pacific Lumber filed for bankruptcy. The bankruptcy judge awarded the Fisher family of San Francisco, owners of GAP and Banana Republic, Pacific Lumber’s remaining 290,000 acres of forestland in Humboldt County for half-a-billion dollars. The Fishers had begun their first redwood venture in 1998 after purchasing a huge swath of forestland in Mendocino County, calling it the Mendocino Redwood Company (MRC), where they instituted sustainable forestry practices, which improved the land and earned them support from locals and environmental groups. The Fishers new venture in Humboldt became the Humboldt Redwoods Company (HRC). Over the past two years, the Fishers have been “quietly shaking up the redwood world in Humboldt with an audacious pair of goals: to let the forest recover and to make money”. Humboldt Redwood Company (HRC) has become a symbol of a



sustainable-forestry movement in California, bringing together loggers and environmentalists to steward the forests. [The article traces the history of the battle over destructive logging. It quotes Sharron Duggan, one of the lead attorneys for EPIC and the Sierra Club, who fought to protect the Headwaters Forest, and quotes John Rogers of the Institute for Sustainable Forestry. Save the Redwoods League and its work to protect redwoods in California is also mentioned.]

#### GRIST

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

#### 49. [Grist, October 12, 2010](#)

*What Monsanto's fall from grace reveals about the GMO seed industry*

Genetically modified seed giant Monsanto is facing serious financial difficulties. According to The New York Times, Monsanto's stock has dropped by 42% and their net income is half this year in comparison to last year. The causes of its troubles are two-fold: (1) sales of their herbicide Roundup have plummeted, and (2) their newest genetically engineered corn called SmartStax has failed to be the big yielder that Monsanto promised. Further, writes Tom Philpott, a third fundamental problem exists: they have no new products coming down the pipeline. Roundup Ready products have resulted in the growth of Roundup-resistant "superweeds". In response, Monsanto developed SmartStax, which uses eight foreign genes, including "multiple varieties of the toxic gene from Bt, a naturally occurring bacteria that had been used as a pesticide for years before Monsanto came along. Each of the Bt varieties in SmartStax targets a specific insect." To address the problem of Roundup-resistant "superweeds", the SmartStax seed combines Monsanto's Roundup Ready trait with Dow AgroScience's trait for resistance to its own proprietary herbicide, Liberty. SmartStax is providing "yields no higher than the company's less expensive corn, which contains only three foreign genes". Monsanto is now slashing prices on SmartStax and a new soybean seed called Roundup Ready 2. Philpott says, "From my perspective, what we're seeing is signs that GMO technology is much cruder and less effective than its champions have let on. After decades of hype and billions of dollars worth of research, much of it publicly funded, the industry has managed to market exactly two traits. More devastating still, it has failed on its own terms: it has not delivered the promised dazzling yield gains. As Monsanto execs scramble to win back their mojo with Wall Street investors – the lot that brought us the dot-com and housing busts in the past decade alone – the rest of us would do well to remember that the surest path to a bountiful future lies in supporting biodiversity, not in narrowing it away by handing the globe's seed heritage to a few bumbling companies." [written by Tom Philpott]

#### 50. [Grist, October 20, 2010](#)

*Seedenfreude: Why Monsanto is paying farmers to spray its rivals' herbicides*

According to the Des Moines Register's Philip Brasher, Monsanto has been forced to pay farmers to spray the herbicides of rival companies. For farmers tending large plantings of Monsanto's Roundup Ready soy or cotton, genetically engineered to withstand application of the company's Roundup herbicide, Monsanto will pay \$6 for every acre on which farmers apply at least two other herbicides. Tom Philpott writes, "The move is the latest step in the abject reversal of Monsanto's longtime claim: that Roundup Ready technology solved the age-old problem of weeds in an ecologically benign way." Monsanto had developed a trait that would theoretically allow crops to survive unlimited applications of glyphosate, Monsanto's broad-spectrum herbicide. Farmers would no longer have to think about weeds, as glyphosate, which killed everything but the genetically engineered crop, would purportedly do all the work. Further, Monsanto promised, Roundup was less toxic to humans and wildlife than the herbicides then in use, and it would allow farmers to decrease erosion by dramatically reducing tillage, a common method of weed control. The Union of Concerned Scientists predicted as far back as 1993, that when farmers would douse the same field year after year with the same herbicide, certain weeds would develop

resistance, forcing farmers to use larger and larger doses of that herbicide to kill them, in turn making the survivors even harder. Eventually, it would force them to bring in the older, harsher herbicides to do the trick. Their predication has come true. Philpott writes, “In a better world, farmers would be looking to non-chemical methods for controlling weeds: crop rotations, mulching, cover crops, etc. Instead, they’re being paid by Monsanto to ramp up application of poisons. Perhaps the USDA’s main research arm, the National Institute of Food and Agriculture, will rise to the occasion by funding research in non-chemical weed-control methods? Not likely, since the Obama administration tapped a staunch Monsanto man to lead that crucial agency. But instead of true innovation, we have the spectacle of Monsanto paying farmers to dump vast chemical cocktails onto land that not only feeds us, but also drains into our streams and rivers.” [written by Tom Philpott]

#### INSTITUTE FOR FISHERIES RESOURCES (IFR)

\$150,000 awarded since 2006, including \$50,000 in 2010 for *The Klamath Basin Project*, to implement the Final Klamath Settlement Agreement to secure both the water reforms and a positive decision by the U.S. Secretary of the Interior by March 31, 2012 (the date required in the agreement), for federal takeover of the project, culminating by 2020 in the removal of four dams

#### 51. [San Francisco Chronicle, September 28, 2010](#)

##### *Stealth State Plan Would End Salmon Fishing in California*

According to Zeke Grader [executive director of IFR], the State Resources Agency has developed a plan to divert more water to large Central Valley farms. The proposal would raze federal protections for salmon and other fish covered by the Endangered Species Act. It proposes to revive a version of the Environmental Water Account, which would prevent fisheries agencies from limiting the transport of fresh water out of the Delta. The plan also promotes a new canal and even weaker regulations to allow for even more water diversion. Central Valley agribusinesses are driving this proposal, which ignores documented science on the health of the Bay-Delta ecosystem. For example, the current protections for the Delta were developed through careful scientific peer review. Recently, this was confirmed by the National Academy of Sciences and the State Water Resources Control Board. On the other hand, the state’s weak proposed replacement protections have been rejected by the scientific community. Further, the state’s long-term proposal to increase diversions is not supported by credible science. Fish biologists have already concluded that the state’s position does not reflect the best available science or meet legal requirements. Grader says, “For the few people who haven’t noticed that wild California salmon is scarce as hen’s teeth in their supermarkets, let me summarize: the state’s salmon fishery is on the edge. In 2008 and 2009, the fishery was closed entirely. This year, salmon fishermen in San Francisco were allowed to fish for eight days. Obviously, no major industry can survive on eight active days of business annually, and salmon fishing is no exception. Businesses are going broke and closing their doors. Fishermen are losing their boats. Thousands of jobs have been lost. For coastal communities, this is an official, federally-designated disaster – it is like an earthquake, but it is no natural event. It is fabricated, the product of an utterly misguided policy. There’s no mystery to this catastrophe. Time and again, scientists have told us that the major cause of our salmon declines is high water diversions in the San Francisco Bay-Delta ecosystem – driver of California’s salmon fishery. Record water diversions have produced record low salmon runs. Disregard all the hype spewing from the media shops of corporate ag – it’s really as simple as that. Fishermen know that we can bring this industry back. But we need to take real action to restore our salmon. And that means we need to put more cold, clean water down the Bay-Delta system – and fast.” [written by Zeke Grader, executive director of IFR.]

NATURAL RESOURCES DEFENSE COUNCIL (NRDC)

\$792,000 awarded since 1979, including \$12,500 in 2007 for the *Sustainable Food and Biomass Procurement Initiative*, a collaborative-planning project, which led to the development of the Stewardship Index for Specialty Crops

52. [Journal of Agriculture, Food Systems, and Community Development, Volume 1, Issue 1/August 2010](#)  
*Measuring agricultural stewardship: Risks and rewards – The case for the Stewardship Index for Specialty Crops*

Rather than attempting to define sustainability and agricultural stewardship abstractly, the Stewardship Index for Specialty Crops aims to measure the specific impacts of food production on people and place. The index is an effort to establish a series of broadly agreed upon “stewardship” metrics for specialty crops grown in the United States. The participants in the index-development process are working on 15 distinct indicators of stewardship rather than are focusing on the performance that can be measured. This is information that would give producers, buyers, and the public real data on the impacts of the specialty-crop sector of the food system on the environment and society [includes a list of the 15 indicators.]

53. [OnEarth Magazine \(Natural Resources Defense Council quarterly journal\), August 24, 2010](#)  
*What's New for Dinner*

Recent estimates show that conventional agriculture is responsible for as much as 30% of global greenhouse gas emissions, and nitrogen fertilizers account for greater environmental degradation than methane-producing cows and sheep combined. However, organic farms still make up less than 1% of American farmland. The writer says, “The unignorable presence of that other 99 percent has forced many environmentalists to a singularly pragmatic conclusion: If there is going to be a significant attempt to slash the use of water, fossil fuels, fertilizers, herbicides, insecticides, and fungicides – the resource-sucking carbon and chemical footprint that has come to define the modern agro-industrial complex – the bulk of that effort will have to emerge from the operations of large-scale, conventional farms.” In the past few years, some of the world’s largest tomato producers, including Del Monte, Heinz, and Unilever, have allied themselves with a consortium called the Stewardship Index for Specialty Crops. In 2008, the Stewardship Index began the business of gathering together many of those who share a stake in industrial agriculture, from farmers, packagers, retailers to environmentalists. The goal is to reach agreement on measures that gauge the environmental impact of the life cycle of any produce-based product. Working committees include representatives from Bayer CropScience, General Mills, PepsiCo, and Walmart; trade groups such as the Western Growers Association and the National Potato Council; and nonprofits such as NRDC, the Organic Center, and the World Wildlife Fund.

54. [OnEarth Magazine \(Natural Resources Defense Council quarterly journal\), August 24, 2010](#)  
*NRDC: Working on the Farm*

Jonathan Kaplan, a senior policy specialist for NRDC’s health and environment program, says that the Stewardship Index for Specialty Crops is like an accounting system for sustainable agriculture and sustainable food production. Kaplan says, “The industry needed a system of measuring sustainable performance for farmers, food processors, packers, shippers, and retailers alike.” The index is “quantitative and science-based”, and the aim is to measure things such as water use, the amount of nitrogen being applied to crops, and the quantity and toxicity of pesticide mixes. Says Kaplan, “We’re not prescribing the best practices to improve those kinds of scores. We reveal the best practices throughout the whole system, but we’re not telling growers or others how to run their business. We think that’s going to leave innovation in the hands of the operator, of the farmer, to figure out which systems work best.” [OnEarth editors interview Kaplan and credit him for playing an integral role in developing the Stewardship Index for Specialty Crops.]

### PRODUCT POLICY INSTITUTE (PPI)

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

55. [Environmental Leader, August 2, 2010](#)

*Local Governments Drive Product Stewardship*

According to the Product Policy Institute, the city of Roseville, California, has become the 100th local government, agency, or association to adopt a local extended producer responsibility (EPR) resolution, and California is leading the push for product stewardship. The resolutions call for extending producers' responsibility for product waste beyond the sale to ensure products and packaging are properly reduced, reused, and recycled. EPR resolutions also require state legislatures to pass legislation that shifts financial responsibility for recycling product waste to producers and consumers [links to information on EPR and stewardship councils throughout the U.S. on the Product Policy Institute website.]

56. [Granite Bay Press-Tribune, July 28, 2010](#)

*Roseville promotes product stewardship – New carpet drop-off site accepts used carpet and padding*

Roseville recently became the 100th jurisdiction to adopt a resolution supporting the California Product Stewardship Council, which works to encourage the state legislature to adopt EPR regulations [quotes Heidi Sanborn, executive director of the California Product Stewardship Council.]

57. [The Post Carbon Reader Series: Waste, 2010](#)

*Climate Change, Peak Oil and the End of Waste*

Bill Sheehan writes that “reforming waste policy is an important part of the broader work on transitioning to a post-carbon economy, both to reduce materials and energy flows and to build resilient communities through a return to local production and product stewardship. It would be irrational to repeat the mistakes of the nineteenth century with public investment in municipal incinerators and landfills supporting unsustainable flows of materials and energy, and simply hope that consumers and producers will of their own accord do in this new century what they failed to do in the last one. Instead, we can set new rules and hold producers responsible for obeying them. If we get waste policy right, we can leverage profound changes in how our society manages materials and energy and how we function as communities. If we fail, then “business as usual” will lead to further acceleration of material and energy throughput and ensuing destabilization of the climate and human society.” [The publication, co-written by Bill Sheehan, executive director and founder of the Product Policy Institute, is an excerpted chapter from The Post Carbon Reader: Managing the 21st Century’s Sustainability Crises.]

58. [Post Carbon Institute \(via Youtube.com\), September 23, 2010](#)

*BILL SHEEHAN: Waste Not, Want Not.*

Bill Sheehan advocates for public policy that protects public health and safety and slows climate change by encouraging waste prevention, “clean production”, and reduced use of toxics in products [video with audio embedded.]

### 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

59. [Los Angeles Times, September 22, 2010](#)

*Celebrating chefs and local food at Vibiana*

Roots of Change is organizing a reception to celebrate the work of the Los Angeles Food Policy Task Force. The Good for All reception on October 6, 2010, marks the start to a Roots of Change conference in Los Angeles. The focus of the conference is on how to increase access to healthy, affordable, fairly and sustainably produced foods.

60. [Roots of Change Network, October 4, 2010](#)

*Roots of Change History Slideshow by Rick Nahmias*

A slideshow traces the history of the ROC Fund. [The embedded video was produced by former Columbia Foundation food and farming program consultant Diana Donlon.]

61. [Los Angeles Times, October 4, 2010](#)

*Panel seeks to use L.A.'s abundance of fresh food in fight against childhood obesity*

The Los Angeles Food Policy Task Force was established by Mayor Antonio Villaraigosa last fall. The task force has developed a new report, The Good Food for All Agenda, which makes more than 50 recommendations towards the creation of a regional food system that would increase low-income residents' access to healthy food and outlets for farmers' products while keeping more food dollars in the local economy. The goals also include more far-reaching notions such as eliminating hunger in Los Angeles, addressing farm labor issues, and creating a regional food hub where local farmers and other producers can do business. The report is being unveiled at the Good for All reception on October 6, 2010. [Building on the success of the San Francisco Urban-Rural Roundtable commissioned by Mayor Gavin Newsom in 2008, Roots of Change formed the Los Angeles Urban-Rural Roundtable to support the urban-centered Los Angeles Food Policy Task Force as it developed policy recommendations for Mayor Antonio Villaraigosa. ROC's work allowed broader perspectives and insights to inform the recommendations. More than 60 people from as far as Monterey, San Luis Obispo and Kern Counties to the north, San Diego County to the south, and Riverside and San Bernardino Counties to the east participated. The Los Angeles Food Policy Task Force included many of the roundtable recommendations into the Good Food For All Agenda. The article quotes Larry Yee, a ROC Fund Stewardship Council member, and contributing author to the report. The article also links to the Good for All website, which features the Good for All Agenda and other supporting documents.]

UNIVERSITY OF CALIFORNIA DAVIS AGRICULTURAL SUSTAINABILITY INSTITUTE

A two-year \$100,000 grant awarded in 2008 to create a major in sustainable agriculture that integrates learning across broad disciplines to give students the knowledge, skills, and expertise to enhance their career opportunities and become leaders in sustainable agriculture and food systems

62. [University of California Food Blog, September 20, 2010](#)

*What makes food grow – and why that matters*

Agricultural production depends on nitrogen in order to grow reliable, high yielding crops. While sources of nitrogen in organic farming include manure, cover crops, poultry waste, and fish meal, conventional farming uses synthetic fertilizers. But this nitrogen, when it is applied to fields in the reactive form that plants can use, also tends to leak out into air and water and cause pollution when all the nitrogen applied to the field is not used up by the plants. The California Nitrogen Assessment, a project of the Agricultural Sustainability Institute at UC Davis, is taking a hard look at the whole system of nitrogen use in California.

UNIVERSITY OF CALIFORNIA SANTA CRUZ AGROECOLOGY PROJECT

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

63. [UCSC News, September 17, 2010](#)

*UCSC farm apprentices create their own jobs in the field*

A new study that looks at 20 years of the Apprenticeship in Ecological Horticulture program at UC Santa Cruz finds that a large percentage of its alumni are still involved in growing and marketing organic food as well as teaching. Lead author Jan Perez, a research specialist with CASFS at UCSC, said the survey, one part of a larger internal evaluation, explored if the program's goals of having an impact on sustainable food systems were being achieved. 42% of survey respondents reported creating jobs that did not



previously exist. Perez and co-authors Damian Parr, a former apprentice who is now a postdoctoral fellow at the Agricultural Sustainability Institute at UC Davis, and Linnea Beckett, a graduate student researcher at CASFS, found the results showed an overwhelming number went into farming and gardening and a large number are still there. “More than 80 percent of the respondents have done some type of paid or vocation-related work since graduating. Sixty-five percent are still doing this work,” the authors report [includes link to the report.]

#### XERCES SOCIETY

\$180,000 awarded since 2007, including \$50,000 in 2010 for *Restoring Biodiversity in California's Agricultural Landscapes*, to develop and deliver tools to farmers so they can protect and restore pollinator habitat and curb pesticide use

#### 64. [San Francisco Bay Guardian, June 23, 2010](#)

##### *Endangered Species Act protection sought for Franklin's bumble bee*

The Xerces Society for Invertebrate Conservation and bumble bee scientist Dr. Robbin Thorp petition the U.S. Fish and Wildlife Service requesting Endangered Species Act protection for Franklin's bumble bee. “This mostly black bumble bee was readily found throughout its range in southern Oregon and northern California in the early 1990s,” states the Xerces Society in a press release. “Twelve years of surveys conducted by Dr. Robbin Thorp clearly show that this species has declined steadily. The decline has been so severe that only a single Franklin's bumble bee was observed in 2006 and none since.” “Over the last 12 years I have watched the populations of this bumble bee decline precipitously. My hope is this species can recover before it is too late,” says Thorp, who is Professor Emeritus at UC Davis. The Xerces Society notes that the cause of the catastrophic decline of Franklin's bumble bee is hypothesized to be an escaped exotic disease that may have spread from commercial bumble bee colonies to wild bumble bee populations.

#### 65. [The Associated Press, June 23, 2010](#)

##### *Group seeks endangered species protection for bumblebee native to Oregon and California*

The Xerces Society and University of California at Davis entomologist Robbin Thorp formally petition the U.S. Fish and Wildlife Service to protect the Franklin's bumblebee under the Endangered Species Act. Scott Hoffman Black, executive director of the of the Xerces Society in Portland, said the petition is part of an effort to reverse the decline of bumblebees and other native bees around the world due to habitat loss, pesticides, and diseases spilling out of commercial greenhouses. Black says, “The decline in Franklin's bumblebee should serve as an alarm that we are starting to lose important pollinators. We hope that Franklin's bumblebee will remind us to prevent pollinators across the U.S. from sliding toward extinction.” Earlier this year, the Xerces Society and other conservation groups and scientists called on federal agricultural authorities to start regulating shipments of commercially domesticated bumblebees to protect wild bumblebees from diseases threatening their survival.

#### 66. [The Green Talk Network, July 20, 2010](#)

##### *Sustainable Agriculture Spotlight: Pollinator-friendly farming*

The nation's fruit, nut, and vegetable supply depends on pollinators, but conventional agricultural systems are not friendly to pollinating insects. Conventional agriculture also relies heavily on only one insect, the European honeybee, to pollinate most of our crops. Host Jeff Birkby interviews Eric Mader, National Pollinator Outreach Coordinator for the nonprofit Xerces Society [radio broadcast linked.]

#### 67. [The Oregonian, July 22, 2010](#)

##### *As butterflies struggle, Oregon Zoo lends a hand*

The Oregon silverspot butterfly is a threatened species whose numbers have dramatically declined. In response, the Oregon Zoo is releasing thousands of captive-reared larvae into prime coastal habitat. In July, the zoo released 128 larvae at Rock Creek in Tillamook County. Releases will occur almost



weekly through September; altogether, about 2,000 zoo-raised larvae will be deposited in the wild. The Oregon Zoo partners with state and federal wildlife agencies, the Nature Conservancy, the Xerces Society for Invertebrate Conservation, Lewis & Clark College, and Seattle's Woodland Park Zoo to grow the silverspot population and protect the butterflies' fragile habitat.

68. [World Ark Magazine, Summer 2010](#)

*Beauty and the Bees*

Four years after scientists first noticed that a mysterious insect plague known as colony collapse disorder was wiping out honeybees around the globe, the exact cause has yet to be determined. In the meantime, many small and midsize farms are enlisting more bees to pollinate their crops by luring them in with food, water and custom-made habitat, thanks in part to incentives in the latest U.S. farm bill. Though just a handful of farms have begun to put such methods to the test, their success could be an important component to averting a pollination crisis and increasing food security worldwide. Recently, the Xerces Society, using studies from Claire Kremen, a conservation biologist at the University of California, Berkeley, and other pollination specialists, developed a program to teach farmers how to incorporate patches of bee and butterfly habitat into cropland and the surrounding areas to draw native pollinators. Some states and universities have launched similar local programs. All together, 10,000 acres of U.S. farmland are on board via Xerces, and the results of the project's findings could point the way for many more. The idea is simple: rehabilitate a small portion of farmland so that it closely resembles the wild natural areas that once hosted bees and other beneficial insects.

69. [World Ark Magazine, Summer 2010](#)

*Bee of Help*

[The article] provides information on how to create a bee-friendly garden. The Xerces Society and the Pollinator Partnership provide lists of wildflowers based on your region that attract native bees [includes links to the Xerces Society and Pollinator Partnership websites.]

70. [Los Angeles Times, August 29, 2010](#)

*Anger flutters over 'Butterfly Town USA'*

The city of Pacific Grove, California, has long been the home to so many Monarch butterflies that it calls itself Butterfly Town USA. So, last fall, residents became angry when a city contractor did what many see as an overzealous pruning job in the town's famous Monarch Grove Sanctuary. A butterfly census found only 793 migrating monarchs – down from more than 17,800 at the same time the year before – and tourists stayed away. Business for the season plummeted by more than 25%. Volunteers have been scrambling for potted trees to serve as makeshift butterfly shelter throughout the 2 1/2-acre sanctuary. For reasons still unclear – climate change and development are possible culprits – the winter migration to the California coast has dropped dramatically since 1997, according to the Xerces Society, the conservation group that runs a Thanksgiving week census. Last year saw a statewide decline of about 55%. Pacific Grove, like a couple of other Monterey County spots, saw a drop of about 90%.

71. [The Record Searchlight, September 27, 2010](#)

*North State bumblebee goes missing*

Robin Thorp, emeritus entomology professor at the University of California at Davis, has not seen a Franklin's bumblebee since he discovered one in August 2006 on Mt. Ashland in Oregon. Franklin's bumblebee once lived around Siskiyou and Trinity counties in California. Its range stretches about 190 miles north to south and 70 miles east to west, from Southern Oregon into Northern California, the smallest range of any North American bumblebee. Once a month each summer, Thorp searches for the bee. Thorp has been monitoring the bee since 1998, according to an article written by Kathy Keatley Garvey, communications specialist with the UC Davis entomology department. The first year's count was 100. It dropped to three in 2003, one in 2006, and none since. Native bumblebees, such as Franklin's, are key pollinators for a diversity of native plants. Wild creatures depend on those plants for food and shelter.

Thorp thinks the rapid decline of Franklin's bumblebee is due to a disease that could have been introduced when native bumblebee colonies were taken to Europe. The bees were reared there and then brought back to the United States (bumblebees are used commercially to pollinate crops). In June, Thorp and the Xerces Society petitioned the U.S. Fish and Wildlife Service to have Franklin's bumblebee protected as an endangered species. Thorp said it could take a year or longer before a decision is made, but he expects that there are still some bees out there that are resistant to the disease. It will just take some time for them to reproduce and for their numbers to increase once again. Thorp says, "It's a hunting game, and each year I go with the hope and expectation that they are out there somewhere, but just under the radar."

## Articles by or about Program Advisors

### MAS MASUMOTO

#### 72. [The Atlantic, June 28, 2010](#)

##### *Married to Walmart: What Was I Thinking?*

Mas Masumoto writes that some of his organic raisins are sold in Walmart under the Sun Maid label. About ten years ago, Walmart decided it wanted organic raisins, and contracted with Sun Maid to bolster its organic section. Sun Maid is a farmer-owned cooperative, a model that "empowers hundreds of farmers, many with small farms and run by old farmers", though the company rarely promotes it. Masumoto became the "resident organic farming expert" for Sun Maid, speaking at a Sun Maid workshop with farmers (who were at first skeptical) about his personal experience with organic farming and what it means. He says, "My advice: organics makes you manage a vineyard differently. It's not about substituting organic sprays for conventional. You take care of life, of your soil, and of yourself. And you get a price premium." Today, Walmart still buys some organic raisins, though not a huge amount. Sun Maid was too large to become dependent on Walmart, which dominates the food marketplace. He says, "Organic sales continue to grow, albeit slowly. More growers are now certified organic – most, probably, for the organic premium. But at the most recent annual lunch, I heard more talk about reducing pesticides. And on our farm, we still make organic raisins that I feed to our family. When you eat what you grow, how can there be a contradiction?" [written by Mas Masumoto]

#### 73. [The Fresno Bee, September 26, 2010](#)

##### *In Defense of Farming*

Mas Masumoto writes that farming in the Central Valley is often looked down upon and criticized harshly. Masumoto says, "Many will condemn the practices of big ag operations and trivialize the efforts of small family farms. The public sees images of poverty and we farmers are classified as oppressors of the oppressed, not as employers and employees. Lost in such a class debate is the ethnic and cultural diversity of our rural communities. Historically, our Valley farms have been the point of entry for immigrants. But no one pays attention to the bottom rung as individuals and groups work their way up to things better." Farmers have been humbled by hard economic times and are reactive to critics, manifesting the "same absolute thinking of those who condemn us". Masumoto calls for the community to define a regional identity. He says, "Can we construct a new collective identity based on our shared agrarian roots? Instead of trying to be something else, why can't we put agriculture on the top of the list and accept that reality?" [written by Mas Masumoto]

## Home sought for 1940 3-D map of San Francisco

Carl Nolte, Chronicle Staff Writer

Monday, September 6, 2010

A giant museum-quality three-dimensional relief map of San Francisco as it appeared 70 years ago has turned up in a UC Berkeley warehouse, stored in 17 wooden cases.

"It is like a colossal jigsaw puzzle," said Gray Brechin, a UC scholar who helped recover the map.

The raised map, which was stashed and forgotten in dusty UC warehouses, is now a bit of an orphan. Brechin says the university needs the space and wants to find a permanent home for the boxed city so the public can view it.

If assembled, the relief map would be 41 feet long by 37 feet wide and would show the whole city from the bay to the ocean, the Golden Gate to the San Mateo County line. It's an exact-scale model of San Francisco as it looked in 1940.

The model is carefully detailed, showing every street, and every building, all of them hand-painted. There are even tiny trees in the backyards and the parks.

"It is like a snapshot of home," said John Horton, facilities manager of the Phoebe A. Hearst Museum of Anthropology at the University of California. Horton presides over UC Berkeley's Richmond warehouse, where the model is now stored.

### Invaluable artifact

Horton thinks the model "is invaluable. It is certainly an artifact."

It is stored in beautifully constructed wooden boxes, each with several shelves containing pieces of San Francisco. One piece shows Ocean Beach and a detailed model of the old roller coaster at Playland at the Beach, a now-vanished amusement park.

Another piece - about 3 feet by 4 feet - shows a portion of the Richmond District from Fulton Street to Lake Street, from 19th to 27th Avenue.

Though San Francisco was the 12th-largest city in the United States in 1940, with a population of 634,536, the relief map shows many areas of the city as undeveloped - the Sunset District, parts of the Bayview district, Diamond Heights.

"Look at that," said Brechin, holding up a piece of the city, "The Sunset is all sand dunes."

It is hard to tell how complete the relief map is - Brechin and Horton couldn't find the boxes containing downtown San Francisco. However, Brechin, who is a geographer, thinks San Francisco is all there among the pieces.

Brechin is a UC research fellow working on a project about Franklin D. Roosevelt's New Deal. He believes the relief map was made by artists working for the Depression-era Works Progress Administration.

The WPA constructed a number of raised-relief maps, including maps of national parks and other features.

## **Twofold purpose**

The San Francisco map, he thinks, had two purposes - one was to put people to work in hard times. The other was as a planning tool.

The WPA built a number of Bay Area projects, including what became the San Francisco and Oakland airports, and Treasure Island. The big map, Brechin said, could have been designed to help regional planners. It was presented by the WPA to the San Francisco Planning Department in spring 1940.

After that, it might have been displayed at the Golden Gate International Exhibition on Treasure Island. Then it was crated up and apparently donated to UC Berkeley.

For years, the boxes sat around in a Berkeley warehouse. When the old warehouse was sold last year, Tamera Garlock of UC Moving & Event Services found the boxes with the map inside but no record of them. Since it appeared to be an item dating from the Great Depression, she contacted Brechin last winter.

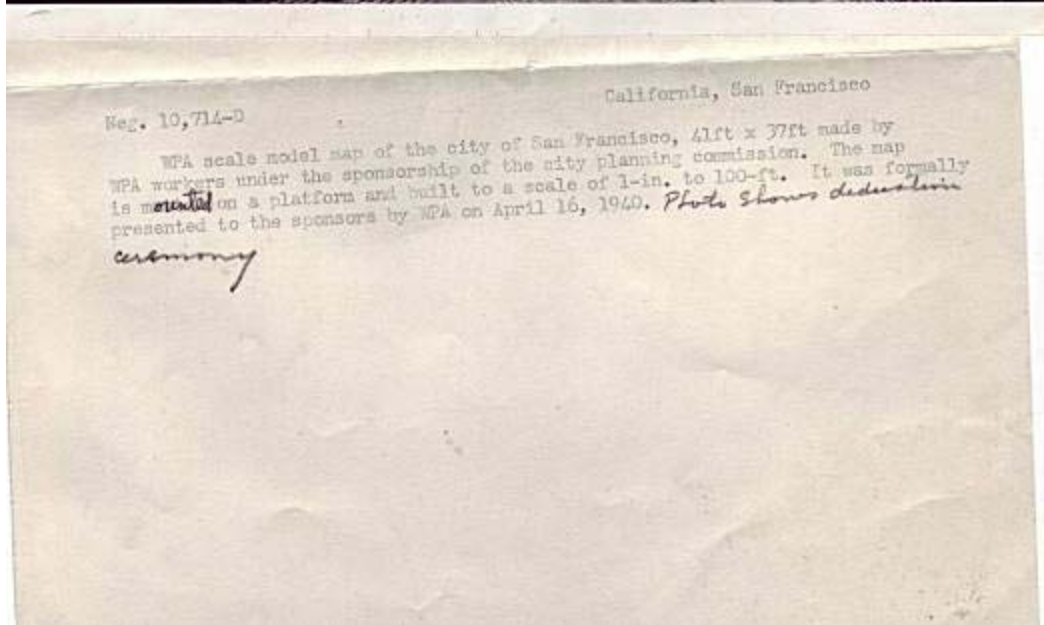
"A good thing, too," he said. "Otherwise it might have ended up in the Dumpster."

Brechin helped get the map moved to the university's new Richmond warehouse and now hopes a worthy institution will step forward and rescue the San Francisco map.

A similar, much larger map - this one 450 feet long showing all of California - was once displayed in San Francisco's Ferry Building. It was removed in 1960 and, sadly neglected, was last stored in 230 crates at Hamilton Air Force Base in Marin County. It is not clear what happened to the map.

## **Searching for a home**

Gray Brechin, a University of California scholar, is looking for a new home for the WPA raised-relief map of San Francisco. He can be contacted at [livingnewdeal@berkeley.edu](mailto:livingnewdeal@berkeley.edu).



A 41-by-37-foot raised-relief map of San Francisco, made by WPA workers, is presented to sponsors in 1940. The disassembled map was recently found in a UC Berkeley warehouse.

# Soy Mexico Americano – Los Cenzontles

August 17, 2010

Legendary filmmaker Les Blank directs the classic ranchera, Soy Mexico Americano, performed by Los Cenzontles from their CD Raza de Oro. Edited by Maureen Gosling.



# Our Neighbors: San Pablo Mexican arts center director lauded for work

By Chris Treadway  
Contra Costa Times columnist  
Posted: 08/27/2010 07:56:03 PM PDT

This has been a memorable summer for Los Cenzontles Mexican Arts Center in San Pablo. Along with its programs of arts education and events focused on traditional Mexican culture, the 16-year-old center continues to host cultural events and programs, and this summer launched a well-received roots music concert series that has brought together the Americana and Mexican styles.

This week additional recognition will go to Los Cenzontles founder and Executive Director Eugene Rodriguez, who will be one of six local leaders honored by KQED television for Latino Heritage Month.

The honorees, chosen for "their commitment and contributions to their local communities and the Bay Area community at large," will be celebrated Wednesday at a ceremony at the KQED studios that kicks off the station's Latino-themed programming in September.

Rodriguez has combined his studies in humanities (UC Santa Cruz) and music (bachelor's and master's degrees in music emphasizing classical guitar performance from the San Francisco Conservatory of Music) in forming Los Cenzontles as a youth group in 1987 and the cultural center in 1994.

The name is used for both the center and a touring musical group, and Rodriguez has produced CDs and documentaries and was nominated for a Grammy in 1996 for Best Musical Album for Children.

The final concert of the roots music series features Tex-Mex group La Familia Peña-Govea and Los Cenzontles at 7 p.m. Sept. 11 at the center, 13108 San Pablo Ave. in San Pablo. Doors open at 6:30 p.m., and admission is \$5. The concert series is made possible by support from the California Arts Council and the Department of Justice.

## The Bay Area group Los Cenzontles works to revive traditional Mexican music

By WALLACE BAINE

Posted: 09/30/2010



Los Cenzontles brings the vibrancy of Mexican folk culture to Latino youth  
(Contributed photo)

Culturally speaking, Mexico is similar to the United States in that homegrown folk music often gets bulldozed by the sleek, omnivorous machine of pop culture.

The Bay Area group Los Cenzontles, however, is doing its best to keep the vibrant and often romantic music of Mexican tradition alive.

Los Cenzontles The Mockingbirds play live Sunday at Don Quixote's in Felton. The group is the public face of the Los Cenzontles Mexican Art Center in San Pablo near Richmond in the North

Bay. The leader of both the group and the center is 48-year-old Eugene Rodriguez, whose mission is to keep Mexican traditions alive expressly for young Mexican-Americans.

"That's why we call ourselves Mockingbirds," said Rodriguez. "We borrow from a lot of regional traditions in Mexico, and we do the corridos and the rancheras and lot of other styles, just a bit differently. We call ourselves a traditional roots band."

Rodriguez serves as an older mentor/teacher to the rest of the group. Other than Rodriguez, the eight-member group is composed entirely of young people whom Rodriguez has brought along since they were children. Among them is his own son, Emiliano Rodriguez, who plays the guitar and the Mexican guitarron, the large instrument popular in many mariachi groups.

Los Cenzontles' sound revolves largely around the plaintive and exuberant twin female vocals of Fabiola Trujillo and Lucina Rodriguez no relation to Eugene and Emiliano. The group performs both original songs and traditional songs, including those drawn from the public domain.

The expressiveness and energy of Los Cenzontles' Mexicano music has attracted the attention of a few music-industry big hitters, including perhaps the two biggest names in translating Mexican music to the American mainstream: Los Lobos front man David Hidalgo and L.A.'s musical renaissance man Ry Cooder.

Both Hidalgo and Cooder are guests on the group's new album "Raza de Oro." In 2009, Los Cenzontles partnered up with Hidalgo, a tireless promoter of Mexican musical culture, and guitarist extraordinaire Taj Mahal for the spirited album "American Horizon," a much-praised hybrid of Mexican and American influences that best displays the talents of the group's finest musician, Hugo Arroyo.

At a recent session at KPIG's live-music show "Please Stand By," Los Cenzontles performed two songs with pointed messages -- a much-covered anthem titled "Soy Mexico Americano" "I am a Mexican-American" and a new original song about the controversial immigration law enacted by the state of Arizona.

Rodriguez said it is not the group's habit to engage in cultural hot-button issues. "I feel that my responsibility in the way of politics has always been about action, so we try not to dive into ideological wars. But the situation with the Arizona law was something we had to express outrage about. My father's father was born in Arizona, and the idea that some people support this law that would compel him to show ID, it's just very disturbing."

Mostly, he said, the group's focus to stay engaged in its community of San Pablo/Richmond. The Arts Center was established in 1994 and since then, he said, the area has seen a lot of immigration from Mexico, giving the group a "fresher and more direct" experience with Mexican music.

Four years ago, Los Cenzontles toured as a stripped-down, hornless mariachi group and toured Mexico. They were surprised by the reception.

"The older folks loved it and they were crying hearing this older music," said Rodriguez. "But the younger folks were just astonished to know that we had this tradition. It's a shame there's so little regard for Mexican heritage, but young people are looking for a direct way to connect with something larger.

"We really underestimate what culture can do. Only the corporate marketers and the right wing respect it. We need to understand its power better."

## **Na Lei Hulu I Ka Wekiu's '25 Years of Hula': review**

Allan Ulrich, Chronicle Dance Correspondent

Tuesday, October 19, 2010



Who, a quarter century ago, could have dreamed that a company devoted to hula dance would become one of Northern California's most appealing dance entertainments?

I doubt that even Patrick Makuakane, the founder of the company Na Lei Hulu I Ka Wekiu harbored such fantasies. Yet, the huge and remarkably diverse crowd that packed the Palace of Fine Arts Theater on Saturday evening for the kickoff to the troupe's 25th anniversary celebration was a testament to Makuakane's melding of community interest, serious ethnography, exuberant showmanship and something approximating kitsch.

The accomplishment is significant. In his disarming way, Makuakane has made us aware of the potential of hula as more than a national dance of Hawaii. It is a movement language adaptable to various circumstances and musics, suitable for both transmitting narrative and expressing emotional states. The current program, "25 Years of Hula," offers sounds ranging from authentic, percussion-accompanied chants to Gloria Gaynor disco hits of yesteryear. If an episode occasionally lagged, you could expect a dazzler 10 minutes later.

Perhaps Makuakane's singular accomplishment was to weld a group of committed part-time dancers into a troupe that moves with a singular impulse. When these 37 dancers fill the stage with impeccable swaying unisons and pelvic rotations, and delight us with a complex gestural language, you begin to wonder where amateur ends and professional begins.

The current program includes bona fide hits of yesteryear, including a showstopping version of Roberta Flack's "The First Time Ever I Saw Your Face," and new material. In its premiere, "The Kumulipo: An Homage" adapts a Hawaiian creation myth for the stage, framed by a series of mouth-watering projections. As the natural world evolves from the sea, Makuakane varies the texture and the tone of the movement. A sequence that features men propped on one knee, extending the other leg like a host of amphibians emerging from the primeval soup, was especially striking.

Makuakane's opening sequence, tracing the missionaries' impact on Hawaiian identity, presents a chilling portrait of religious and cultural oppression, dominated by a barefoot priest with an

enormous crucifix. The constantly shifting patterns and groupings of the dancers, dressed in severe monochrome, spoke volumes about a grim period in Hawaii's past. Later, a women's ensemble breathed the air of enchantment in a graciously undulant setting of "Viens, Malika," a duet from the opera "Lakmé."

The program also paid homage to Hula's Bar, a venerable gay showplace in Honolulu. A disco megamix and a frenetic ensemble preceded an appearance by special guest Matthew Martin, who, we are told, is a leading male impersonator of Shirley Bassey. I have no reason to doubt his authenticity.

Throughout the evening, Makuakane served as genial master of ceremonies. He even crooned as a colleague from Honolulu, Shawna Alapa'I, introduced a sultry solo, "Beloved Is the Manini," an elegant song that brought a welcome moment of intimacy. Judging from his enthusiasm and his fans', I suspect Makuakane will be at it 25 years hence.



Na Lei Hulu I Ka Wekiu dance troupe members celebrate the company's 25th anniversary at the Palace of Fine Arts in San Francisco.

Photo: Lin Cariffe





The Na Lei Hulu I Ka Wekiu dance troupe demonstrates the adaptation of hula to diverse music ranging from updated Hawaiian to disco hits of yesteryear.

Photo: Lin Cariffe

## **Brenda Way reshapes San Francisco ODC Theater**

Steven Winn, Special to The Chronicle

Sunday, September 12, 2010



When Brenda Way was living in New York in the 1960s, she helped finance the purchase of a brownstone with student loans. "I have a history of thinking I should be part of the American Dream," she said, "so owning property has never seemed so daunting to me."

With that the San Francisco choreographer and artistic director of ODC/Dance grabbed two hard hats, one for herself and one for a visitor, and led the way on a tour of one of the Bay Area's most ambitious and improbable arts real estate projects in recent memory. As many of her dance- and theater-world contemporaries have pulled back to tough things out through the country's prolonged recession, Way and her staff are about to unveil a splendid \$9 million makeover of the company's ODC Theater at 17th and Shotwell streets in the Mission District. That achievement follows the 2005 completion of the nearby \$10 million ODC Dance Commons, a light-filled complex of studios, office space, dance library and the Healthy Dancers injury-prevention clinic.

Together the two spaces comprise some 36,000 square feet of seemingly ceaseless dance activity. On a recent weekday morning, ODC company members were joined by other local dancers for a ballet class. A pulsating jazz class was under way across the hall. Still more students were gathering downstairs for other forms of group instruction. Cheery greetings echoed in the lofty atrium lobby. The center offers some 280 classes a week in everything from classical ballet to modern dance to hula, serving more than 15,000 professionals, students and beginners a year.

The newest ODC project will provide a dramatically enhanced public face for dance and other types of performance. Well over 100 companies, large and small, are projected to offer a total of 225 performances each year in the 187-seat ODC Theater, now greatly improved with a higher ceiling, better sightlines and updated technical capabilities. A new 50-seat studio will house smaller shows and workshops. Other amenities include a glass-walled café, additional studio and rehearsal space, a revamped lobby, more restrooms and an on-street ticket window.

It's all in service of a vital and ongoing tradition. The roster of dance, theater and musical artists who have appeared at ODC over the past 30 years is a veritable who's who of local, national and international performance. Bill T. Jones, Eiko and Koma, David Gordon, the late Spalding Gray, Bill Irwin and Karole Armitage are among those who have made the distinctive brick-walled space a destination since Way opened the converted hardware store in 1981.

Although the ODC company itself performs mostly at the larger Yerba Buena Center for the Arts when it's not on tour, the new theater is central to Way's vision of ODC/Dance. By offering a place for both established and emerging artists of all stripes to find their own legs as well as an audience, the theater is an assertion and physical manifestation of what she calls "the centrality of the arts to a civilized society."

Way's own "Architecture of Light," a site-specific work, will inaugurate the new ODC Theater with public performances Oct. 1-2, following a gala on Sept. 30. Characteristically, the ODC founder would rather talk about how other artists of all descriptions and experience will thrive and enrich the community as a whole in the new space. "I really am a '60s person," she said. "I believe that from a thick culture you get the best."

It was a point of substantive pride that the new building be handsome as well as functional and include such features as upper-floor balconies, for the working artists and students, that offer sweeping views from the Mission to downtown. "This building is really about supporting local artists," said Way. "A huge goal for me was to create a beautiful life for a group of people who get very few rewards of American society. We don't figure in the money part, by and large, or in the stature part, either. Having a place that honors the effort seemed to me a worthwhile thing to do."

With saws rasping and nail guns firing away, the realization of Way's dream was unmistakably taking shape. From 17th Street, the new construction steps back self-effacingly from the building's old masonry facade, reserving its more dramatic impact for the Shotwell corner and beyond on that side street. There, the ground-floor café figures to be a visible focus of activity both day and night. As Way points out, "This is a neighborhood where people would rather park once to eat and attend a performance." Restaurants in the immediate vicinity of the theater are somewhat scarce. Bar Bambino is negotiating to handle the food and beverage service at the café.

On the Shotwell Street side, glass dominates the three-story structure. Not only do all the windows provide ample natural light for classes and rehearsals, but they are also part of the building's passive heating system. "We're trying to do as many green tech things as we can within a limited budget," noted Way.

Heading for the theater's comfortably accessible new technical booth, Way showed little nostalgia for its predecessor. "You climbed up a ladder and ducked to get inside." Lighting instruments will be set electronically on a new grid. Drapes won't have to be laboriously hung, clip by clip, by someone on a ladder. Projection and video capabilities will be strikingly updated.

As she peered out into the empty performance space, with its floor still to be laid across the joists, Way discussed the decision not to build a larger theater during the renovations. One factor was a deep fondness for the brick walls and all the history they held. Another was the recognition that bigger is by no means always better. Companies that might only be able to put on a show once at Yerba Buena might do it four times at ODC. "I'm of the opinion that until you've done a piece 10 times, you haven't begun to let it find itself," Way said. "A smaller house can be a key to that."

Making all this happen in the face of a dour economic climate may be one of the most impressive things about ODC's recent building boom. Way readily allows that "some very lucky timing" was essential. "We were raising money for each of these projects when things were good, right before meltdowns. The sequence of events couldn't have happened if we'd been two or three years off in either direction."

But only so much can be chalked up to serendipity. ODC's dance complex is a direct expression of Way's own full-steam-ahead outlook. "Part of the artistic process," she said, "is that there will be some other part of your life where you struggle. It's a different kind of place to work out the conflicts. I'm a real estate mogul," she said with a laugh, her hard hat jiggling. "That's my problem." {sbox}

**ODC Theater:** "Architecture of Light," choreographed by Brenda Way, reopens the ODC Theater, 3153 17th St., S.F. Oct. 1-2. \$20-\$35. "JumpstART: A Community Celebration" is a daylong event of free performances, classes and more on Oct. 16. (415 ) 863-9834 or go to [www.odcdance.org](http://www.odcdance.org).



Brenda Way teaches a class at ODC circa 1980. The renovated theater will have better sightlines but will retain the much-loved brick walls.

Photo: Doug Winter



Brenda Way, choreographer and artistic director of ODC/Dance, in the ODC Theater, which is undergoing a makeover. Her troupe will reopen the remodeled space in October.

Photo: Liz Hafalia / The Chronicle





## Alsop resurrects Bernstein's "Mass" in London

Wed, Jul 7 2010

By Michael Roddy

LONDON (Reuters) - Leonard Bernstein's "Mass" is the musical equivalent of the late American conductor and composer's bear-hugs and kisses on the lips: if you like emotional excess you'll love it, if you don't, you won't.

This weekend, audiences in London will have a chance to decide whether Bernstein's mammoth opus for orchestra, rock band, marching band, soloists, three choruses, dancers -- 500 people in all -- is a musical hotch potch, as some critics said at the premiere in 1971, or an infrequently performed jewel.

American conductor Marin Alsop, who will lead two performances on Saturday and Sunday, July 10 and 11, at Southbank Centre's Royal Festival Hall, is a firm believer.

“‘Mass’ is really a synopsis and summation of Bernstein's philosophy of offering aspect and inclusion and sort of a big embrace to as many people as possible,” she told Reuters in a telephone interview from Amsterdam, where she had just conducted a Brahms "Requiem" with the Royal Concertgebouw.

"That was always his goal -- to involve as many people in this art form as possible."

With "Mass," Bernstein stacked the odds in his favor, not only with the number of people involved, but also by writing it so amateurs and professionals could perform it, side by side.

For these performances, Southbank has engaged Britain's National Youth Orchestra, Brazil's Youth Orchestra of Bahia, Iraq's National Youth Orchestra and America's Sphinx Organization of black and Latino musicians, to name a few.

Students from the local community will be singing, alongside professionals, and the performers' average age is under 20, Southbank says.

It might have a whiff of amateur hour, but Bernstein, ever the canny composer, would never let that happen.

In addition to penning three symphonies, several ballets, choral works and art song, Bernstein wrote "West Side Story," one of the greatest Broadway musicals, full of hummable tunes.

Alsop thinks "Mass" does all of Bernstein's works at least one, and possibly several times, better. She thinks of it, in fact, as his masterpiece, combining the best of everything he had in him, from

traditional symphonic writing to 12-tone rows to liturgy to Broadway razzmatazz to plain old rock 'n roll.

"When I first did the piece in the '90s it sounded a lot more dated to me than it does today because we're in more of a retro mode now," she said.

## CLASSIC ROCK 'N ROLL

"It's literally classic rock 'n roll, not like disco which is from a very distinctive period. And of course all the other elements, like the elements of folk in 'Simple Song', that's back in vogue too, if you think of Norah Jones," she added, referring to the song that is the signature tune for the mass celebrant, whose crisis of faith is the piece's main event.

What might seem dated about "Mass" is its political message.

Bernstein, who was famously taken up with left-leaning causes during his lifetime and had the posthumously published FBI files to show for it, used "Mass" as a platform to take aim at organized religion, the Vietnam War and authority in general.

That seems very long ago, post 9/11, post Iraq war, post-paedophile priests and post a score of other calamities that Bernstein, who died in 1990, didn't live to experience.

But for Alsop, the piece still works, even politically.

"I think 9/11 would have been a rallying cry for him," she said.

"When the Berlin Wall came down he was there, with his Beethoven 9th and his orchestra from around the world, changing the wording to 'freedom' instead of 'joy'," she said, referring to his 1989 concert celebrating the demise of the barrier between East and West Berlin, where he meddled with the wording of Schiller's "Ode to Joy."

"He was a guy who was at the center of every major political occurrence and I think that he would not only be horrified by the scandal in the Catholic Church, but I think it highlights his distress over organized religion -- he hated blind belief, and he wanted everyone to question and probe."

Alsop, who is the first woman conductor of a major American orchestra, and has signed up for another five years with the Baltimore Symphony Orchestra, suggests people come with an open mind, an open ear, and let Bernstein's "Mass" do the rest.

"I think all of his music is quintessentially him," she said.

"He was an incredible and masterful storyteller and every piece he wrote has a deeper story."

(Marin Alsop conducts "Mass" at Royal Festival Hall July 10-11, [www.southbankcentre.co.uk/](http://www.southbankcentre.co.uk/);  
her recording of "Mass" with the Baltimore Symphony Orchestra is available on Naxos  
8.559622-23)

## Bernstein Mass, Royal Festival Hall, London



Reviewed by Edward Seckerson

*Sunday, 11 July 2010*

Mass is Leonard Bernstein's most personal, most provocative piece. His daughter Jamie has described it as his "most Lennyish" piece – meaning that it knows no inhibition, that it is everything he was. There are no fudges, no in-betweens, no half-measures.

The musical juxtapositions come thick and fast in jarring, crunching, shifts of gear; the cheesy rubs shoulders with the sublime, musical genres are crossed and re-crossed. And Mass has things to say about what exactly a "crisis of faith" – the central plank of its thesis – might mean, not just for him but for us all. It asks the awkward questions, challenges the dogma, the hypocrisy. It's a 1970s piece with a millennium reach and it will always polarise opinions. But it is Bernstein's masterpiece – of that I am in no doubt – and this culminating blast of the South Bank's year-long Bernstein Project came as close to nailing it as we could reasonably expect.

Mass was written in a time of flux defined by the death of a President, the waging of an unpopular war, and the emergence of the flower-powered peaceniks whose passive resistance assumed an almost religious authority. Stephen Schwartz and Bernstein's words offer their own poetic resistance and the melodies which clothe them – pop, rock, folk, Kurt Weillian, and pure and simple Bernstein – chime well with the scrapbook of photographs which Jude Kelly's staging offers as a backdrop. There are upwards of 500 people involved in this ceremony of innocence and hope – not least an orchestral from four continents anchored around the National Youth Orchestra - but at the heart of it with their multifarious and ferociously demanding "Tropes" are the Street People, an astonishing bunch of musical theatre voices cast and coached by Mary King. They are the fighting spirit of Mass and they sang the socks off it.

So, too – and how - did the Bernstein figure of the Celebrant – Jesse Blumberg – whose eleventh-hour revelation that he can only relate to his flock when he is one of them brings a spectacular meltdown: the mad scene that Bernstein always wanted to write (his very own Peter Grimes moment?). The catalyst for that is the defining climax of Mass – *Dona nobis pacem* – where pleas for peace turn into demands and the astonishing rock-driven crescendo on this occasion brought what looked like half the audience to the stage in angry protest to bring the service to its knees in more senses than one.

Marin Alsop – who is now all but the official guardian of this piece – kept her far-flung forces on message with barely a stitch dropped. Sorry, but anyone who can still resist the healing benediction of the closing minutes must be made of stone.



## THEATER REVIEW: 'Laramie' still resonates 10 years later



Ken Friedman photo

A scene from the West Coast premiere of "The Laramie Project" at Berkeley Repertory Theatre.

**By Constance Gorfinkle**

For The Patriot Ledger, Sep 30, 2010

That the shocking incident on which "The Laramie Project" is based happened a dozen years ago doesn't in any way dilute the impact it has on stage today. Nor does the fact that the show itself is 10 years old and has been performed countless times nationwide.

Its power lies in the feelings the murder of a gay college student stir in those listening to and watching actors taking on the personas of people whose lives were forever changed by the tragedy.

In its Boston debut, the New York-based Tectonic Theater Project is performing the work it created based on the death of Matthew Shepard, a murder so brutal that the entire community of Laramie, Wyo., was forced to re-evaluate what it had considered idyllic.

In this inaugural presentation of ArtsEmerson, at the Cutler Majestic Theatre, the production is in stark contrast to the opulent auditorium. The lights go up on eight wooden tables and chairs. These, in various configurations, are the sole props, save for a planter filled with tall grass to represent those plains. An actor, gesturing toward the chairs, says, "This is the fence," an innocuous noun that eventually takes on the horror of a swastika or a lynch gang's noose.

The fence is what Shepard was tied to for 18 hours, after he had been beaten unconscious and left for dead by his two attackers on Oct. 12, 1998. His killers had set out to rob him, a crime that quickly escalated to torture, then murder. And the question that still haunts Laramie is why? Why? is the central focus of the play.

It was the juxtaposition of the crime's cruelty with the perceived wholesomeness of the location that caught the attention of the national media, which descended on Laramie.

Among those riveted by the reports were the members of the Tectonic Theater Project, who, within a month, were on their way to Laramie to interview people who knew Matthew and his killers, Aaron J. McKinney and Russell Henderson. They also talked to detectives and the caretakers who tried to save his life after he was found.

As the play unfolds, the actors periodically step out of their roles to explain the evolution of the work, how they originally had no idea where they were going with the material being gathered.

One can only imagine the daunting task it was to make a cohesive drama out of wildly diverse opinions, memories, gossip and eyewitness accounts, such as the painful recollections of the young bicyclist who found Matthew and the cop who untethered him from the fence, tearing her rubber gloves in the process, and later learning she had contracted HIV.

It becomes clear that the eight actors who did the interviews have come to own the material, fortifying their performances with wrenching authenticity, as they morph from one character to another, with the change of a jacket, an accent and body language. These eight don't portray all of the 200 people interviewed. But they each create many strong characters, all with a distinct voice.

The fallout from the murder of Matthew Shepard hasn't dissipated. The country did much soul-searching in its wake, and still does. But the underlying attitudes that allowed it to happen still exist. To see how Laramie, itself, has fared over the years, the Tectonic Theater Project returned on the 10th anniversary of Matthew's death to re-interview many of the same people. The plan, they have said, was to simply show how the town has moved on.

But, as before, there was nothing simple about Laramie. So many conflicting views, so many confused emotions made it impossible for their story to be encapsulated in an epilogue, as planned. Thus, another full-length work has emerged: "The Laramie Project: Ten Years Later," which is receiving its world premiere at the Cutler Majestic, on the same bill as "The Laramie Project."



Photo by Ken Friedman

Greg Pierotti performs a scene from "The Laramie Project."

## Ohlones want a voice on Hunters Point project

John Wildermuth, Chronicle Staff Writer

Wednesday, August 11, 2010



An Indian tribe held a sunrise ceremony at Yosemite Slough on Tuesday in an attempt to show just how important the sacred sites around the proposed Hunters Point Shipyard/Candlestick Point redevelopment project are to the Ohlone people.

"We want to be shown the respect we deserve as the original people of that land," Tony Cerda, chairman of the Costanoan Rumsen Carmel Tribe, said. "We need city recognition."

Cerda and about a dozen other members of the tribe, many dressed in traditional regalia, appeared before the Board of Supervisors on Tuesday afternoon to plead for a greater voice in development of what they say are their traditional tribal lands.

"There are only three ways to get land," Cerda said. "You can buy it, have it given to you or steal it. What gives them the right to dictate to us?"

The controversy springs from the environmental impact reports that were done for the 700-acre project, which received final approval last month. Cerda and other Indians argued that San Francisco refused to follow state rules requiring notification of the "most likely descendants" when development could take place around suspected burial sites.

While city officials insist that San Francisco's status as a charter city exempts it from many of those notification requirements, they also say that Ohlone groups were informed about the project and invited to make suggestions about dealing with their ancestral sites.

"It's fair to say we should have gotten to them earlier," said John Rahaim, the city's planning director. "But we met with them in February."

"They didn't meet with us," Cerda said, "and we're the only people who can trace our genealogy all the way back to Mission Dolores," where the Spanish city of San Francisco was born.

## **Ohlone tribes not recognized**

Cerda's complaint highlights the problems surrounding the Ohlone claim to Bay Area lands. While no one disputes that the Ohlones were the primary American Indians living in the area before the Spanish arrived, there's no complete agreement on which Ohlone tribe lived where.

In January, for example, Rosemary Cambra, chair of the Muwekma Ohlone, spoke briefly to the Planning Commission about the need for environmental cleanup of the Hunters Point shipyard, which she referred to as "our homeland."

The federal government has added to the confusion by refusing to grant official recognition to any of the Ohlone tribes, which means they generally don't have to be consulted in connection with federal projects that may affect their homelands.

"The government has always pitted us against each other," said Cerda, whose tribe lays historic claim to the land from Carmel north to San Francisco and east to the slopes of Mount Diablo in Contra Costa County.

Cerda and most of his tribe's 2,000 members now live around Pomona (Los Angeles County).

## **Supervisors ask for protocols**

The supervisors gave a boost to Cerda's efforts by unanimously approving a resolution urging the Planning Department and the Redevelopment Agency to put together "specific protocols" for working with the Ohlones and other American Indian groups on the shipyard redevelopment project.

While the resolution might not have been the most ringing endorsement possible, it's an important bit of recognition, said Neil MacLean of the Ohlone Profiles Project, a San Francisco-based group to connect people with the history of the Ohlone tribe. He said the tribe not only wants to prevent the desecration of the resting place of their ancestors, but also to see construction of a cultural center with a genealogical research center and a place for sacred ceremonies.

That's a real possibility, said Michael Cohen, director of the mayor's office of economic and workforce development.

"Around the old dry dock, we plan to have cultural and historical facilities," he said. "We'll show the history of the African Americans who came to work there in World War II, but also the history of the Ohlones and all the other groups who were part of the area."



The Ohlones say the area being redeveloped is part of their traditional tribal lands. But there's no complete agreement on which Ohlone tribe lived where.  
Photo: Paul Chinn / The Chronicle



Tribal Chairman Tony Cerda leads an Ohlone sunrise ceremony at Yosemite Slough.  
Photo: Paul Chinn / The Chronicle





Marcus Rodriguez performs with other Ohlone dancers during a sunrise ceremony at Yosemite Slough in San Francisco.  
Photo: Paul Chinn / The Chronicle

# Los Angeles Times

## Schwarzenegger vetoes overtime for farmworkers

**The governor agrees with giant agribusinesses and organic-farm owners who contend that an eight-hour workday isn't practical in the agriculture industry.**

July 29, 2010|By Marc Lifsher, Los Angeles Times

Reporting from Sacramento — Saying he didn't want to damage California's agricultural economy, Gov. Arnold Schwarzenegger on Wednesday vetoed a first-in-the-nation bill that would have given farmworkers the same rights to overtime pay enjoyed by all other hourly workers in California.

Applying the eight-hour day to agriculture would be burdensome to business and reverse longstanding labor practices, Schwarzenegger wrote in a veto message.

As recently as 1999, state lawmakers approved a bill that specifically exempted farmworkers from the eight-hour day, he said, "recognizing that agricultural work is different from other industries: it is seasonal, subject to unpredictability of Mother Nature and requires the harvesting of perishable goods."

The veto message echoed arguments made by both giant agribusinesses and organic-farm owners. They contended that growers need special exemptions from labor laws because they operate on tight profit margins and need to work long hours to harvest crops quickly to get them to market.

Payroll costs would rise at least 10% if overtime were paid after eight hours, lobbyists for big agriculture said.

Supporters of the bill countered that it's simply wrong to treat the people who tend and pick crops differently from the workers who pack the produce into boxes or sell the fruits and vegetables in grocery stores. Those related jobs carry extra pay for work beyond eight hours a day.

"The governor's decision is a blow to fairness and justice. We will have to wait for a new governor to right this wrong," said state Sen. Darrell Steinberg (D- Sacramento), referring to Schwarzenegger's status as a lame duck who leaves office in January.

Senate Majority Leader Dean Florez (D-Shafter), who sponsored the measure, accused the governor of "turning his back on history" by choosing "to continue the second-class

treatment of the men and women who toil in the fields, their backbreaking labor at the core of a more than \$30-billion-a-year agricultural industry."

The bill by Florez, whose parents and grandparents picked roses and vegetables in the San Joaquin Valley, would have reversed a 1941 state law exempting agricultural employees from being paid 1 1/2 times their normal hourly rate after they work more than eight hours in day.

The exemption was modified in 1976 when state labor regulators authorized payment of overtime after 10 hours on the job in a single day and for all work on a seventh day of a week after putting in six straight days of 10 hours or more.

California is the only state that provides for any overtime to agricultural workers.

Switching to an eight-hour day, while well intentioned, could hurt both consumers and farmworkers, said Judith Redmond, a manager of Full Belly Farm, which grows organic produce in the Capay Valley north of Sacramento.

"Instead of the wages that we now pay, we would have to be conservative because payroll costs would rise very significantly," Redmond wrote in a recent newsletter to customers. "In effect, the new law would turn the job into a minimum-wage job.... The farmworkers would net out at less pay."

Even if farmers reduced their workers' hours, they still would have to add more shifts to do the same amount of harvesting, said Don Villarejo, an agriculture policy consultant.

"Farmers would adjust, if they had to, to a new eight-hour day," said Villarejo, a retired director of the California Institute for Rural Studies in Davis.

What's more, he said, working shorter days would reduce the threat of injuries and fatalities that farmworkers face because "working long hours under the hot California sun puts workers at risk."

**From:** Ron Storchlic

**Sent:** Mon 10/4/2010

**Subject:** Screening of "Fair Food: Field to Table" at All Things Organic/Expo East

Dear Friends and Colleagues,

I am pleased to inform you know that "Fair Food: Field to Table" will be screened at All Things Organic (co-located with Expo East in Boston this year). The screening will take place on Friday, October 15, from 1- 2 PM at OTA Booth #3843.

As organizations, farms and businesses appearing in or involved with production of this piece, I'd like to invite any of you planning on attending All Things Organic or Expo East to participate in a facilitated discussion that will accompany this screening. The discussion will be led by Alida Cantor, formerly of CIRS and currently with the Chefs Collaborative, who was involved in the production of this piece.

Please feel free to contact myself or Alida Cantor to RSVP or with any questions.

We hope to see you there.

Best regards,  
Ron Storchlic

## How the campaign finance system is eroding confidence in Congress

By Lawrence Lessig  
Friday, October 1, 2010; A19

For at least 40 years, congressional campaign finance regulation has been about saying no. The laws regulating Congress and congressional elections have limited large contributions from individuals and political action committees. They have banned contributions from corporations. The aim throughout has been to restrict the amount of money in political campaigns and to vigorously disclose that part not restricted. Except for contributions to independent committees, every campaign contributor giving more than \$200 is as easily discovered as movie showtimes on Fandango.

The hope in these regulations was that sunlight and constraint would somehow make politics clean and expand confidence in government. Things haven't quite worked out that way. With each new set of constraints, those interests seeking access (and more) build ever more elaborate means to feed a dependent Congress the campaign cash it so desperately needs.

The result hasn't been a rising tide of confidence or the belief that lawmakers stand independent from their funders. Quite the opposite: The vast majority of Americans believe, rightly or wrongly, that money buys results in Congress. Confidence in Congress is at a historic low -- 11 percent, according to a July Gallup poll. Arguably, more believed in the British monarchy at the time of the Revolution than believe in our Congress today.

Last week the House Committee on Administration took a step toward radically changing this approach to making government trustworthy. By a voice vote, the committee approved a bill that would give candidates the option to fund their campaigns through small-dollar contributions only. The Fair Elections Now Act would offer a 4-to-1 match for contributions capped at \$100. It would ensure qualifying candidates a sufficient grubstake to wage an effective opening campaign.

The aim of this legislation is to increase the total resources available to candidates to fund their campaigns and thus reduce the significance of large contributors at the extremes. It achieves its objective not by saying no but by giving candidates a credible way to tell their constituents: "It is not the money that is buying my vote."

It is not yet clear whether the Democratic leadership will allow this critical reform to come to a floor vote. It should. For too long, Americans have viewed the system of campaign finance as hopeless. This election should at least be an opportunity to debate a system that is fundamentally different. Our Framers intended a Congress "dependent upon the People alone." We instead have a Congress dependent upon "the Funders" primarily. Whether or not it buys us fairness, the Fair

Elections Now Act would at least offer the possibility of trust: trust that money is not unduly influencing the results.

Such trust is crucial for public institutions. Americans are fine when the government goes against us, so long as we believe the process is fair. But Americans don't believe that the process in Congress is fair. That belief in turn leads many to simply turn away from politics. A poll conducted in August and commissioned by Rock the Vote found that the No. 1 reason (by a 2-to-1 majority) that young people don't vote is that "no matter who wins, corporate interests will still have too much power and prevent real change."

The current system of campaign finance has corrupted the institution of Congress. Not because members are being bribed or taking kickbacks for government favors, but because it has produced a public that has no confidence that the agents of the institution serve their principal -- the People. That confidence is a key element in making the institution work. But that confidence is gone, at least in part because of the system of funding that this Congress continues to support.

How low does public confidence have to fall before leaders in Congress recognize that their institution is bankrupt? At what point do we, the People, get to debate a meaningful alternative? The House Committee on Administration's answer is the right one -- now, just as the nation launches the largest special-interest-funded congressional campaign in our history.

*Lawrence Lessig, a professor at Harvard Law School, is the author of "Remix: Making Art and Commerce Thrive in the Hybrid Economy."*





# THE HUFFINGTON POST

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY



## Bob Edgar

President of Common Cause

Posted: September 16, 2010

## Counting on Democracy

In the next few weeks we'll hear a lot about every American's most fundamental right: the right to vote. Much of the rhetoric will find fault with office seekers or a disinterested populace that can't be bothered to vote. Not much will be said, though, about a vast set of laws and customs that keep many of us from participating in our democracy.

There's a lot at stake in 2010, as in every election. We'll choose people to represent us in state houses and Congress and make decisions that affect each of us in profound and personal ways. This is something we should strive to get right, every time.

In the last presidential election, up to 3 million eligible voters were excluded because of confusing, inadequate, unnecessarily restrictive, and unlawfully or mistakenly interpreted voting laws. Many cast provisional ballots that went uncounted. Others were turned away because they weren't carrying what a registrar or precinct worker considered proper identification or proof of citizenship. Some were deceived by phone calls directing them to phony polling places or erroneously listed voting hours.

The American system of voting and election fails more of us every year. Today, [Common Cause and our partner Demos are releasing a report](#) that documents the flawed processes and inadequate protections that could impact enough voters to determine election results, especially in 10 states likely to have close elections in 2010. Some of our key findings are simply astounding:

- Six states allow voters to cast "provisional ballots" in the wrong precinct but then don't count them.
- Several states have failed to fully implement the National Voting Rights Act, thwarting its attempt to foster political participation among lower-income Americans.
- Many states make it much too easy for any voter to challenge another's right to vote and lack clarity about how registrars or poll workers should decide those disputes.
- Several states allow overseas absentee voting by fax or online, leaving ballots subject to tampering and denying voters a secret ballot.

The noted British playwright Tom Stoppard wrote that, "It's not the voting that's democracy, it's the counting." If he's right, then we have to get better at the counting, not just of people and votes

but of processes and protections. True democracy requires elections that are accurate, accessible, and accountable to the voters.

Over the next few weeks, we'll be talking about the need for election reform. Common Cause and our partner organizations have real solutions that can help achieve the true democracy we deserve.

# THE HUFFINGTON POST

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY



## **Bob Edgar**

President of Common Cause

Posted: September 21, 2010

## **A chance to do something lasting**

Sometimes history sneaks up on us. In the next two weeks, amid loud and - more than likely - inconclusive debates over tax cuts for the middle class, illegal immigration, and military service by gay Americans, Congress has a chance to do something lasting and meaningful to revitalize our democracy.

Nothing could be more important, and yet this opportunity is getting far less attention than it should by journalists, pundits, and most elected officials.

On Thursday morning, the House Administration Committee is scheduled to mark up the [Fair Elections Now Act](#) (HR 1826/6116), arguably the most far-reaching political reform proposal since the Watergate era. With luck, there'll be a House floor vote before Oct. 1.

This legislation, which has quietly gained the support or co-sponsorship of nearly 170 House members, is a bold attempt to break the hold that big dollar political contributors - oil companies, pharmaceutical houses, insurers, banks, defense contractors and others - have on our government.

Fair Elections would let candidates for Congress, who now must rely on those big givers to finance the high cost of campaigning, to run instead on a base of small gifts from people in their districts. A candidate who raises \$50,000 in donations of \$100 or less would qualify for grants totaling more than \$1 million from a new Fair Elections Fund. Additional donations, again of no more than \$100, would be matched on a 4-1 basis.

None of it would cost taxpayers a dime. The Fair Elections Fund would be drawn from the proceeds of lease sales of the publicly-owned broadcast spectrum; the sales are expected to generate about 10 times as much money as the fund would require.

I've been in and around politics -- as a candidate, a member of Congress and an activist -- for about 40 years and I've never seen the American electorate so restless.

Conservatives, moderates and liberals share a sense that something is amiss in our politics. A Rasmussen national survey released in August found that 70% of voters believe that most members of Congress are "willing to sell their vote for either cash or a campaign contribution."

The [Fair Elections Now Act](#) attacks that problem -- head on. The House should meet history the same way and pass it.

## Historic Movement on Fair Elections

**Sam Waterston, September 23, 2010**

Today, the Committee on House Administration passed landmark legislation aimed at putting our elections squarely where they belong: back in the hands of voters.

The committee passed the Fair Elections Now Act (H.R. 6116/1826), legislation that would take members of Congress off the fundraising treadmill and let them focus on their constituents.

Chairman Bob Brady and his colleagues on the committee, Reps. Mike Capuano (D-Mass.), Susan Davis (D-Calif.), Charlie Gonzales (D-Texas), and Zoe Lofgren (D-Calif.), must all be commended for their leadership on passing this legislation today.

This is an historic vote, and would be the most sweeping reform legislation since Watergate.

The Fair Elections Now Act would allow candidates for Congress to run competitive campaigns for office by relying on small contributions from back home. Candidates would collect donations of \$100 or less from residents of their state, which would then be matched four-to-one with Fair Elections funds. Fair Elections would be funded by the sale of unused broadcast spectrum, ensuring that in this time of debt and deficits, it wouldn't cost taxpayers a dime.

With Fair Elections, constituents don't have to wonder if their elected officials are standing up for them or their big money donors when casting their votes on Capitol Hill. Congress would be accountable to them, not wealthy donors or lobbyists.

Now that it's passed in committee, the legislation can head to the floor. To help our push for a floor vote before Congress adjourns just days from now, I've joined with the Campaign for Fair Elections in releasing new television ads that will air in several key Congressional districts praising lawmakers for supporting this legislation.

Every day, we see a steady stream of news reports of fundraisers with lobbyists, ongoing ethics investigations, and millions of dollars in outside secret spending. It is no wonder if we're angry ... or alienated.

The Fair Elections Now Act. Congress should make its passage a priority -- now.



## ***Money Didn't Talk After All***

by Christine Stuart, Melissa Bailey, & Paul Bass | Aug 10, 2010



Christine Stuart Photo  
Malloy claims victory.

(Updated) Outspent and down in the polls, former Stamford Mayor Dan Malloy roared back to victory in Connecticut's Democratic gubernatorial primary Tuesday over Greenwich businessman Ned Lamont. Malloy claimed a come-from-behind victory not just for him, but also for public financing in state elections.

Lamont spent over \$9 million on the race, \$8.6 million of it his own scratch. That's more money than any gubernatorial candidate has ever spent on a campaign in Connecticut history—not just for a primary, but for a primary and general election combined. Malloy had \$2.75 million to spend, most of it from the state's public financing program.

Yet Malloy won decisively, despite polls predicting a tight race. With 90 percent of precincts reporting, he led Lamont 58 to 42 percent.

"That's a lot of money, even for a rich guy" to spend on a losing race, two-time gubernatorial candidate Bill Curry remarked in a Connecticut public radio roundtable on the primary.

The result vindicated Malloy's message to voters in Connecticut, and nationally: That public financing can give a candidate enough money to compete fairly against millionaire newcomers who try to buy elections with personal fortunes, even if the candidate doesn't have a one-to-one match.

State Sen. Andrew McDonald of Stamford said he's hopeful that Malloy's win means "great ideas outweigh great bank accounts."

State Rep. Michael Lawlor of East Haven echoed McDonald's conclusion that the primary proved that public financing is a viable option. He said he thinks there was a really big "ick factor" about self-financing millionaires running among Democrats.

In a victory speech in Hartford, Malloy claimed victory in the name of some 4,000 people who made small donations to his campaign so he could qualify for Connecticut's Clean Election Program. He said they made "sure that on this day we could stand together and stand behind clean elections in the state of Connecticut."

Asked at a subsequent press conference what his victory means, Malloy responded, "You need at least \$2.5 million to win a primary."

He'll test his campaign finance message again in 13 weeks, when he faces Republican Tom Foley, another self-financed millionaire businessman candidate, in the general election.

Some other results Tuesday night were more expected: Foley defeated Michael Fedele and Oz Griebel in the GOP gubernatorial primary. Linda McMahon defeated Rob Simmons and Peter Schiff in the GOP U.S. Senate primary. She spent \$22 million.

Lamont's running mate, lieutenant governor candidate Mary Glassman, offered the first concession speech at 9:45 p.m.

She praised her opponent, Malloy running mate Nancy Wyman, whom Glassman trashed in campaign mailings during the campaign.

"Now it's time for Democrats to come together," Glassman said.

At Malloy's Hartford victory party, state Party Chairwoman Nancy DiNardo expressed confidence that that will happen.

"I'm confident we will be able to heal," DiNardo said.

The first indication that Lamont was in trouble was a 2-1 Malloy victory in Manchester, a bellwether Hartford suburb expected to be close.

Early returns showed Malloy with 57 percent of the vote.

That was especially remarkable because Lamont had many more vote-pullers on the street in New Haven, Bridgeport and Hartford. Returns at 10:15 p.m. actually had Malloy in a dead heat in New Haven pending the tabulation of absentee ballots—even though New Haven’s mayor and political machine backed Lamont.

The night turned out quite differently from primary night in 2006, when Malloy lost the Democratic gubernatorial primary to New Haven John DeStefano.

Former Lt. Gov. Kevin Sullivan, who supported DeStefano in 2006, said the difference between this year and four years ago was the gravitation of labor support to Malloy and the number of ground troops he had. He said Lamont’s negative advertisements actually lost him support.

“The last round of negative ads struck people as so over the top,” Sullivan said.

Malloy ran stronger than expected in suburbs. Sullivan said there were so many Malloy campaigners in West Hartford Tuesday that they were tripping over each other.

Malloy’s decision to add state Comptroller Nancy Wyman as his lieutenant governor running mate was “just icing on the cake,” Sullivan said.

#### **Message Deficit?**

The low turnout—expected to be 30 percent or less—had Democrats worried about the November general election.

“Democrats better wake up and realize there are big differences at stake,” said party activist Ed Anderson, watching the slow leak of returns and soaking in the somber mood at Lamont headquarters.

The answer lies in concentrating on a clear message, said New Haven Mayor John DeStefano.

The buzz in the air was about how few voters showed up to the polls.

New Haven, like the rest of the state, appears to be suffering from “incredibly low turnout,” the mayor noted.

He said there didn’t seem to be a message, or issue, that drove people to the polls.

“I don’t think there was an overwhelming issue difference between these two candidates” in the gubernatorial Democratic primary, DeStefano said.

When DeStefano ran four years ago in a very close primary over Malloy, health care became a driving issue, and both candidates drafted detailed plans for universal health care.

“I didn’t see that happen this year,” DeStefano said.

The mayor said he'd like to see the final numbers for voter turnout before making any conclusions, but early results make him concerned that "voters are feeling turned off," that "they don't know why to come out to vote."

If the voter turnout is as low as is being predicted, "it's not a good message for Democrats," DeStefano said. "The message: You really need to be clear with voters about why you're" running for office. There needs to be a clearer message, he said, than the "more thematic advertisements that you saw."

That message clearly needs to be about jobs, Lamont said in his concession speech, as his daughters teared up standing behind him.

"Democrats stand up and say, 'We're going to fight for your jobs,'" Lamont counseled. "Don't let those jobs go to India. Don't let those jobs go to Singapore."

### **Momentum Carried To Primary Day**

At the polls Tuesday, Malloy's momentum was clearly visible.

In Windsor State Rep. David Baram said during the last week of the campaign, he saw a shift from Lamont to Malloy partially related to the negative campaign ads. New Haven residents Bill and Pat Taylor agreed.

Retiree theater techie Bill Taylor of New Haven's Westville neighborhood said he had trouble deciding between Democratic gubernatorial candidates Ned Lamont and Dan Malloy. "The campaign made the difference. It turned me against Lamont," Taylor said.

It didn't matter to Taylor that Malloy was the first candidate to air negative ads.

Tuesday night, Lamont was asked about his barrage of negative ads.

"Going negative was not my nature," Lamont insisted.

"I didn't want anybody to vote against somebody. I wanted to give them somebody to vote for. We responded to some tactics. Look, the tactics of politics is not what gets me going, it's turning this state around and I'm going to stay involved one way or the other."

### **Republicans Turn Right?**

Meanwhile, another dramatic result occurred in the Republican primary for attorney general, where Martha Dean easily beat Ross Garber.

Dean is a conservative follower of the Tea Party movement, which is pulling the Republican Party even more to the right on issues like taxes than it had drifted in the Reagan and Bush years. Garber is the quintessential moderate Connecticut Yankee, a fiscally conservative and socially liberal Republican comfortable in old-money towns like Greenwich.

Dean won her party's endorsement at the May convention. But that's because Garber wasn't in the race yet; he was waiting to see if her sister-in-law, Susan Bysiewicz, was going to continue her pursuit of the Democratic nomination for attorney general. (She dropped out.) When he entered, even though Dean had the state party's nomination, Greenwich's Republican Party nevertheless voted to support Garber.



Melissa Bailey Photo  
Family surrounds Lamont at his concession speech.





Emily Lamont, who campaigned hard for her dad, watches on as he concedes.





Melissa Bailey Photo

DeStefano (pictured) arrived around 8:45 p.m. to Ned Lamont's post-election gathering at Bridgeport's Testo's Restaurant (owned by Bridgeport's Democratic machine boss). DeStefano was handed a VIP pass. Instead, he walked into the grand ballroom, where Bridgeport politicians and campaign staff milled around over plates of pigs-in-blanket and spanakopita. They watched early results come in on projectors.

# House Overrides Rell Veto On Campaign Finance Law

August 13, 2010 | By DANIELA ALTIMARI

HARTFORD — — Overriding a veto by Gov. M. Jodi Rell, the state House of Representatives on Friday approved a bill that safeguards the state's landmark program of public financing for political candidates.

The 106-30 vote clears the way for Democratic gubernatorial candidate Dannel Malloy to access to \$6 million in public campaign funds. The Senate passed an override vote last week.

The fix for the Citizen's Election Program was needed after a judge ruled certain aspects unconstitutional.

The legislature's action almost certainly will end the litigation still pending in the state and federal courts from the original constitutionality challenge by minor political parties and state contractors. Those unresolved issues are before the U.S. District Court and the state Supreme Court.

Malloy hailed Friday's vote, which will help him compete against his wealthy Republican opponent, Tom Foley.

"Today, the legislature saw fit to preserve a system that gives candidates who aren't wealthy a chance to compete and the ability to run a campaign that isn't funded by corporate and special interests," Malloy said in an e-mail.

Republicans called the bill an expensive subsidy for politicians that the state cannot afford. No GOP lawmakers broke ranks to support the bill; Rep. Shawn Johnston of Thompson was the only Democrat voting against it.

"This bill affects one person," said House Minority Leader Lawrence Cafero, a Norwalk Republican. And, he added, it comes at a time "when citizens across this state and public officials of Connecticut are scrambling to find every nickel to pay our bills."

Chris Healy, chairman of the state GOP, brought a tin cup with a dollar bill tucked inside and a photocopied picture of Dan Malloy's face taped to the front.

Said Healy: "This is just another example of Democrats spending money we don't have. ... Mr. and Mrs. taxpayer of Connecticut are now having to fork over money for someone's political speech that they may not agree with. It's unbelievable."

The Foley campaign, which went to court to stop Republican rival Michael Fedeles from accessing public funds, decried the vote, calling it an example of "old-school, machine-style politics."

"The vote by the Democrat-controlled legislature today is indicative of the game playing that has been going on in Hartford for far too long," Foley campaign chief Justin Clark said via e-mail. He called the override "an attempt to buy this year's gubernatorial election for their party."

Rell issued a statement expressing her disappointment. "Since its creation, the program has been used successfully by Republicans and Democrats alike. Today, however, the majority party has seized upon this moment to transform the CEP — a set of reforms that had been considered a national model — into a welfare program for politicians and a war chest for the impending, inevitable barrage of nasty, negative advertising and 'robo-calls.' "

The Citizens' Election Program is funded by the sale of unclaimed property, and Democrats point out that the money has already been allocated.

Democrats dismiss the notion that the bill will affect Malloy only.

"The bill is not about one individual person," said Rep. Jamie Spallone, a Democrat from Essex and co-chair of the legislature's Government Administration and Elections Committee. "The bill is written as any legislation is, to govern all elections."

Democratic Rep. Corky Mazurek of Wolcott was one of 15 lawmakers who changed their votes, from "no" two weeks ago to "yes" on Friday.

Mazurek said he did so as a matter of fairness to Malloy and any other candidate who entered the race expecting the full grant. Malloy was "operating under a certain set of rules. And that set of rules said if your opponent outspends you by X amount, then we'll give you X amount of money," he said. "We changed the rules in the middle of the game."

"I hate this bill," Mazurek added. "I have voted every single time against it and I'll continue to [try to] get rid of it, but a promise is a promise."

The new law doubles the amount of the initial grant to participating candidates to \$6 million. Under the old law, participating candidates received \$3 million in initial grants. They could have qualified for up to an additional \$3 million if they were widely outspent by an opponent, and yet another \$3 million, for a total of \$9 million, if they were the subject of attack ads by special interests.

But the 2nd Circuit Court of Appeals ruled that those supplemental, or "trigger," provisions were unconstitutional because they imposed "a substantial burden on the exercise of the First Amendment" rights of advocacy groups and of candidates who choose to privately or self-finance their campaigns.

Beth Rotman, who directs the public campaign finance program for the state, said both courts are expected to dismiss their respective matters upon receiving official notification of the legislative override.

Candidates participating in the Citizens' Election Program do not have to raise money to qualify for public campaign financing in the general election if, like Malloy, they previously qualified during the primary campaign.

*Courant Staff Writer Edmund H. Mahony contributed to this story.*

## House vote adds \$3 million to public funding for governor

By Mark Pazniokas and Keith M. Phaneuf  
August 13, 2010

The House of Representatives voted 106 to 30 today override a veto of a bill that preserves the state's public financing of campaigns and doubles the general-election grant for gubernatorial candidates.

Today's vote means that Dan Malloy, a Democrat and the only remaining publicly financed candidate for governor, can expect to receive \$6 million next week from the Citizens' Election Program, instead of \$3 million.

"Today, the Legislature saw fit to preserve a system that gives candidates who aren't wealthy a chance to compete and the ability to run a campaign that isn't funded by corporate and special interests," Malloy said in a statement emailed to reporters.



House Minority Leader Lawrence Cafero  
objecting to today's override. (Mark Pazniokas)

When the bill originally passed on July 30, legislators did not know if the bill would favor a Democrat, a Republican or neither.

The only publicly financed Republican candidate for governor, Michael C. Fedele, lost the GOP primary Tuesday to Tom Foley, a Greenwich businessman who loaned his own campaign \$3 million. In the Democratic primary, Malloy defeated Ned Lamont, who gave his own campaign \$8.6 million.

House Minority Leader Lawrence F. Cafero Jr., R-Norwalk, said the bill was wrongly titled as An Act Concerned Clean Elections. It should have been called "An Act Concerning Dan Malloy," Cafero said.

"In my 18 years in the House of Representatives," Cafero said, he could not recall "the House passing a bill for one man."

A unified Democratic caucus cast all 106 yeas, five more than needed to override Gov. M. Jodi Rell's veto. The Senate voted to override last week.

Rep. Shawn W. Johnston of Thompson was the only one of the 114 House Democrats to vote against the override. Seven others were absent. All 29 Republicans present voted to uphold the override. Eight others were absent.

Eleven of the 18 Democrats who voted against the bill last month switched to override. They are:

Jason W. Bartlett of Bethel, Juan R. Candelaria of New Haven, Paul Davis of Orange, Kim Fawcett of Fairfield, Karen Jarmoc of Enfield, Christopher Lyddy of Newtown, Corky Mazurek of Wolcott, Steven Mikutel of Griswold, Frank N. Nicastro Sr. of Bristol, Kathleen M. Tallarita of Enfield and Chris Wright of Bristol.

The bill is a reaction to a [court decision](#) that otherwise limits the available public financing for governor, not the result of lobbying by the Malloy campaign.

But some Republicans intend to make Malloy pay a political price for accepting more money from the Citizens' Election Program in the midst of a fiscal crisis.

"The fact that Dan Malloy is rattling his tin cup outside the legislature is absurd. Dan Malloy should be ashamed of himself," said Chris Healy, the Republican state chairman.

Healy stood outside the chamber before the vote with a tin cup, affixed with Malloy's name and photo. It contained coins and a dollar bill.

Beth Rotman, the executive director of the Citizens' Election Program, confronted Healy, who told her he would continue to work for the abolition of the program.

Nancy DiNardo, the Democratic state chairwoman, had offered Healy a deal on limiting campaign expenses.

"If Healy really feels so strongly about limiting the amount of money going into the Citizens' Election Program, here's an idea: if he can convince Tom Foley to abide by a \$3 million spending limit in the general, I'm quite certain that I can get Dan Malloy to do the same," she said. "We'll wait for his answer."

Under existing law, Malloy would have ended up with \$5.5 million in public financing for the year: \$2.5 million for the primary and \$3 million for the general election.



Rell vetoed the bill shortly after passage, saying \$3 million was sufficient for a general-election campaign. But no candidate has won with so little general-election money in recent decades. Rell spent \$4 million on her 2006 campaign, while Gov. John G. Rowland spent \$6.6 million in 2002 and \$6.9 million in 1998.

The Senate overrode Rell's veto five days before the primary, but the House was unable to round up the 101 votes necessary for an override until this week.

The delay put the House in the position of passing a bill with a provision that benefits only Malloy.

"That perception is terrible," said Rep. John Hetherington, R-New Canaan. "The conclusions that people will draw from that are terrible."

Several of the Democrats who switched defended their votes, knowing that Republicans may use them against them in re-election campaigns.

"I wanted to make my decision based on policy," Rep. Jason W. Bartlett, D-Bethel, said afterward, explaining why he reversed his earlier position and supported the override today. Leaving publicly financed candidates with no option to counter a self-funded opponent who spends huge dollars late in the race "really hobbles anyone participating in the program."

Bartlett added that the legislation enacted today isn't perfect, "but time is running out. Much of my consideration was about timing and coming up with a fair process."

Another Democrat who switched positions to support the override, Frank N. Nicastro Sr. of Bristol, said he feared the entire campaign finance system enacted in 2005 to clean up state elections was in jeopardy if nothing was done.

"We needed to do this today to move this whole thing forward," he said. "We can work on it some more in the session next year."

Nicastro disagreed with Republicans who argued most voters would disagree with increasing public grants for gubernatorial candidates. "I truly did a lot of soul searching and talked to a lot of my constituents," he said, adding Bristol residents want to see the current campaign finance system preserved. "They said, 'Frank, do what you have to do.'"

But Cafero said afterward that the Democrats' intentions will be obvious to the voters.

"I think the people are going to see it for what it was," he said. "The primary substance of this bill was an act concerning Dan Malloy, and no one else."

Rell said the legislature was wrong to provide additional funds for the program as the state continues to struggle with deficit projections:

"At a time when Connecticut families continue to struggle to recover from a recession and the state faces the possibility of additional budget cuts to offset declining federal revenue, spending an additional \$3 million on political campaigns is a difficult decision to defend, to say the least."

Four hours after the House vote, the Foley campaign issued a statement by its campaign manager, Justin Clark: "It is appalling that at a time of great need and sacrifice among the people of Connecticut that our public servants are willing to throw even more taxpayer money to win an election."

## Feds appeal Mass. rulings against US marriage law

By DENISE LAVOIE, AP Legal Affairs Writer

Tuesday, October 12, 2010

The U.S. Department of Justice on Tuesday defended the federal law defining marriage as between a man and a woman by appealing two rulings in Massachusetts by a judge who called the law unconstitutional for denying federal benefits to gay married couples.

In two separate cases, U.S. District Judge Joseph Tauro in July ruled the federal Defense of Marriage Act, known as DOMA, is unconstitutional because it interferes with a state's right to define marriage and denies married gay couples an array of federal benefits given to heterosexual married couples, including the ability to file joint tax returns.

The notice of appeal filed Tuesday did not spell out any arguments in support of the law. The appeals eventually will be heard by the 1st U.S. Circuit Court of Appeals in Boston.

President Barack Obama has repeatedly said he would like to see the 1996 law repealed. But the Justice Department has defended the constitutionality of the law, which it is required to do.

"The Department of Justice has a long-standing practice of defending federal statutes when they are challenged in court, including by appealing adverse decisions of lower courts," said Justice Department spokeswoman Tracy Schmalzer.

Tauro's rulings came in separate challenges: one filed by Massachusetts Attorney General Martha Coakley and the other by Gay & Lesbian Advocates & Defenders, a Boston-based legal rights group that argued successfully to make Massachusetts the first state in the country to legalize gay marriage.

"We fully expected an appeal and are more than ready to meet it head on," said Mary Bonauto, GLAD's civil rights project director. "DOMA brings harm to families like our plaintiffs every day, denying married couples and their children basic protections like health insurance, pensions and Social Security benefits. We are confident in the strength of our case."

Coakley's office had argued the law violates the U.S. Constitution by interfering with the state's right to make its own marriage laws and forces Massachusetts to violate the constitutional rights of its residents by treating married gay couples differently than other married couples in order to receive federal funds for certain programs.

Coakley said in a statement Tuesday that she was looking forward to making her case before the appeals court.

"DOMA is an unjust, unfair, and unconstitutional law that discriminates against Massachusetts married couples and their families," Coakley said.

Opponents of gay marriage, citing the president's support for repealing DOMA, have accused the Obama administration of failing to vigorously defend the law.

During court hearings before Tauro, a Justice Department lawyer argued the federal government has the right to set eligibility requirements for federal benefits, including requiring that those benefits go only to couples in marriages between a man and a woman.

DOMA defines marriage as a union between a man and a woman, prevents the federal government from recognizing gay marriages and allows states to deny recognition of same-sex unions performed elsewhere. Since the law passed in 1996, many states have instituted their own bans, while five states and the District of Columbia have legalized same-sex marriage.

In his ruling, Tauro said the law forces Massachusetts to discriminate against its own citizens to be eligible for federal funding in federal-state partnerships.

In a ruling in GLAD's case, Tauro said the act violates the equal protection clause of the U.S. Constitution.

"Congress undertook this classification for the one purpose that lies entirely outside of legislative bounds, to disadvantage a group of which it disapproves. And such a classification the Constitution clearly will not permit," Tauro wrote.

The rulings apply only to Massachusetts, where same-sex marriage has been legal since 2004. But gay marriage supporters are hoping the rulings could prompt other states to file their own challenges to DOMA and could also give momentum to a movement to repeal the law.

## Prop. 8 judge strikes down same-sex marriage ban

Joe Garofoli, John Wildermuth, Demian Bulwa, Chronicle Staff Writers

Thursday, August 5, 2010



**(08-04) 14:34 PDT SAN FRANCISCO --** When a judge struck down California's ban on same-sex marriage Wednesday, he handed gay rights advocates a historic and invigorating victory, but also a temporary one in a long fight that may be heading toward a showdown at the U.S. Supreme Court.

Even as Chief U.S. District Judge Vaughn Walker's toppling of Proposition 8 set off hours of celebration in some quarters - with many gays and lesbians seeing the ruling as not just a validation of marriage rights, but of their lives in general - opponents planned to seek a reversal at the Ninth U.S. Circuit Court of Appeals.

Backers of the marriage ban said they were confident they would prevail in the end, and predicted that Walker's decision would energize people who believe marriage should be reserved for one man and one woman, just as the ban had mobilized gay rights proponents.

One of those who hailed the decision was Kristin Perry of Berkeley, whose desire to marry her partner of 10 years, Sandy Stier, prompted the couple to sue over Prop. 8, along with two men from Burbank. The initiative was approved by 52 percent of voters in November 2008, overturning a state Supreme Court ruling six months earlier that extended marital rights to gays and lesbians.

### Differing views on ruling

At a news conference just after Walker's 136-page decision was released, Perry said, "Today, every American should be proud.

"For so long, Sandy and I and our family have been regarded as 'less than,' 'unequal' and not worthy of liberty and the pursuit of happiness under the law," Perry said. "But this decision says that we are Americans, too. We too should be treated equally. Our family is just as loving, just as real and just as valid as everyone else's."

The emotional plea was rejected by Douglas Napier, an attorney who defended Prop. 8, as a distraction in a case that he said should have been about voters' rights. He called the ruling, which was the result of a nonjury trial in January, a legal "bump in the road."

"Those that want to uphold traditional family values are going to be outraged," said Napier, of the Alliance Defense Fund of Scottsdale, Ariz. "The whole nation is watching, and the whole nation should be quaking to think that a single judge sitting in California can reverse the will of 7 million voters."

## **Appeal next**

On Wednesday, at least, the purely practical impact of the decision was limited, and gay and lesbian couples such as Perry and Stier were unable to rush to the altar. Walker attached a stay order to his ruling, freezing it for at least a few days until a separate hearing can be held on whether to allow same-sex marriages while the case is appealed.

The decision did not affect 18,000 gay and lesbian couples who wed before voters passed Prop. 8. Those unions are still legal.

But the broader legal and political repercussions are weighty, as the trial was the first ever held in federal court on the issue. Legal experts said that if Walker's ruling is affirmed on appeal, the U.S. Supreme Court would almost certainly take up the case and establish law for the rest of the country.

If the appeals court reverses Walker's decision and restores the ban, the experts said, the Supreme Court may leave the case alone.

The appeal to the Ninth Circuit could be decided within months - or the process could take more than a year.

"If the Ninth Circuit invalidates all of the laws of the Western states, that would be a momentous change that might require the Supreme Court to charge in," UC Davis law Professor Vikram Amar said. "But if they uphold Prop. 8, they're not changing the world."

## **Ruling provides guidance**

In the meantime, the ruling may provide a valuable template for proponents of same-sex marriage, said Margalynne Armstrong, a law professor at Santa Clara University.

"The decision puts forth an analysis that is so complete that it provides arguments for other people who are advocating for this in other states, and for other judges writing these decisions - even if this gets slapped down," Armstrong said.

Five states and the District of Columbia allow gay and lesbian marriages. But not every effort to expand marriage has been a winner. In December, the New York Legislature voted down an attempt to legalize same-sex marriage.

Walker's decision comes amid other stabs at momentum. Last month, a federal judge in Massachusetts overturned part of the federal Defense of Marriage Act, ruling that it is unconstitutional to define marriage only as a union between a man and a woman.



Wednesday's ruling leaves same-sex marriage advocates with a dilemma. While they won the case, the stay issued by Walker means it could be months or years before another gay or lesbian couple is married in California. And there is no guarantee that higher courts will agree with Walker's ruling.

"The appeals court could take the case on an expedited basis or take two years or more to get to it," said Geoff Kors, executive director of Equality California. "I don't think we want to wait until 2014 or 2016 to get marriage equality in California."

As a result, Kors said, same-sex marriage proponents will proceed with plans to put an initiative to repeal Prop. 8 on the November 2012 ballot, a measure that would instantly make same-sex marriage legal in California.

That would mean a commitment of more than \$1 million to collect the 700,000 or so signatures needed to get the constitutional amendment on the ballot and tens of millions more for a campaign effort like the one in 2008.

## **Time to plan**

The good news for same-sex marriage proponents is that they have more than a year to decide whether to make a push for a ballot measure, and preparations for a 2012 vote aren't that different from what's needed to gather financial support for defense of the upcoming appeal.

While public opinion isn't supposed to play a role in legal decisions, Kors added, "we know judges read the newspapers."

A Field Poll last month found that a majority of California's registered voters approve of allowing same-sex marriage, which boosts the chances of a 2012 initiative.

The issue is a tricky one for politicians, including President Obama, who has said he opposes same-sex marriage but also opposes Prop. 8. It could play a pivotal role in the November election, as candidates in the state's top races this year have widely different views.

Democratic gubernatorial candidate Jerry Brown praised Wednesday's invalidation of Prop. 8, saying Walker "came to the same conclusion I did when I declined to defend it (as state attorney general): Proposition 8 violates the equal-protection guarantee of the 14th Amendment of the United States."

## **Feeling 'sense of security'**

A spokesman for Republican Meg Whitman, who supported Prop. 8, said the "ruling is the first step in a process that will continue."

The state's U.S. Senate hopefuls also disagree. Democratic Sen. Barbara Boxer praised the ruling, while Republican Carly Fiorina said that "the people of California spoke clearly on this issue at the ballot box in 2008."

Stier, Perry's partner, said Walker's ruling is not the end of her fight but points "toward the final piece that we've been waiting for with as much patience as possible."

"Tomorrow, I will wake up and have a normal day," she said. "I'll do things around the house. Check in on the kids, go to work, just like I do every other day. But tomorrow will feel different. Because tomorrow I will have a sense of security that I haven't been able to experience in the past."

[Click here for text of the ruling \(PDF\).](#)



Supporters of same-sex marriage march from San Francisco's Castro neighborhood to celebrate the ruling on Prop. 8.

Photo: Carlos Avila Gonzalez / The Chronicle



Michael Harriman, front, and his partner, Stan May, of San Francisco cheer during the victory speeches at the corner of Market and Castro Streets on Wednesday.  
Photo: Carlos Avila Gonzalez / The Chronicle



Molly McKay speaks to the crowd gathered to hear victory speeches from supporters of same-sex marriage on the steps of City Hall on Wednesday, Aug. 4, 2010.  
Photo: Carlos Avila Gonzalez / The Chronicle





Elliot Lattore, 3, of Alameda plays a game of chase with her friend Barb Fitterer of Oakland behind City Hall in San Francisco following the rally and march in celebration of the overturning of Proposition 8 on Wednesday, Aug. 4, 2010.  
Photo: Chad Ziemendorf / The Chronicle



Urnashi Nagrani, left, and Kaity Baltcelo dance in celebration at the conclusion of the rally where supporters of the overturning of Proposition 8 assembled at City Hall after marching down Market Street in San Francisco on Wednesday, Aug. 04, 2010.

Photo: Chad Ziemendorf / The Chronicle



Karin Jaffie, left, and Lori Howes, right, march down Market Street on Wednesday. Supporters of same-sex marriage gathered in the Castro District of San Francisco to celebrate a federal judge's ruling that Proposition 8 was unconstitutional. Photo: Carlos Avila Gonzalez / The Chronicle



Kate Kendall speaks to those gathered at City Hall on Wednesday. Supporters of same-sex marriage gathered in the Castro District of San Francisco, Calif., to celebrate a federal judge's ruling that Proposition 8 was unconstitutional and was being struck down on Wednesday, August 4, 2010. Those gathered in the neighborhood then marched to City Hall for a rally celebrating the decision. Photo: Carlos Avila Gonzalez / The Chronicle





A man drapes himself with the rainbow flag in support of the overturning of Proposition 8 at City Hall in San Francisco on Wednesday, Aug. 04, 2010.  
Photo: Chad Ziemendorf / The Chronicle



## How I Learned to Stop Worrying and Love the Proposition 8 Lawsuit

E.J. Graff | August 17, 2010

The Court of Appeals for the Ninth Circuit has, once again, put the marriage dreams of California's lesbian and gay couples on hold—at least until December, when it promises to hear the appeal from Judge Walker's decision in *Perry v. Schwarzenegger*, which struck down California's Prop 8. That's a decision that deserves all the praise that it has been getting, offering the appeals court a smorgasbord of careful reasoning supporting equal marriage from which to pick as it writes its own decision. Walker's decision succinctly identifies the arguments against equal marriage and examines the evidence to reveal the opposition's intellectual and practical hollowness. And yet Walker's opinion made me sick with worry—precisely because it is written so broadly that it seems to invite the Supreme Court to weigh in.

At *Perry*'s inception, celebrity attorneys David Boies and Ted Olson, appeared to be aiming for a decision that, like *Loving v. Virginia*, would swing open marriage's doors all across the country, rather than simply in California. And Judge Walker's decision does offer all the tools needed for such a comprehensive ruling. But it's far too early for that. The Supreme Court doesn't like to get too far ahead of the country on social justice issues; it prefers to wait until most states have come to some agreement, and then it orders the laggards to get in line. A broad loss at the Supreme Court could make it harder to bring winning federal cases later. And a too-sweeping SCOTUS win—one that required every state to extend marriage rights to same-sex pairs—would almost surely trigger a panicky federal marriage amendment, which would mean an exhausting and ugly fight in the thirty-eight states that currently have same-sex marriage bans on their books, and could conceivably be ratified. A recent CNN poll may have found that 52 percent of Americans think that same-sex couples have the constitutional right to marry—but those supporters are not spread evenly throughout the states. In Alabama, for instance, only 23 percent do.

That's why LGBT legal advocates were privately appalled when *Perry* was filed. LGBT legal groups have long filed marriage lawsuits based only on state constitutions, so that the decisions could not be appealed to federal courts. They picked states where LGBT forces had already won legislative and court victories and a statewide organizing structure was ready to respond to any backlash. These were states with either no voter referendum process for rolling back a court win, or a slow and complicated one—so that citizens couldn't vote on same-sex marriages until they had seen firsthand how little had changed once same-sex couples began to marry. Moral panic can be calmed by reality, but it takes time, organizing, and investment.

The problem: the moral panic hit states that didn't recognize marriage, as well, and LGBT advocates in states that hadn't recognized marriage weren't ready to fight the DOMA statutes and amendments that came in the wake of victories in Vermont and Massachusetts. But funders and organizers are now investing in key public opinion and legislative campaigns across the country. In a few more years, a majority of American states will have equal marriage laws. Then it will be time to bring in the Supreme Court. (Evan Wolfson, director of the national group Freedom to Marry, believes that by 2020, the entire nation will be marrying same-sex pairs.) Boies and Olson stepped into the ring early, wanting to Win Because It Is Right. They ran a brilliant trial and won in a San Francisco federal district court. But what will happen on appeal, in Congress, and in other states?

After a few days of talking with a number of LGBT advocates, I've been reassured, on several counts. First, the lawyers all tell me that, contrary to the common wisdom, *Perry* isn't necessarily on a fast track to the Supreme Court. It could stop short at the Ninth Circuit on a number of grounds.

For instance, the Ninth Circuit might uphold *Perry* but narrowly, applying its ruling to only to California, based on its unique facts. The Golden State legislature has voted twice to gender-neutralize marriage; the state's top court has ruled that, under California's constitution, marriage should be open to same-sex pairs. (And in the six months after that ruling, roughly 18,000 same-sex couples were granted marriage licenses, putting a lot of "facts on the ground.") And Judge Walker carefully establishes, based on evidence offered at trial, that the Prop 8 campaign was religiously motivated and explicitly hostile to lesbians and gay men, so the Ninth Circuit could rule that Prop 8 campaign was too close to Colorado's antigay Amendment 2 in *Romer v. Evans*—and that voters can't overrule their top court and legislature based only on animus. Or it could rule that the state's top court must be the final authority *within that state* on such essential questions as sex discrimination, minority rights, and due process—although other states can make different decisions. Or it could rule that since California has a domestic partnership scheme that is marriage in everything but name (a big distinction, but that's another discussion), voters may not rule marriage out *only* to tell lesbians and gay men that they're not as good as their heterosexual siblings.

Similarly, the Ninth Circuit could uphold Prop 8 and reject same-sex marriage, on any of the points above—but in a way that confines its *Plessy v. Ferguson* ruling to California.

Given a narrow ruling, the Supreme Court might decide not to touch the case at all. There's no "circuit split," no differing opinions from the appeals courts, to reconcile. Nor do a significant majority of either states or American citizens agree about what the result should be, as was the case in *Lawrence v. Texas*, for instance. Four justices must vote to take a case. The more liberal justices would presumably prefer to buy time while public support continues to build. And while Scalia and Alito may be itching to swat back same-sex marriage, Roberts could decide that, institutionally speaking, the Supreme Court would be better off ducking the question as long as possible.

Or while the appeals are underway, voters might overturn Prop 8 themselves—taking the case off the Supreme Court's docket entirely. Marc Solomon, marriage director at EQCA (Equality

California), told me that trained volunteers and paid staff have had nearly a million conversations with voters since 2008, concentrating particularly in Latino and African American communities. He told me that just over 50 percent of California voters now tell pollsters they support same-sex couples' right to marry—and he believes that majority will be much stronger by 2012, when EQCA is considering putting repeal on the ballot.

Even if the Supreme Court does take *Perry*, its decision could easily be narrow, on any of the grounds above, or on some other point. Historically the Supreme Court has shied away from touching states' marriage laws, since the Constitution assigns marriage and family law to the states. None of my sources believe that Justice Kennedy, expected to be the swing vote, would sign a broad opinion in either direction. A *Perry* decision could conceivably stand for the idea that each state can define marriage for itself.

That would leave the Supreme Court free to rule the right way in the two pointedly low-profile and more precisely targeted federal cases coming out of Massachusetts: *Gill v. Office of Personnel Management* and *Commonwealth of Mass. v. Health and Human Services*, which take aim at Section 3 of the 1996 federal Defense of Marriage Act, which says that the US government will not recognize any state's same-sex marriages for such federal issues as immigration, taxes, Social Security, or federal pensions. These two cases, argued respectively by GLAD, New England's LGBT legal group, and the Massachusetts attorney general's office, don't argue that same-sex couples deserve the freedom to marry. They argue, rather, that the federal government can't pick and choose which of a state's marriages it prefers—which it does when it recognizes all the marriage licenses issued by Colorado, say, but not all those issued by Massachusetts. Such a technical decision would be far less likely to trigger backlash, applying only to existing marriages in Connecticut, Iowa, Massachusetts, New Hampshire, Vermont and the District of Columbia—where citizens already shrug at their lesbian and gay neighbors' marriages. And yet it would be tremendously meaningful, turning married same-sex couples into full citizens not just in their home states but in the eyes of the federal government. These cases have already won in federal district court; if the First Circuit takes them up soon, *Gill* and *Commonwealth* could conceivably be heard before the Ninth Circuit rules on *Perry*.

By the time the Supreme Court hears a marriage case—whether *Gill*, *Perry*, or some other case—more states will be marrying same-sex pairs. Other states that could soon enact equal marriage laws, either by legislature or ballot measure, include Maine, Maryland, Minnesota, New York, Oregon, Rhode Island and Washington. In other words, despite the fact that Boies and Olson and now Judge Walker have been dominating the news, the larger campaign for marriage equality has many moving parts. Evan Wolfson told me (as he tells everyone) that whether you favor legislative, judicial or ballot-box victories, the work and the strategy are the same. Equal marriage rights can only be held by persuading three audiences—legislators, judges and voters—that equal marriage is just, that it helps some and threatens no one. The Supreme Court will neither sink nor save us; the truly final court is the court of public opinion. And there we are steadily winning.



## **Equality California to launch TV ads urging Whitman, Cooley to Change their Stance on Proposition 8**

Wednesday, September 22, 2010

By Staff Report

San Francisco- Equality California will launch a new television advertising campaign to educate Californians about Meg Whitman and Steve Cooley's pledge to defend Proposition 8 in court and urging them to change their position. Whitman, the Republican gubernatorial candidate, and Cooley, candidate for attorney general, have both publicly stated that they would defend Prop. 8 in the federal court case challenging the constitutionality of the measure.

"Meg Whitman and Steve Cooley have stated that they would spend California's limited tax dollars in litigation to overturn the Federal District Court's ruling that Prop. 8 is unconstitutional," said Geoff Kors, executive director for Equality California. "It is unconscionable that they would use state resources to take away the rights of Californians at a time when our state is cutting vital services and laying off teachers. We are calling on Californians to urge Whitman and Cooley to change their position and to pledge not to waste our state's precious resources to perpetuate inequality."

Governor Schwarzenegger and Attorney General Brown have both refused to defend Prop. 8 in court.

The ads are set to begin airing on Monday, September 27, and will run on the CNN, FOX and MSNBC affiliates in the Los Angeles, San Francisco, Sacramento, San Diego and Palm Springs metropolitan areas.

A U.S. federal district judge overturned Prop. 8 in August on the grounds that the ban prohibiting same-sex couples from marrying is unconstitutional. In December, the Ninth Circuit Court of Appeals will hear the case.

To watch the ads, please visit [www.eqca.org/shame](http://www.eqca.org/shame).

Equality California (EQCA) is the largest statewide lesbian, gay, bisexual, and transgender rights advocacy organization in California. Over the past decade, Equality California has strategically moved California from a state with extremely limited legal protections for LGBT individuals to a state with some of the most comprehensive civil rights protections in the nation. Equality California has passed close to 80 pieces of legislation and continues to advance equality through legislative advocacy, electoral work, public education and community empowerment. [www.eqca.org](http://www.eqca.org)

# Los Angeles Times

## California's next attorney general could delay ruling on Proposition 8

By Maura Dolan

Los Angeles Times Staff Writer

October 14, 2010

A law professor who supports marriage rights for gays and lesbians said Thursday that the race for California attorney general "could end up mattering so much to the future of Proposition 8," the 2008 voter measure that reinstated a ban on same-sex marriage.

Los Angeles Dist. Atty. Steve Cooley, the Republican candidate for attorney general, has promised to defend Proposition 8. His opponent, San Francisco Dist. Atty. Kamala Harris, a Democrat, has said she would not challenge a federal court ruling that found the measure unconstitutional.

UC Irvine Law School Dean Erwin Chemerinsky, speaking at a news conference sponsored by Equality California, a gay rights group, said a decision by the next attorney general to defend the anti-gay marriage measure would "significantly" delay a federal appeals' court decision on the proposition's legality and probably influence the ultimate ruling.

U.S. District Court Judge Vaughn R. Walker ruled in August that Proposition 8 violated the federal Constitution. Proponents of the measure have appealed, but several legal scholars, including Chemerinsky, believe the sponsors lack legal authority to challenge the decision.

Gov. Arnold Schwarzenegger and Atty. Gen. Jerry Brown clearly have authority to appeal, but have decided against it. The appeals court could permit the lower court ruling against Proposition 8 to stand on the grounds that no one with legal authority has challenged it.

"I think it's possible, even likely, that the 9th Circuit is going to dismiss this case for lack of standing," if the state continues to refuse to defend the measure, Chemerinsky said. "The attorney general's race can matter greatly when it comes to restoring marriage equality in California."

Although a legal deadline for appealing has passed, Chemerinsky said he could imagine the court "might be willing" to permit a new attorney general's intervention. At the least, the attorney general could file a friend-of-the-court brief in favor of Proposition 8, he said.

Chemerinsky said the election of Meg Whitman, the Republican candidate for governor, also could help Proposition 8's chances on appeal. Whitman, who as governor could intervene in the case, has said the state should be defending Proposition 8. The 9th Circuit is now reviewing written arguments in the case and will hold a hearing in December.

# THE HUFFINGTON POST

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY



## Evan Wolfson

Executive Director of Freedom to Marry and author of [Why Marriage Matters](#)

Posted: July 22, 2010 08:42 AM

### Freedom to Marry to NOM: This is What a Summer For Marriage Really Looks Like

Amid the joy and drama of Argentina's historic embrace of the freedom to marry last week, there is a retro production unfolding in cities across the country this summer. Following up on its notorious "[Gathering Storm](#)" ad, the relentless anti-gay group, "National Organization for Marriage," has been pulling up to street corners and city squares, seeking new audiences for its agenda of division and discrimination. NOM's latest stunt is to peddle fear and anger from the back of a bus.

NOM is now on an anti-gay "Summer Tour" across 17 states and the District of Columbia. In announcing its media trek, NOM declared that "this is an urgent time for marriage," and that "strong families make strong neighborhoods... towns, cities, and states." We thought they were on to something. This summer should be about love, commitment and the crucial safety net that marriage brings... but we at Freedom to Marry believe that that's exactly why marriage matters to all families across this country.

Freedom to Marry and our state partners are responding to NOM's anti-gay bus show with our own [Summer For Marriage Tour](#). Together with our local, state, and national partners, we've planned pro-marriage events across the country in July and August, calling on real families to tell their personal stories and talk about why marriage matters. We're rejecting NOM's divisiveness in favor of a simple message to our neighbors: "Love + Commitment = Marriage."

Fortunately, as the limp attendance at NOM's sad rallies -- and the [latest national polling](#) -- indicate, the market for NOM's brand of snake oil is drying up. While turnout at NOM's "rallies" shrinks each day, Freedom to Marry's Summer for Marriage Tour is outdrawing NOM, in some cases 3-to-1.

Case in point: Trenton, New Jersey last Tuesday. An estimated 48 anti-equality supporters huddled around NOM President Brian Brown's podium, buying into his usual



distractions and misinformation about gay and lesbian couples and their families. Across town over 150 supporters of the freedom to marry showed up for a Town Hall quickly organized by [Garden State Equality](#). Same-sex couples and their children, like [19-year-old Miriam Sharpfried](#), recounted the harms their families endured because of exclusion from marriage. Miriam's heartfelt story about her mothers underscored that civil union is no substitute for marriage and that the freedom to marry is the only way to meet the constitution's command of equality and basic respect for all families. Unlike the families plastered on NOM's anti-equality [tour bus](#), the families that attended this town meeting were all real New Jersey families experiencing real harms, not [stock photo images](#).

Freedom to Marry has always believed that the best way to change hearts and minds is to break the silence and share personal stories about why marriage matters to same-sex couples and their families. The evidence is on our side; we just need to make our stories heard.

Freedom to Marry will continue to demonstrate that there is nothing more American than embracing the Golden Rule and celebrating love, commitment, and equal protection under the law. We will bring this message with us to the [upcoming events](#) in Georgia, Maryland, and D.C. We will gather LGBT families and demonstrate that they share the same values of love and commitment as everyone else and the same desire to protect their families, through good times and bad.

We launched our Summer for Marriage because we know that we cannot allow the distractions, distortions, and discriminatory agenda of groups like NOM to go unanswered. In advertising their tour, NOM referred to supporters of the freedom to marry as the "iconoclasts" who "pillage the values of our Nation." Look how NOM is depicting gay families on this tour. They have derided [loving adoptive parents](#), attacked [single-parent homes](#), compared their anti-equality message to that of past civil rights movements, and, in their familiar ploy, tried to market themselves as "[martyrs](#)" and "victims" - as if gay couples were bussing around the country trying to take their rights away, rather than the other way around.

They have no real arguments, and their numbers are dwindling. So let NOM bus around, trying to market drummed-up "testimonials" and concoct media stunts to drape themselves in manipulative victimhood -- all in their familiar effort to distract from the reality that when committed couples join in marriage, families are helped and no one is hurt. Americans are now bearing moral witness to that reality with their own eyes in five states and the District of Columbia -- and in 12 countries on 4 continents. With our [Summer for Marriage tour](#), Freedom to Marry, our local partners, and our supporters across the country will show America what being FOR marriage really looks like.

# THE HUFFINGTON POST

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY



**Evan Wolfson**

Executive Director of Freedom to Marry and author of *Why Marriage Matters*

Posted: August 5, 2010

## **After Historic Prop 8 Ruling, What's Next for the Freedom to Marry**

All of us who believe in America's promise of equal protection under the law celebrated yesterday's federal court ruling striking down California's infamous Proposition 8, which in November 2008 stripped away the freedom to marry from same-sex couples in California (except for the 18,000 couples who had married in the previous months). U.S. District Court Chief Judge Vaughn R. Walker, a Republican appointee to the federal bench, struck a blow to a cruel and unfair constitutional amendment that should have never become law. The judge rightly noted that the Constitution protects all Americans against arbitrary denial of precious freedoms - freedom of speech, freedom of religion, and, here, the freedom to marry - particularly when, as he found, the government can show no good reason for that selective, unequal treatment.

The authoritative ruling, grounded in law and evidence, will certainly be appealed, and there will be many twists in the road ahead. The case will now go to the Ninth Circuit federal appellate court, and a decision there may take years. We don't know whether or when the case will get to the Supreme Court, or who the justices will be should it get there. These things we cannot control.

What we can control is whether we seize this historic moment and create the climate that will empower and embolden decision-makers to do the right thing, whether those decision-makers turn out to be appellate judges or the California electorate that may well vote on a ballot-measure undoing Prop 8. Simply put, to maximize the chances both of winning on appeal and winning at the ballot-box, we now must make as compelling a case for the freedom to marry in the court of public opinion as in the court of law.

What we saw throughout the Prop 8 trial is that there is no good reason to exclude loving and committed same-sex couples from marriage. Recognizing the paucity of their own case, the Prop 8 defenders of anti-gay discrimination went as far as to assert during closing arguments that they "don't have to have evidence" -- a shocking assertion in any case, especially one that's weighing direct injury to thousands of couples and the constitutional guarantee of equal protection. Equally shocking, and revealing, was the Prop 8 crowd's own admission in pretrial proceedings that they had no explanation for why the freedom to marry is undesirable. When Judge Walker asked their lead lawyer Charles Cooper, "What would be the harm of permitting gay men and lesbians to marry?" Cooper, replied, "Your Honor, my answer is: I don't know ... I don't know." Cooper is a star lawyer for the right-wing, and has had a long time to think of an answer to that question; he was, after all, the hired-gun appellate attorney brought in to try to overturn the historic first

freedom to marry trial we won in Hawaii in the 1990's. The reason a smart lawyer like Cooper still, after all this time, couldn't provide a reason to justify the exclusion of same-sex couples from marriage is that there isn't one.

Now those of us who support the freedom to marry must elevate the truth we saw in this trial: that families are helped, and no one is hurt, when same-sex couples share in marriage. We must take that truth to kitchen tables, legislative corridors, Facebook, and Twitter, and personally make the case for marriage.

The freedom to marry has real momentum, but political and legal change will not waft in on inevitability. Courts do not operate in a vacuum, and litigation is but one piece of the work that will secure marriage for same-sex couples nationwide. Freedom to Marry's [Roadmap to Victory](#) lays out the strategy to win marriage nationwide. To set the stage for a national resolution, we must win more states, build majority support for marriage, and end federal marriage discrimination. To get our elected officials, and our appellate judges, to fix the law and end exclusion, we have to create the climate that encourages and enables them to do their job, like it or not. Drawing on the struggle against race discrimination in marriage as a historical measure, we are still far short of the critical mass of 34 states that had ended race-based discrimination when the Supreme Court ruled in *Loving v. Virginia* in 1967, though doing better in building the critical mass of public opinion in support, as we move toward Freedom to Marry's "majority for marriage." While there is no mathematical formula for what constitutes the needed critical mass of states and critical mass of public opinion needed for national resolution, to maximize our chances of prevailing as we advance, we must continue to make gains on both fronts.

Already, Freedom to Marry and our partners and supporters across the country are mobilizing around this ruling, which followed compelling federal rulings striking down the so-called "Defense of Marriage Act" a few weeks ago. The grassroots enthusiasm for marriage equality was evident last night, online, and in cities in California and across the nation where supporters gathered to celebrate Judge Walker's potent findings. In California, groups on the ground, such as Equality California, aren't wasting a moment. They are working to continue educating the public and building support for marriage in the state in anticipation of the ballot-measure that may be needed to repeal Proposition 8 as soon as 2012. Similar work is underway in states from New Jersey to Oregon. Nationally, Freedom to Marry is upping its game to bring the whole campaign together - litigation, legislation, public education, and direct engagement; the work to win requires us to redouble our efforts on all these fronts of the [Roadmap to Victory](#).

The opposition's house of cards has collapsed, revealing the emptiness of the arguments against the freedom to marry and treating gay people as we all want to be treated: with fairness, equality under the law, security, and respect. Now we can make the case for the freedom to marry to those Californians, and those Americans, willing to rise above discomfort and the fear stoked by the backers of discriminatory measures such as Prop 8. Judge Walker has done his part, and now it's up to all of us. Through personal engagement and conversations, and a sustained campaign, together we will restore marriage in California and secure the freedom to marry nationwide.

**The New York Times**

## **Over Time, a Gay Marriage Groundswell**

By ANDREW GELMAN, JEFFREY LAX and JUSTIN PHILLIPS

Published: August 21, 2010

Gay marriage is not going away as a highly emotional, contested issue. Proposition 8, the California ballot measure that bans same-sex marriage, has seen to that, as it winds its way through the federal courts.

But perhaps the public has reached a turning point.

A CNN poll this month found that a narrow majority of Americans supported same-sex marriage — the first poll to find majority support. Other poll results did not go that far, but still, on average, showed that support for gay marriage had risen to 45 percent or more (with the rest either opposed or undecided).

That's a big change from 1996, when Congress passed the Defense of Marriage Act. At that time, only 25 percent of Americans said that gay and lesbian couples should have the right to marry, according to an average of national polls.

The more important turning points in public opinion, however, may be occurring at the state level, especially if states continue to control who can get married.

According to our research, as recently as 2004, same-sex marriage did not have majority support in any state. By 2008, three states had crossed the 50 percent line. \*

Today, 17 states are over that line (more if you consider the CNN estimate correct that just over 50 percent of the country supports gay marriage).

In 2008, the year Proposition 8 was approved, just under half of Californians supported same-sex marriage. Today, according to polls, more than half do. A similar shift has occurred in Maine, where same-sex marriage legislation was repealed by ballot measure in 2009.

In both New York and New Jersey, where state legislatures in the past have defeated proposals to allow same-sex marriage, a majority now support it.

And support for same-sex marriage has increased in all states, even in relatively conservative places like Wyoming and Kentucky. Only Utah is still below where national support stood in 1996.

Among the five states that currently allow same-sex marriage, Iowa is the outlier. It is the only one of those states where support falls below half, at 44 percent.

This trend will continue. Nationally, a majority of people under age 30 support same-sex marriage. And this is not because of overwhelming majorities found in more liberal states that

skew the national picture: our research shows that a majority of young people in almost every state support it. As new voters come of age, and as their older counterparts exit the voting pool, it's likely that support will increase, pushing more states over the halfway mark.

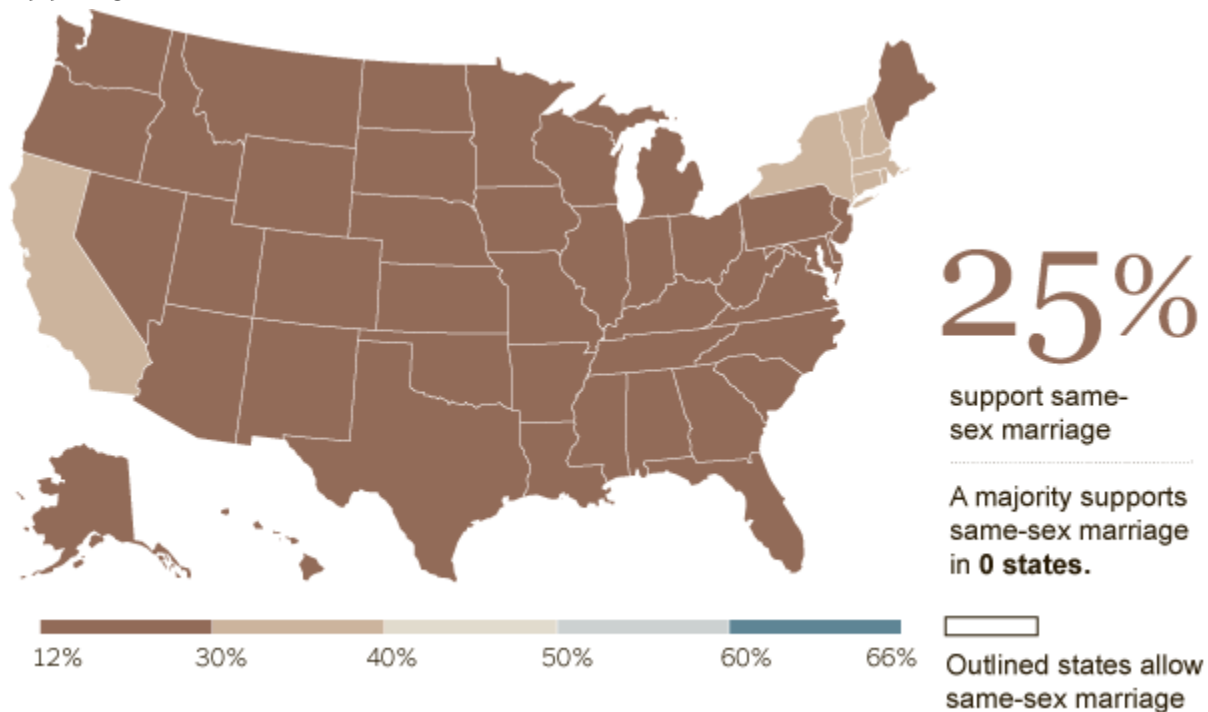
*State figures are based on a [statistical technique](#) has been used to generate state estimates from national polls. Public opinion is estimated in small demographic categories within each state, and then these are averaged using census information to get state-level summaries. Estimates in 2010 are projected from 2008 state-level estimates using an aggregate national estimate of 45 percent (or 50 percent) support for gay marriage.*

*The authors are professors of political science at Columbia University.*

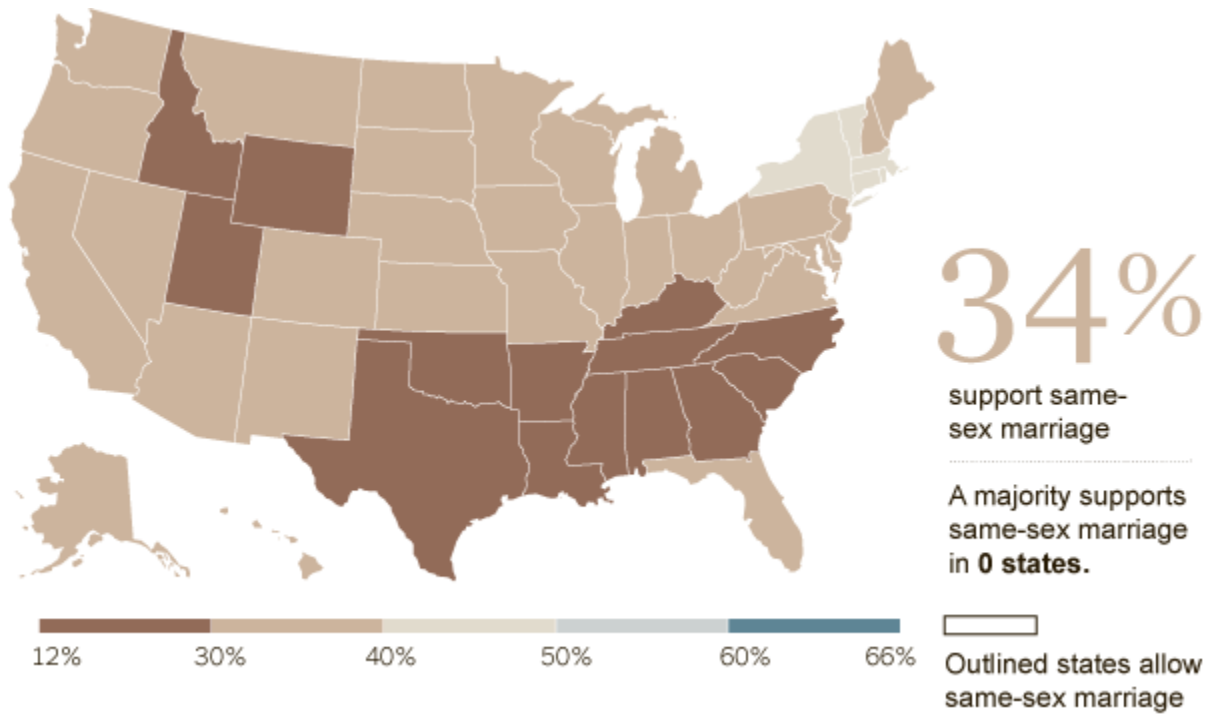
## Support for Same-Sex Marriage

Support for gay marriage has risen to 45 percent or more, according to national polls, and a CNN poll this month found that a narrow majority of Americans supported same-sex marriage. Estimates for each state, based on these national polls, show how support has risen across the country.

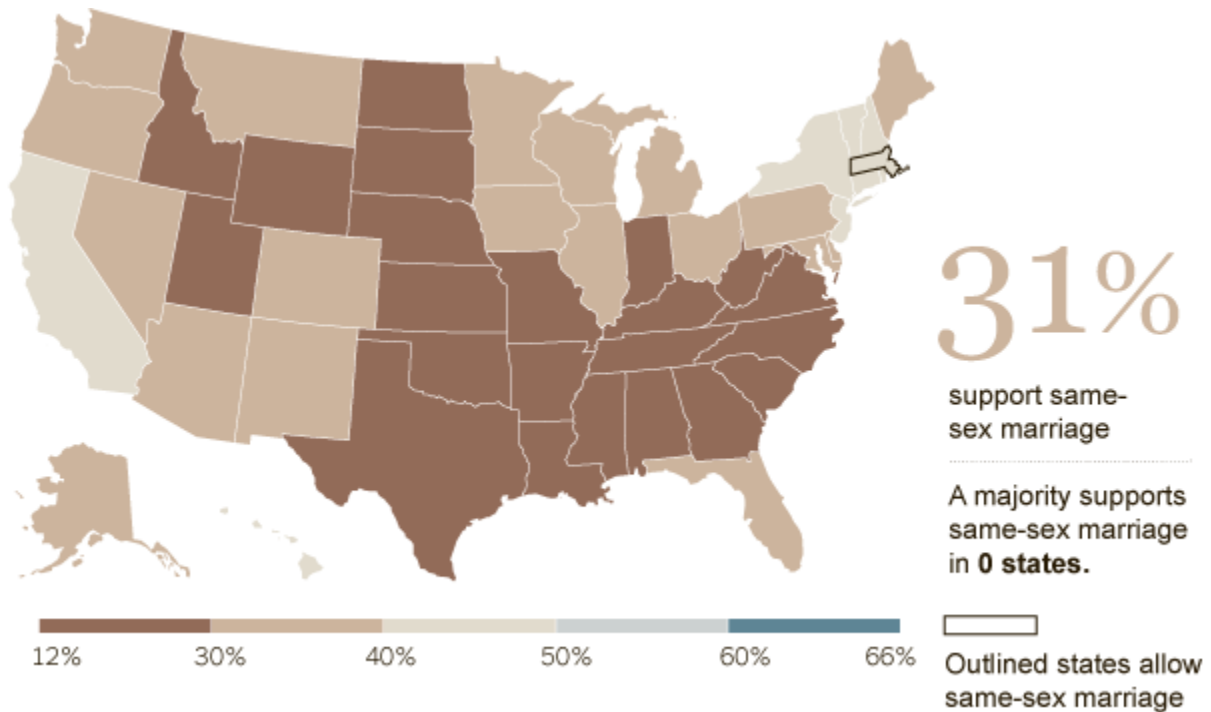
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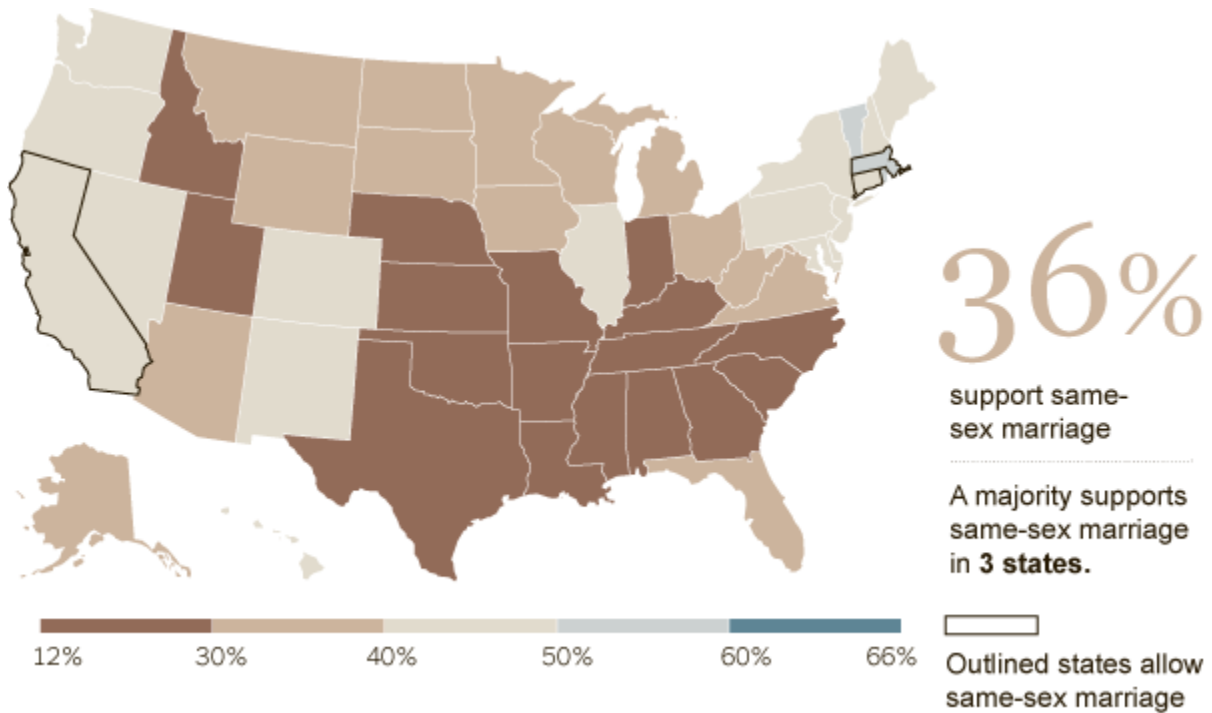


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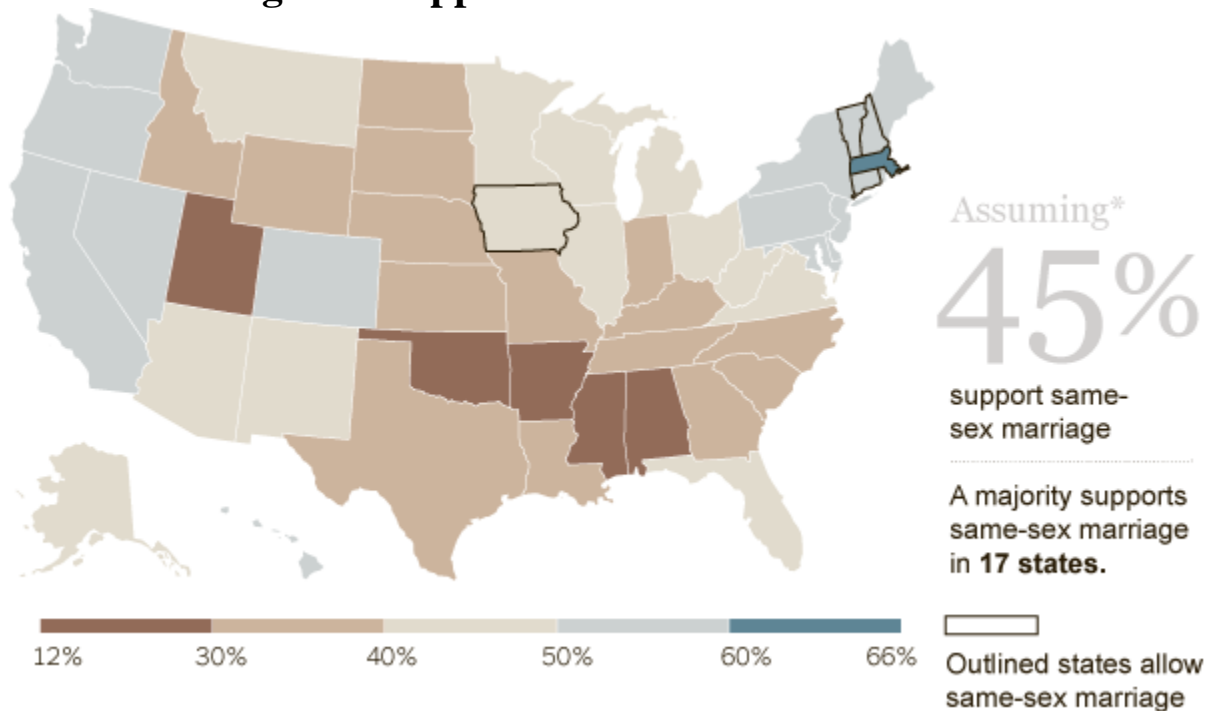




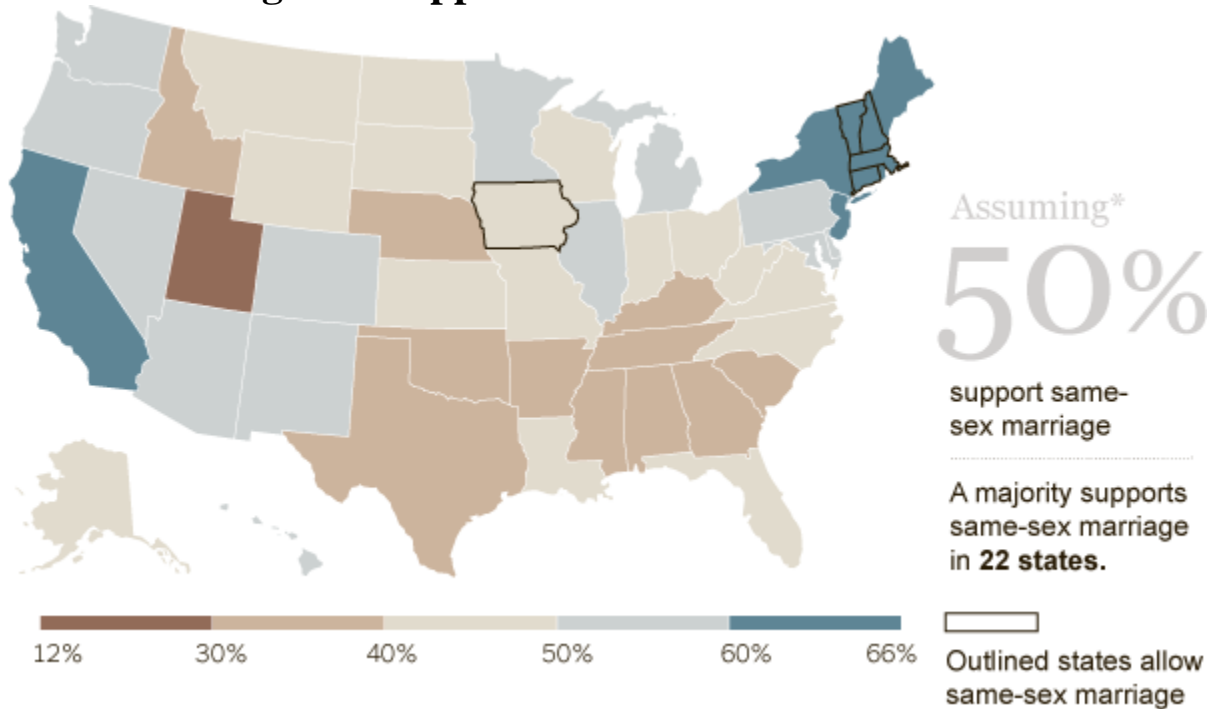
2007-8



2010 Assuming 45% support nationwide



## 2010 Assuming 50% support nationwide



\* In all of the time periods shown here, a [statistical technique](#) has been used to generate state estimates from national polls. Public opinion is estimated in small demographic categories within each state, and then these are averaged using census information to get state-level summaries. Estimates in 2010 are projected from 2008 state-level estimates using an aggregate national estimate of 45 percent (or 50 percent) support for gay marriage.

## News

### Freedom to Marry's Evan Wolfson Looks at Those Polls Showing His Side Winning

by Steve Weinstein  
EDGE Editor-In-Chief  
Thursday Sep 23, 2010



Evan Wolfson

You probably saw the headlines: Two recent polls indicate support for marriage for same-sex couples continues to rise in every state; reflecting a growing trend towards acceptance of gay and lesbian relationships.

As [reported here](#), a nationwide CNN/Opinion Research Corporation poll in August showed that 52 percent of respondents agreed when asked, "Do you think gays and lesbians should have a constitutional right to get married and have their marriage recognized by law as valid?"

That was the first national poll in which a majority of Americans voiced support for equal marriage rights. But it wasn't the last.

In mid-September, an Associated Press-National Constitution Center poll [showed](#) that

Americans have grown distrustful of government and both parties. But more and more of them love their gay neighbors, relatives and friends.

The poll found growing sentiment for legal protections for same-sex couples, with a whopping 58 percent saying they should have the same government benefits as married heterosexuals. Nearly as many backed *federal recognition* of gay marriage.

After the heartbreaking defeat of the passage of Proposition 8, which banned gay marriage in California in 2008, and then the defeat of gay marriage in a Maine plebiscite, this would seem like very good news.

Evan Wolfson voices a note of caution, however--even though he himself is quite pleased with the polls. And he should know: Wolfson has been on the front lines of this issue at least as long, if not longer than anyone.

Wolfson founded and directs the Freedom to Marry, a New York-based nonprofit dedicated to legalization of same-sex marriage. He wrote the highly influential book *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*. And Time Magazine named him among the 100 Most Influential People in the World.

Wolfson worked on the early, seminal cases that brought gay unions to the fore, in Hawaii and Vermont. He argued the famous case against the Boy Scouts of America for their anti-gay stance in front of the U.S. Supreme Court.

EDGE spoke to Wolfson about the survey results, what they mean, what they portend, and what we (and our politicians) should all be doing about it.

**EDGE:** So what just happened? How'd we seemingly so suddenly get majority support from fellow Americans?

**Evan Wolfson:** Maine happened last year and this is this year. More important than any one poll--which is a 'snapshot' which is how people respond at any one time--is the 'movie': building the momentum.

The movie shows that, as we engage more and more people in conversation about why marriage matters, opposition declines. These two polls demonstrate that we've crossed another important threshold, but have to solidify our position in one-on-one conversations.

**EDGE:** I see. You advise caution. But still, those numbers are pretty cool.

**E.W.:** No one should overstate the comfort that being in the majority gives us. We have to turn this into action. But nevertheless, yes, it is an important milestone. It shows Americans have moved, can move, and we can get them to move.

**EDGE:** Break down the numbers a little.

**E.W.:** The polls show support in every demographic and community but progress everywhere. That shows how much more we can do.

There was movement even among the parts of the population disproportionately opposed: among self-identified Evangelicals, Republicans. Obviously, in other parts of the population-- Democrats, women--there's more support.

It's not evenly spread--but it never is. The real issue is not an even spread but that are we are moving people.

**EDGE:** Recently, some national Republicans have come out on our side: Laura Bush; Cindy and, of course, Meghan McCain (wife and daughter of '08 presidential candidate John); Dick Cheney. Could they be helping push the needle in the Red States?

**E.W.:** Some people may have 'come out,' but I suspect they secretly supported us before. Others have genuinely moved. Laura Bush might have been supportive before; we don't know. Many have gone on this journey. You hear stories from real people--real stories. I think a lot have changed their views, like Bill Clinton. Even among Republicans and Evangelicals, the fair-minded are moving.

**EDGE:** Some observers have remarked that some people with prejudices don't like to admit them to a pollster, and that skews such surveys to the minority in question.

**E.W.:** Experts who have analyzed these two polls didn't see much evidence of that. What's more true is that people who don't know in the crunch don't go with us. Those who support us do stick with us. It's not any one poll that tells all you need to know, but polling over time. Two polls separately asking different wording definitely shows us crossing a threshold.

That does tell you something. We can now say a majority favors the freedom to marry.

**EDGE:** Why else are these polls important?

**E.W.:** When public opinion swings in our direction, it influences decision makers--judges and lawmakers. It makes more states reachable for victory.

The more people remember they have more pressing issues than trying to undermine the family across the street, the more people move toward accepting this.



## NOM sues for protection from campaign disclosure laws

By Lisa Keen on September 28, 2010

Imagine Ted Olson, the champion against a California law banning same-sex marriage, teaming up with attorneys who want to enable unlimited amounts of money to be spent to promote bans on same-sex marriage.

It's not that great a stretch: Olson argued the *Citizens United v. Federal Election Commission* case before the U.S. Supreme Court. The case led to the very controversial 5 to 4 decision in January that said corporations had a First Amendment right to spend unlimited amounts of money to influence the outcome of elections and without disclosing that spending to the public.

James Bopp, who was the lead counsel for *Citizens United* group, is now seeking to extend that ruling — beyond corporations and to groups such as National Organization for Marriage.

Bopp is now the lead attorney on at least 11 federal lawsuits seeking to strike down state limits on campaign spending and requirements for disclosure as those apply to membership groups. Four of those involve the National Organization for Marriage (NOM) as the plaintiff, and a fifth involves an anti-gay political action committee in Washington State. The other six involve anti-abortion groups as plaintiffs.

Three of the 11 lawsuits are already before federal appeals courts — in the 1st, 8th, and 9th Circuits.

Asked if he could imagine arguing for the right of anti-gay groups to spend unlimited and undisclosed money to promote the banning of same-sex marriage, Olson said no.

“Arguing against the rights of gay citizens, I can’t imagine doing that,” said Olson.

Bopp could argue the case himself. In April, he argued before the U.S. Supreme Court in *Doe v. Reed*, seeking to stop the public disclosure of public records identifying citizens who signed petitions to put an anti-gay measure on the ballot. In an 8 to 1 decision in June, the high court ruled against him, saying a state law’s requirement that the names and addresses of petition signers be available to the public does not violate the First Amendment of the U.S. Constitution.

The NOM lawsuits, such as the most recent one, filed September 21 in the U.S. District Court for Rhode Island, argue that state-imposed limits on campaign spending burden the group’s right to free speech to express its support for and opposition to certain candidates in state races.

The Rhode Island lawsuit, *NOM v. Daluz*, asks Judge Mary Lisi (a Clinton appointee) to issue an injunction to prevent state Board of Elections Chairman John Daluz and the board from forcing



NOM to comply with state campaign laws for the upcoming November elections for governor and General Assembly. NOM's complaint indicates it wishes to sponsor radio and television ads, send out direct mail pieces, and make Internet postings of its position on various candidates.

The *Providence Journal*, a local daily newspaper, says the chief beneficiary of NOM's activities would likely be the Republican candidate for governor, John Robitaille, who is the only one of four gubernatorial candidates who is opposed to same-sex marriage. The *Journal* says NOM hopes to saturate the Rhode Island market with the "I can marry a princess" ad that worked so well for Proposition 8 supporters in California.

According to the national Freedom to Marry group, Rhode Island does not license marriages of same-sex couples but does recognize marriage licenses issued to same-sex couples by other states. Bills to legalize and to ban same-sex marriage in the state are pending in the General Assembly.

Evan Wolfson, head of the national Freedom to Marry group, says NOM's real reason for wanting to ignore state campaign finance laws is motivated by its primary function: "laundering money funneled from sources that don't want to be exposed."

LGBT activists have accused NOM, in a number of states, of spending money on behalf of the Mormon Church and others to promote passage of anti-gay marriage initiatives. Californians Against Hate has been questioning NOM's compliance with state laws around Proposition 8 in California and a similar ballot repeal measure, Question 1, in Maine in 2008.

The Human Rights Campaign this week launched [nomexposed.org](http://nomexposed.org), to document NOM's "deep anti-gay affiliations, its long connections to the Mormon and Catholic church hierarchy and its quest to keep voters in the dark about its financing."

The four lawsuits in which NOM is the plaintiff are Rhode Island, New York, Florida, and California. Family PAC is the plaintiff in Washington State. And state "Right to Life" groups are the plaintiff in Minnesota, Maine, South Carolina, Iowa, Wisconsin, and Vermont.

## Opinion: Seizing the moment

Sunday, October 10, 2010

BY EVAN WOLFSON

The Bergen County Record

IN THE PAST few months, two federal courts ruled that the government must end marriage discrimination and two national polls reported that a majority of Americans nationwide support the freedom to marry.



AP

A candlelight vigil was held for Tyler Clementi at Rutgers University on Oct. 3.

But recent weeks have brought sobering reminders of the harms caused by that discrimination and the message it sends to young people.

In recent weeks we've learned of several teenagers who committed suicide as a result of anti-gay bullying. Here in New Jersey, Rutgers University freshman Tyler Clementi took his life after his roommate surreptitiously posted a live video of him on a date with another man. And in New York, two separate hate crimes – one in the Stonewall bar where the modern gay rights movement began – targeted gay people for violence.

Responding to these tragedies, citizens, national leaders and leading gay rights organizations such as New Jersey's Garden State Equality issued urgent calls to address the bullying and assaults pervasive in schools and in society. Harassment, violence and even casual unthinking derision should no longer be accepted as a "rite of passage" for gay young people.

Education Secretary Arne Duncan called on the nation to "stand up and speak out against intolerance in all its forms." Pointing to a recent Gay, Lesbian and Straight Education Network study that found nearly 9 of 10 LGBT students suffered physical or verbal harassment in 2009, Sen. Al Franken, D-Minn., argued that common sense solutions such as a national anti-bullying policy are vital because "no student should be subjected to discrimination and harassment in school."

Anti-gay prejudice does not stop with gay teens (witness the hate crimes last week in New York). But young people are most vulnerable to the assaults on their identity, the sense of being without support or re

spect and the fear of rejection by those they should most be able to count on — schools, government and even their own families — and thus gay youth are four times more likely to attempt suicide than their non-gay peers.

More than one-third of gay youth report having attempted suicide, and those rejected by their families are eight times more likely to attempt suicide.

Scholarly studies have shown that legal inequality, including marriage discrimination, and the way in which the debate over gay people's aspirations to equality under the law is conducted, has a profoundly negative impact on gay Americans.

This is especially true of young people who are deprived of the dream of marrying the person they love and having a family that is legally and socially accepted.

The American Psychological Association's Journal of Counseling Psychology documents how political campaigns to exclude committed same-sex couples from marriage spark psychological distress, feelings of alienation and fear of violence among gay youth and adults.

Where anti-gay groups wage their assault campaigns to perpetuate the exclusion of same-sex couples from marriage, young people continue to hear that they are less equal, less worthy and less acceptable than everyone else.

Even worse, marriage discrimination puts the weight of our government on the side of those who foster prejudice against gay people; it says that in the eyes of the law, gay relationships are less worthy and deserve fewer protections and less respect.

It tells non-gay people (such as Tyler Clementi's roommate) that it's okay to look down on people who are different. What parents want their child taught a sense of inferiority, or a sense of false superiority? Should the state be on the side of, indeed an engine of, discrimination and disdain?

As the Supreme Court has held, "The Constitution cannot control such prejudices, but neither can it tolerate them. Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect."

### **Political agenda**

Yet the well-funded opponents of the freedom to marry continue to stoke and rely on anti-gay prejudice to push their political agenda. In state after state, week by week, LGBT youth hear anti-gay leaders characterize gay people as "depraved" and "immoral," while deriding gay youth who commit suicide, even in death, for embracing an "unhealthy sexual identity and lifestyle," as Tom Prichard of the Minnesota Family Council recently declared.

National Organization for Marriage Chairman Maggie Gallagher is among those who, with reckless disregard, attacks LGBT youth, arguing that “any organization or institutional practice that encourages kids to adopt the homosexual label at an early age is not being kind, healthy or compassionate to children.”

Despite Gallagher’s claims that organizations like hers are concerned about children, NOM does nothing with its millions of dollars other than attack the freedom to marry and demonize gay relationships, and Gallagher herself wasted little time defending those who pushed Tyler to the brink, saying that “nothing in the press accounts suggest the kids who did this were motivated by homophobia.”

### **Turn the page**

A majority of Americans, and an even greater majority of today’s youth, are ready to turn the page on this unfairness and inequality under the law. Young people are coming to accept that the world includes moms who are lesbian and dads who are gay, and are coming to know, as the American Academy of Pediatrics and every other professional authority in the country has affirmed, that those parents are fit and loving and their children are doing well.

Young people today see happy gay couples getting married in five states and the District of Columbia, and know the sky has not fallen, that families are helped and no one is harmed.

More young people resist the poison and prejudices still circulated by groups like NOM and accept and support their classmates and fellow citizens.

Every child deserves to be affirmed and supported, and every person deserves equal protection under the law. The best way to combat hopelessness and hostility, violence and suicide is to repudiate the destructive messages and eliminate the burdens that incite such pain and damage.

We need more adults speaking out against prejudice and demeaning stereotypes, while combating isolation and promoting inclusion.

And we need to get the state out of the business of promoting prejudice through its own direct discrimination.

The pursuit of happiness is not just something we want for our kids; it’s something we all have as our birthright.

Ending discrimination and exclusion, including the denial of marriage, is something we must do — for the children.

*Evan Wolfson is executive director of Freedom to Marry, the campaign to win marriage equality nationwide, and author of “Why Marriage Matters: America, Equality and Gay People’s Right to Marry.” In 2004, Time magazine named Wolfson one of the “100 most influential people in the world.”*

October 12, 2010

**LETTERS:**

## **The Many Faces of Antigay Prejudice**

To the Editor:

Re “[Politically Crude](#)” (editorial, Oct. 12):

The biggest problem with Carl Paladino’s antigay statements is not just their display of ignorance and prejudice or even, as your editorial rightly notes, their appalling timing, coming in a prepared campaign speech just days after front-page reports of a horrific hate crime in which nongay young people felt licensed to torture gay men, and just a couple of weeks after a wave of suicides by despondent young gay people feeling isolated and battered by derision and discrimination.

Rather, the biggest problem is that government itself is the No. 1 discriminator against gay Americans through its denial of equality under the law, including the freedom to marry that Mr. Paladino attacked.

Discrimination puts the weight of our government on the side of prejudice against gay people. It says that in the eyes of the law, gay relationships are less worthy and deserve little support and less respect. It tells nongay people (such as Tyler Clementi’s roommate and the Bronx tormentors) that it’s O.K. to look down on people who are different. It denies protection to those who most need it, and gives permission to those who fear, despise or hate.

What parents want their child taught a sense of inferiority, or a sense of false superiority? Should the state be on the side of, indeed an engine of, discrimination and disdain? The strongest message of affirmation New York could send young people is by getting out of the discrimination business and standing up for equal protection and opportunity for all.

Evan Wolfson  
New York, Oct. 12, 2010

*The writer is founder and executive director of Freedom to Marry.*

# Los Angeles Times

## A quiet shift in GOP stance on gay marriage

### The GOP isn't displaying its usual anti-gay election-year demagoguery, and not just in the "Pledge to America."

By Jon Cowan and Evan Wolfson

October 13, 2010

As the "tea party's" outsider challenge to Republican Party orthodoxy grabs headlines, another, quieter revolution is unfolding inside the GOP. This rebellion has at its heart a truly surprising issue, one that could have long-term consequences for the party: gay and lesbian couples' freedom to marry.

The latest evidence of this quiet revolution came with the release of the Republicans' midterm-campaign "Pledge to America." Though the pledge gives a perfunctory nod to "traditional marriage" (in a single line in a list of things, like "families," that it supports), explicit opposition to marriage for same-sex couples is conspicuous in its absence. The document never uses the word "gay" (or "homosexual") — a stark contrast to past party platforms, which have made opposition to gay equality a centerpiece of their social agenda.

Is this an isolated development? After all, the 1994 "Contract With America" was also focused solely on fiscal issues and government reform. But in 2010, there is compelling evidence that the shift is deep, and possibly lasting.

The GOP, in large part, isn't displaying its usual anti-gay election-year demagoguery, and not just in the "pledge." As recently as 1995, a Republican-controlled Congress was holding hearings investigating "homosexual recruitment" and the "promotion" of homosexuality. During the George W. Bush administration, the party used its fervent opposition to marriage for gay and lesbian couples as a get-out-the-vote strategy, encouraging more than a dozen anti-gay state ballot initiatives geared at driving turnout in the 2004 election and engineering repeated efforts to pass an amendment to the Constitution. This year is the first election year in recent history in which anti-gay rhetoric has been significantly muted: No state is facing an anti-gay initiative on the ballot, and marriage has not been a focus of the national conservative agenda.

Beyond that, the Republican establishment is stepping up — and coming out. In just the last few months, leading Republican heavyweights have begun to announce their support for the freedom to marry. Ted Olson, Bush's solicitor general and a longtime Republican power broker, took the lead, writing articles ("The Conservative Case for Gay Marriage," in Newsweek) and, with co-counsel David Boies, filing, arguing and winning the first federal court case to uphold gay and



lesbian couples' constitutional right to marry. Cindy McCain and former First Lady Laura Bush have both spoken out in support of marriage.

In August, Ken Mehlman, former Republican National Committee chairman and campaign manager for Bush in the 2004 election, revealed that he is gay and supports the freedom to marry. Mehlman hosted a fundraiser in support of Olson's lawsuit, with a guest list that would have been unheard of five years ago. It included numerous well-known Republicans such as former New Jersey Gov. Christine Todd Whitman, former McCain strategist Steve Schmidt, former Bush White House Communications Director Nicolle Wallace and former RNC counsel Benjamin Ginsberg. Bush's daughter Barbara made an appearance.

Perhaps even more telling, the proudly right-wing GOP Sen. John Cornyn of Texas appeared for the first time at a reception for the Log Cabin Republicans, a leading gay GOP organization. Cornyn had turned down invitations and even contributions from the Log Cabin group in the past. In September, he weathered significant criticism from the anti-gay Family Research Council. Because Cornyn is chairman of the National Republican Senatorial Committee, and thus tasked with getting Republicans elected to the Senate this fall, every move he makes is watched for ballot-box implications.

What's driving this insiders' insurrection? Perhaps a sense that a libertarian-leaning belief in fully extending the freedom to marry to all Americans does not, in fact, clash with a conservative commitment to holding together the social fabric, as marriage entails personal responsibility and social stability. Or perhaps these GOP leaders are beginning to see an alignment of their rhetoric about individual liberty with public opinion; in the last month, two national polls, by CNN and the Associated Press, showed that a majority of Americans nationwide now support marriage for gay and lesbian couples.

The implications of such a historic shift in the GOP establishment's stance on marriage should not be underestimated. For Republicans, it means they could become less moored to their socially conservative base and may get back in touch with the cautious but forward-looking American political center that is vital to GOP hopes of cobbling together a governing majority. For the country, it is evidence that we are inching ever closer to a national consensus that gay and lesbian couples should have the freedom to marry under the law.

*Jon Cowan is president and co-founder of Third Way, a moderate think tank, and Evan Wolfson is founder and executive director of Freedom to Marry.*

August 4, 2010

## Court Rejects Same-Sex Marriage Ban in California



Jim Wilson/The New York Times

Molly McKay from Marriage Equality celebrated the decision to overturn the ban on gay marriage outside of the Phillip Burton Federal Building in San Francisco, Calif.

By **JESSE McKINLEY** and **JOHN SCHWARTZ**

SAN FRANCISCO — Saying that it discriminates against gay men and women, a federal judge in San Francisco struck down California's voter-approved ban on same-sex marriage on Wednesday, handing supporters of such unions at least a temporary victory in a legal battle that seems all but certain to be settled by the Supreme Court.

Wednesday's [decision](#) is just the latest chapter in what is expected to be a long battle over the ban — Proposition 8, which was passed in 2008 with 52 percent of the vote. Indeed, while striking down Proposition 8, the decision will not immediately lead to any new same-sex marriages being performed in California. Vaughn R. Walker, the chief judge of the Federal District Court in San Francisco, immediately stayed his own decision, pending appeals by

proponents of Proposition 8, who seem confident that higher courts would hear and favor their position.

But on Wednesday the winds seemed to be at the back of those who feel that marriage is not, as the voters of California and many other states have said, solely the province of a man and a woman.

“Proposition 8 cannot withstand any level of scrutiny under the Equal Protection Clause,” wrote Judge Walker. “Excluding same-sex couples from marriage is simply not rationally related to a legitimate state interest.”

Supporters of Proposition 8 said that the decision defied the will of the people of California, and could well be an issue in November’s midterm elections.

“This is going to set off a groundswell of opposition,” said Jim Garlow, the pastor of Skyline Church in La Mesa, Calif., and a prominent supporter of Proposition 8. “It’s going to rally people that might have been silent.”

Wednesday’s decision applied only to California and not to the dozens of other states that have either constitutional bans or other prohibitions against same-sex marriage. Nor does it affect federal law, which does not recognize such unions.

Still, the very existence of federal court ruling recognizing same-sex marriage in California, the nation’s most populous state, set off cheers of “We won!” from crowds assembled in front of the courthouse in San Francisco. Evening rallies and celebrations were planned in dozens of cities across the state and several across the nation.

In West Hollywood, Ron Cook, 46, an accountant who is gay, said he was thrilled by the decision. “If the court had come back and upheld it,” he said. “I would have moved out of the state.”

The plaintiffs’ case was argued by David Boies and Theodore B. Olson, ideological opposites who once famously sparred in the 2000 Supreme Court battle between George W. Bush and Al Gore over the Florida recount and the presidency. The lawyers brought the case — *Perry v. Schwarzenegger* — in May 2009 on behalf of two gay couples who said that Proposition 8 impinged on their constitutional rights to equal protection and due process.

On Wednesday, Mr. Olson called the decision a “victory for the American people,” and anyone who had been denied rights “because they are unpopular, because they are a minority, because they are viewed differently.”

For advocates of gay rights, same-sex marriage has increasingly become a central issue in their battle for equality, seen as both an emotional indicator of legitimacy and as a practical way to lessen discrimination.

“Being gay is about forming an adult family relationship with a person of the same sex,” said Jennifer Pizer, the marriage project director for Lambda Legal in Los Angeles, who filed two briefs in support of the plaintiffs. “So denying us equality within the family system is to deny respect for the essence of who we are as gay people.”

But Andrew Pugno, a lawyer for the defense, said Proposition 8 had nothing to do with discrimination, but rather with the will of California voters who “simply wished to preserve the historic definition of marriage.”

“The other side’s attack upon their good will and motives is lamentable and preposterous,” Mr. Pugno said in a statement.

During the trial, which ended in June, plaintiffs offered evidence from experts on marriage, sociology and political science, and emotional testimony from the two couples who had brought the case. Proponents for Proposition 8 offered a much more straightforward defense of the measure, saying that same-sex marriage damaged traditional marriage as an institution and that marriage was historically rooted in the need to foster procreation, which same-sex unions cannot, and was thus fundamental to the existence and survival of the human race.

But Judge Walker seemed skeptical of those claims. “Tradition alone, however,” he wrote, “cannot form the rational basis for a law.”

Even before appeals to higher courts, Judge Walker seemed ready to continue to hear arguments, telling both sides to submit responses to his motion to stay the decision by Friday, at which point he could lift or extend it.

How the decision might play politically was also still unclear. In 2004, same-sex marriage was seen as a wedge issue that helped draw conservatives to the polls, and Richard Socarides, who advised President Bill Clinton on gay rights issues, said that this decision could be used as a rallying cry for Republicans again. “But Democrats and most importantly President Obama will now have to take sides on whether gays deserve full equality,” Mr. Socarides wrote in an e-mail.

In California, it could also affect the race for governor. Jerry Brown, a Democrat, has been vocal in his support of same-sex marriage in his current role as California attorney general and hailed the decision on Wednesday. Meg Whitman, a Republican, has taken the position that marriage should be between a man and a woman — in line with the language of Proposition 8 — though she says that she strongly supports the state’s domestic partnership laws, which afford many of the same rights as marriage.

Gov. Arnold Schwarzenegger in a statement on Wednesday supported the ruling, saying it “affirms the full legal protections” for thousands of gay Californians.

Some gay rights activists initially feared the case, believing that a loss at a federal level could set back their more measured efforts to gain wider recognition for same-sex marriage, which is legal in five states and the District of Columbia. But those concerns seemed to fade as the trial began,



and on Wednesday, the mood was of elation and cautious optimism that Mr. Boies and Mr. Olson's initial victory might change the debate.

Kate Kendell, executive director for the National Center for Lesbian Rights, said that she believed that there were members of the Supreme Court who "have a very deep-seated bias against L.G.B.T. people," meaning lesbian, gay, bisexual and transgender. But, she added, "This legal victory profoundly changes the conversation" by involving "folks in the legal world and the policy world who were previously unmoved by this struggle."

For those who had actually filed the suit, Wednesday's victory, while measured, also seemed sweet.

"This decision says that we are Americans, too. We too should be treated equally," said Kristin M. Perry, one of the plaintiffs. "Our family is just as loving, just as real and just valid as anyone else's."

Jesse McKinley reported from San Francisco, and John Schwartz from New York. Malia Wollan contributed reporting from San Francisco, and Rebecca Cathcart from West Hollywood, Calif.



Kevin Bartram/Reuters

Two plaintiffs, Paul Katami, left, and Jeff Zarillo at a news conference following the ruling.



Jim Wilson/The New York Times  
Nadia Chayka and Luke Otterstad expressed support for Proposition 8.



Justin Sullivan/Getty Images  
Mark Gaber, left, and Robert Garcia cheered during a rally to celebrate the decision.





Jason Redmond/European Pressphoto Agency  
An attorney for the plaintiffs, Theodore B. Olson, addressed gay marriage supporters.



Justin Sullivan/Getty Images  
Opponents of Proposition 8 gathered for a rally in San Francisco.

## **Cheesemaker's plan paying off with Garden Variety Cheese**

By Laura Copeland  
Posted: 09/08/2010



Contributed photo  
Rebecca King, Garden Variety Cheese owner and cheesemaker, cuddles one of her sheep.

Name one of Rebecca King's raw-milk sheep cheeses, and she can probably talk about the way it behaved when she was trimming its hooves two springs ago. Moonflower, Cosmos, Black-Eyed Susan and Hollyhock aren't just cheeses produced on her 40-acre farm in Royal Oaks -- they're a few of the 50 sheep she brought from Wisconsin, driven to the Central Coast in an Airstream trailer in 2007.

"We really know them. They have different individual personalities," said King, who now counts twice as many sheep in her flock. "Dairy animals, you definitely get a personal relationship with."

Two weeks ago, at the 27th annual American Cheese Society competition, judges awarded third place in the Aged Sheep Cheese category to Garden Variety Cheese's Hollyhock, a smooth and tangy variety aged eight months in King's garage-style hillside cheese cave.

"On the night of the awards ceremony, she had a ribbon on her chest and there was a line of people trying to get to these cheeses," said Lynne Devereux, founding president of the California Artisan Cheese Guild.

Sheep cheesemakers have "lagged behind a little" their goaty counterparts, which use the same kind of equipment and milking parlor, but the sheep-cheese industry is nonetheless growing, said longtime goat cheesemaker Jennifer Bice of Redwood Hill Farm. Diners at a number of restaurants, including Manresa in Los Gatos, have Garden Variety sheep cheese on their menus to stay competitive in a climate that values local fare.

County residents can meet the cheesemaker herself as she delivers her products to local farmers markets. It was at the downtown Santa Cruz market in 1996 that King, then an environmental studies major at UC Santa Cruz, got her start with local dairy by approaching the former Sea Star Goat Cheese in Davenport about an internship.

"Making goat cheese sounded interesting," King said.

After graduating, she worked at CSAs on the East Coast, studied at the California Culinary Academy, cheese-mongered for Cowgirl Creamery in San Francisco and returned to town to replace Jim Denevan as executive chef at Gabriella's when he left for Outstanding in the Field.

But her dream was a farmstead cheese business, which she realized in full in 2009, with the help of a matching grant from nonprofit California FarmLink.

"She's doing something that a couple different sheep cheesemakers here in Sonoma are doing," Devereux said. "She's going back to the Basque country."

King took home more than 20 pounds of cheese from a two-week trip to visit sheep cheesemakers in Spain and France, where she took copious notes on the temperatures they used to cook the cheese curds and the length of time they pressed the wheels.

And that was in 2006, before King even had sheep of her own.

"It was a long-term plan, taking shape over 10 or 15 years," King said.

Her plan, like her award-winning Hollyhock, seems to have aged well.

## **Lawsuit Filed to Halt Release of Genetically Engineered Eucalyptus Trees**

07/07/2010

*SustainableBusiness.com News*

An alliance of conservation organizations today sued the U.S. Department of Agriculture over its approval of open-air field tests of a genetically engineered (GE) hybrid of eucalyptus tree across the southern United States.

The permit, issued to a company called ArborGen, which is a joint initiative of International Paper (NYSE: IP), MeadWestvaco (NYSE: MWV) and Rubicon, was approved May 12 with minimal environmental review, the groups said. It authorizes the experimental planting and flowering of a new, genetically engineered hybrid on 28 sites across seven southern states--Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina and Texas.

“In refusing to prepare a detailed environmental review, the Department of Agriculture ignored serious risks before permitting this action,” said Marc Fink, an attorney with the Center for Biological Diversity. “Federal agencies can’t be allowed to neglect their duty to the public trust. Once this genie is out of the bottle and escapes to neighboring lands, it’s irreversible.”

ArborGen hopes its GE “cold-tolerant” Eucalyptus will become widely planted for pulp and biomass. But eucalyptus trees are not native to the United States and are known to become invasive, displacing native wildlife and plants in various areas around the country and increasing wildfire risk. “Releasing GE cold-tolerant Eucalyptus trees into the wild in multiple states greatly increases the risk they will spread uncontrollably throughout the region,” said Dr. Neil Carman of the Sierra Club.

In approving the GE eucalyptus permits, plaintiffs say the Department of Agriculture ignored the concerns of numerous agencies and scientists, including the Georgia Department of Natural Resources and the Florida Exotic Pest Plant Council, which formally criticized the proposed open field tests of these genetically engineered trees.

In addition to approving these test sites, Agriculture is also considering a “deregulation” petition submitted by ArborGen that would allow widespread commercial planting of GE Eucalyptus without any limits or regulation. According to the U.S. Forest Service, GE Eucalyptus plantations in the southern United States would use more than twice the water of pine plantations in a region already suffering from a depleted water supply.

“These tests include planting over a quarter of a million genetically engineered eucalyptus trees along the Gulf Coast and into South Carolina,” said Anne Petermann of Global Justice Ecology Project and the STOP GE Trees Campaign. “Ultimately they plan



to produce up to half a billion GE eucalyptus seedlings annually for planting across the U.S. South. This would be another disaster for these beleaguered Gulf Coast states, leading to a loss of native forests and biodiversity, depleting ground water and worsening climate change.”

The Government Accountability Office and USDA inspector general have both issued sharply critical reports on the USDA’s management of genetically engineered organism (GMO) field tests. In 2006, a [GE rice field test](#) contaminated southern U.S. long-grain rice fields, causing billions in losses to farmers; in 2007, a federal court found that a [GE bentgrass field test](#) had contaminated a protected national grassland in Oregon. “The Department of Agriculture continues to tell the public that no further restrictions are needed on these novel organisms,” said George Kimbrell, an attorney for the plaintiffs. “In light of history, their empty promises here ring hollow.”

“Over the last generation the people of the South have watched the forests of our region destroyed by industrial forestry, impacting our water quality, wildlife habitat and quality of life,” said Scot Quaranda of Dogwood Alliance. “The federal government’s decision to approve the use of GE Eucalyptus trees in our region will open the door to further exploitation of the people and forests of the South. This decision must be overturned.”

The organizations are represented by attorneys Marc Fink of the Center for Biological Diversity, George Kimbrell of the International Center for Technology Assessment and the Center for Food Safety, and Jeanne Marie Zokovitch Paben, director of the Earth Advocacy Clinic at Barry University School of Law.

To read comments submitted by Georgia Department of Natural Resources, [click here](#).

To read comments submitted by the Florida Exotic Pest Plant Council, [click here](#).

The organizations that filed suit today are the Center for Biological Diversity, Sierra Club, Dogwood Alliance, International Center for Technology Assessment, Center for Food Safety and Global Justice Ecology Project.

**Website:** [www.biologicaldiversity.org](http://www.biologicaldiversity.org)



## Debate Over Genetically Modified Animals Heats Up

July 27, 2010

**DAVIS, Calif. --** While advocates argue that genetically engineered animals offer a promise of more affordable and more abundant food, opponents say it will only make profits more abundant and that the food could make you sick.

It's one of the few big battlegrounds for the fight is right here in Northern California where the conflict is now entering a sharp new phase about what may be on your kitchen table in the near future.

People have been breeding animals for thousands of years, but it is only now that science is prepared to genetically engineer food from animals in the laboratory.

At UC Davis, researchers such as Prof. James Murray are working in one of only three labs nationwide to genetically modify large animals. They've already done extensive work with goats.

"It's one more tool in our set of techniques to try and improve animals for agriculture," said Professor Murray. "Most of our work is based on trying to add new genes or express more amounts of genes already in milk to make it healthier for humans to drink."

Murray and his colleagues are finding themselves thrust under a national spotlight as federal regulators are poised to make a decision on a salmon that would be the first genetically engineered animal food approved for human consumption.

"The problem is with 6 billion people on the earth, we can't feed them using a true hunter-gather strategy," said Professor Murray.

At UC Davis, the research is looking far beyond fish. They want to expand their research to cows and point out work already being done on pigs to limit phosphorous in their manure and cut down on contamination in the environment.

"The part of the pig we eat is totally the same as it always was, and yet you have a major reduction in a potential pollutant," explained Murray.

Not everyone in the science community is as enthusiastic. Jaydee Hanson is a senior policy analyst at the Center for Food Safety in Washington, D.C. like many others opposed to genetically engineered animals Hanson argued the conditions in which we raise livestock need to be changed first.



"In the United States we have an industrial food system," said Hanson. "They aren't genetically engineering animals for any other purpose but to make them fit better into the industrial food system. Essentially, our animal food system is animal concentration camps."

Hanson said rather than removing phosphates from pig waste, we should change the way we raise pork.

"It only becomes a problem when you're trying to stick half a million pigs in the same place," insisted Hanson. "In the United States, we get more pig poop than human poop in some states."

Hanson said that instead of genetically engineering milk to make it safer, scientists' efforts would be better focused on figuring out how to give children in developing countries clean water.

As for the salmon, Hanson argued people can eat other fish such as tilapia and catfish, which already grow to enormous proportions.

In the end, skeptics such as Hanson say the federal government should not use drug laws to regulate the development of genetically engineered foods because drug regulations provide too much confidentiality and not enough transparency.

The fact that genetically-engineered food proponents also favor transparency may be the only point of agreement between the two groups.

# Judge Revokes Approval of Modified Sugar Beets

By ANDREW POLLACK

Published: August 13, 2010

A federal district court judge revoked the government's approval of genetically engineered sugar beets Friday, saying that the Agriculture Department had not adequately assessed the environmental consequences before approving them for commercial cultivation.



Chad Case for The New York Times

A farmer in Rupert, Idaho compares a genetically engineered sugar beet, left, with a conventional sugar beet.

■ [Ruling Banning the Planting of Genetically Modified Sugar Beets](#) (pdf)

The decision, by Judge Jeffrey S. White of Federal District Court in San Francisco, appears to effectively ban the planting of the genetically modified sugar beets, which make up about 95

percent of the crop, until the Agriculture Department prepares an environmental impact statement and approves the crop again, a process that might take a couple of years.

[The decision](#) could cause major problems for sugar beet farmers and sugar processors. In the past the sugar industry has warned there might not be enough non-engineered seeds available. However, the judge ruled that crops currently in the ground can be harvested and made into sugar, so the effects will not be felt until next spring's planting season.

Beets supply about half the nation's sugar, with the rest coming from sugar cane. Sugar beet growers sold the 2007-8 crop for about \$1.335 billion, according to government data.

The decision came in a lawsuit organized by the Center for Food Safety, a Washington advocacy group that opposes biotech crops.

Various sugar growers and processors and seed companies intervened on the side of the Agriculture Department. So did Monsanto, which supplies the genetic technology that makes the beets resistant to the herbicide Roundup. That makes weed control very easy, which is why the biotech beets have become so popular.

Judge White ruled last September that the Agriculture Department's approval of the beets violated the National Environmental Policy Act, but he did not specify a remedy. Earlier this year, he denied a request by the plaintiffs to prohibit the planting of the engineered seeds this year, saying that would be too disruptive. But he warned farmers to move toward using conventional seeds.

In his order Friday, the judge granted the plaintiffs' request to formally vacate the approval of the beets. That would bar farmers from growing them outside of a field trial.

But Judge White denied the plaintiffs' request for a permanent injunction that would have also banned the growing of the crops. He said an injunction was not necessary if the crop was no longer approved for commercial planting. .

A decision by the United States Supreme Court earlier this year in a similar case involving genetically engineered alfalfa essentially precluded the granting of an injunction.

In the alfalfa case, the Supreme Court indicated that the government might grant partial approval of a genetically modified crop. It seems that such an option might be available in the sugar beet case as well, which could reduce any hardship for farmers. It is also possible the Agriculture Department will appeal.

Caleb Weaver, a spokesman for the Agriculture Department, said Friday night that the department was "looking at the decision to figure out what's appropriate as the next step." Monsanto declined to comment, saying it would defer to sugar growers and processors.

Duane Grant, a sugar beet farmer in Rupert, Idaho and chairman of the Snake River Sugar Company, said he had not seen the decision and could not assess its impact.

But Mr. Grant, who had intervened in the case, added, “I’m pleased that the crop that is currently planted would be allowed to be harvested and processed. That’s clearly in the best interest of the public.”

Andrew Kimbrell, executive director of the Center for Food Safety, said the ruling was another sign the Agriculture Department was not doing its job. “This is regulation by litigation,” he said.

The ruling followed a hearing held earlier Friday in Judge White’s courtroom.

The Agriculture Department and its allies had argued that the approval of the crop should not be revoked, saying the department’s mistakes were not that serious and that the crop was going to be eventually approved anyway. At the least, they asked for a nine-month delay in revoking the approval to give the department time to put interim measures into place.

But Judge White disagreed, writing in his opinion that the Agriculture Department’s errors “are not minor or insignificant” and that it had already had time since his initial ruling in September to put interim measures into place.

The judge said it was not clear legally if he could consider the economic consequences of revoking the approval, but that even if he could, the Agriculture Department had not adequately demonstrated there would be a severe impact.

In his previous ruling, Judge White said the department had not adequately assessed the consequences from the likely spread of the genetically engineered trait to other sugar beets or to the related crops of Swiss chard and red table beets.



Bernd Roselieb for the International Herald Tribune.  
A sugar beet.



## **USDA sued over genetically modified beet permits**

SAN FRANCISCO | Thu Sep 9, 2010

SAN FRANCISCO (Reuters) - Groups opposed to genetically modified foods announced a lawsuit against the U.S. Department of Agriculture on Thursday over the agency's recent decision to allow limited plantings of altered sugar beets.

According to a copy of the complaint provided to Reuters by the plaintiffs, the USDA's decision violates an August court ruling that prohibited future plantings of genetically modified sugar beets. Last week, the USDA announced it would issue permits for seed producers to make plantings that would not be allowed to flower.

But the plaintiffs, which include the Center for Food Safety and the Sierra Club, argue in their lawsuit that these plantings could still contaminate neighboring crops. The complaint asks a judge to forbid the planting of any genetically modified sugar beet plants.

A USDA spokesman declined to comment, as did a representative of Monsanto Co , which is not a defendant in the lawsuit but is cited as a developer of genetically modified sugar beets.

The USDA has said it would take at least two years to develop new regulations in response to the overall ban issued last month by U.S. District Court Judge Jeffrey White, who sits in the Northern District of California in San Francisco. Sugar beets account for over half the U.S. sugar supply, but conventional beets remain widely available.

At issue are beets that are modified to resist a Monsanto herbicide, Roundup, which Monsanto sees as a way to improve crop yields and opponents see as driving evolution of dangerous weeds that overcome the herbicide treatment.

(Reporting by Dan Levine; editing by Sofina Mirza-Reid)





September 13, 2010

## USDA Sued over Genetically Modified Beets: Food Wars Heat Up

Posted by David W Freeman



Will lawsuit against U.S. Department of Agriculture slow plantings of genetically modified foods?  
(istockphoto)

**(CBS)** The battle over genetically modified foods is heating up.

Last week a group of food safety groups filed suit against the U.S. Department of Agriculture over its recent decision to allow plantings of genetically modified sugar beets.

The agency had said it would issue permits for seed producers to plant modified beets that would not be allowed to flower, according to Reuters.

Not so fast, said the food safety groups.

The groups - including the Center for Food Safety, the Sierra Club, and the Organic Seed Alliance - said the plantings could still modify neighboring crops, adding that the agency's decision violates an August court ruling that prohibited future plantings of modified beets, according to a [statement](#) released by the Center for Food Safety.

"The Court has already found that the approval of this engineered crop was illegal," Andrew Kimbrell, executive director of the Center for Food Safety, said in the statement. "Rather than complying with the court's order, the USDA is once again acting as a rogue agency in illegally allowing these crops to be planted without the required hard look at their environmental and economic dangers."

The beets at issue have been genetically modified to tolerate applications of Monsanto's popular Roundup herbicide, according to the statement. That "allows farmers to douse their fields with the chemical without concern for the crop itself, leading to greater use of the herbicide. Constant application of the herbicide also accelerats development of Roundup-resistant 'super weeds.'"

Sounds scary, but what does the Agriculture Department make of the lawsuit? **CBS News** called the agency to find out, but the call went unanswered.



## Sugar Beet Beatdown: Engineered Varieties Banned

by Dan Charles

September 16, 2010

A federal judge says sugar beet farmers can't plant genetically engineered varieties next year, and those farmers, who produce half of America's sugar, now are in a bind. Many of them say they cannot go back to the way they used to work because they don't own those tools anymore and there aren't enough conventional seeds to go around.

The genetically engineered sugar beets, called "Roundup Ready" beets, can survive doses of the herbicide Roundup. That makes it easier for farmers to control weeds — they simply spray Roundup (or chemically equivalent herbicides) over their fields, and the weeds die while sugar beet plants thrive.



iStockphoto.com

Almost half of sugar consumed in the U.S. comes from sugar beets. But legal action facing the USDA may prevent genetically modified sugar beets from being grown in the U.S., which would severely curtail sugar output.

Almost half of sugar consumed in the U.S. comes from sugar beets. But legal action facing the USDA may prevent genetically modified sugar beets from being grown in the U.S., which would severely curtail sugar output.

When sugar beet growers switched to the new varieties two years ago, they did not expect legal problems. Roundup Ready soybeans and corn, approved a decade earlier, cover millions of acres of American farmland, and those crops had received exactly the same government approval.

But in recent years, environmental lawyers such as George Kimbrell, a senior staff attorney at the Center for Food Safety, have rolled out a new line of legal attack against genetically engineered foods.

"The concern is the farmers' loss of their fundamental right to choose the crop of their choice," Kimbrell says.

Kimbrell argues that an organic farmer might lose that choice, for instance, if another farmer across the road grows genetically engineered versions of the same crop. When the crops flower, they will cross-pollinate, and the organic farmer may have a problem. "If you're marketing your product as organic, or non-GMO [genetically modified organism], and it's contaminated, you can lose your markets; you can lose your certification," Kimbrell says.

### **Can't Go Back**

Kimbrell's group, along with some organic seed producers, sued the U.S. Department of Agriculture, arguing that the USDA did not look carefully enough at the potential impact of cross-pollination before it approved genetically engineered sugar beets.

A federal judge agreed. In August, he shocked the sugar beet industry by revoking approval of the beets until the USDA carries out an environmental impact study.

That could take a couple of years. So unless there's a new legal twist, farmers will go back to planting conventional beets next spring.

Some of them, though, say they simply cannot. Duane Grant, chairman of the Snake River Sugar Co. in Idaho, says the difficulties start with the most basic necessity: seeds.

"The seed companies are telling our company that we don't have enough to plant a full crop," he says.

In addition, it won't be easy to go back to the old ways of killing weeds. The teams of migrant workers who chopped out weeds in the old days are no longer available. Grant says he has discarded the special equipment that he once used to spray a cocktail of different chemicals, every week or so, down the rows of young beet plants.

"I simply do not have the expertise on my staff to apply conventional herbicides today," he says. "We'd have to go back to a training process. I'd have to purchase new sprayers, new cultivators. We're in a bit of a box, really."

Grant is hoping and even expecting the USDA to rescue him, and there is speculation that the agency may issue some sort of interim approval for a Roundup Ready crop next spring. Agency officials, however, declined to comment.

### **Growers On Notice**

Two weeks ago, the USDA announced that it would allow sugar beet seed companies to grow genetically engineered seedlings this fall, but environmental groups immediately sued to block that approval. The case is still pending.

Kimbrell doesn't have much sympathy for the farmers.

"They've been on notice since we filed our complaint that this was a likely result of the case — so for over two years now," he says. "So any crying wolf now is not in good faith."

Sugar beet growers in Idaho, such as Grant, may be in the worst situation. They fell hardest for genetically engineered beets because they have some of the most severe weed problems. Farmers in other areas, such as the Red River valley of North Dakota and Minnesota, say they probably could harvest a conventional crop next year. But they warn that it would be a smaller harvest, and they caution that there may be sugar shortages and higher prices down the road.

## Safety of genetically engineered salmon debated

From **Saundra Young**, CNN

September 20, 2010 8:10 p.m. EDT



The salmon is genetically modified to grow to full-size in half the time it now takes for natural salmon.

**Washington (CNN)** -- The Food and Drug Administration (FDA) has to decide if genetically engineered salmon is safe enough for human consumption and is spending three days to consider safety and labeling issues.

On Monday, the agency's Veterinary Medicine Advisory Committee discussed how AquaAdvantage Salmon is raised. The salmon is genetically modified to grow to full-size in half the time it now takes for natural salmon. The fish would get a growth gene from the Pacific chinook salmon and genetic material from the ocean pout, an eel-like fish, that would allow it to grow in the summer and winter.

Aqua Bounty Technologies, the developer, had to file a new animal drug application for AquaAdvantage salmon because the process alters the structure and/or function of the animal.



Wenonah Hauter, with the consumer watchdog group Food & Water Watch, was passionate in her rejection of the salmon, and called on the FDA to move cautiously. "This is a dangerously limited set of data. Even the FDA acknowledges problems in the sample size, what's the rush?"

With genetically engineered food, genetic material -- DNA -- is taken from one organism and put it into the genetic code of another.

What many consumers don't know is that for years genetically manufactured crops and food have been grown and eaten in the United States. Whether they're pose a risk has long been debated.

Tomatoes, strawberries, potatoes, and corn have all been genetically altered, in fact about 45 percent of the corn and 85 percent of the soybeans grown in the United States are genetically engineered, according to the Center for Food Safety.

"It has been estimated that 70-75 percent of processed foods on supermarket shelves -- from soda to soup, crackers to condiments -- contain genetically engineered ingredients," the group says.

They are modified for a host of reasons -- to help resist pests, tolerate herbicides such as weed killers, resist disease such as fungi and viruses, tolerate cold and drought, and even to add vitamins and minerals to foods such as rice.

The FDA has already approved one application for a genetically altered goat that produces a human drug in its milk. The drug is for patients with clotting disorders, not for ordinary human consumption.

The FDA will not decide to approve this new salmon at this meeting. According to the FDA's Larisa Rudenko, this advisory committee meeting is just to lay out the advice and recommendations on safety. "We take a very careful look at the data and information that have been presented and try to identify any hazards," said Rudenko, a researcher with the FDA Animal Biotechnology Interdisciplinary Group.

Committee members in general considered the salmon to be safe, but still struggled with the small size of the studies and the amount of data presented. Unlike most meetings, there was no vote at the end of the day. But on Tuesday, the FDA's Center for Food Safety and Nutrition will take up the hotly debated issue of what the label should look like if the agency approves the application.



## FDA panel on genetically modified salmon leaves questions unanswered

September 21, 2010

By Elizabeth Weise, USA TODAY

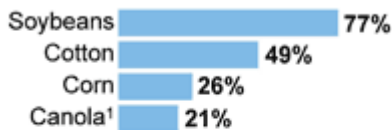


AquaBounty Technologies, Inc.

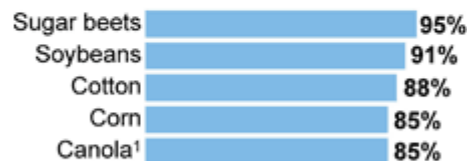
The AquaAdvantageAE Salmon, background, is much larger than the non-transgenic Atlantic salmon sibling of the same age, foreground.

Percentage of major crops that were genetically engineered in 2009:

### Globally



### In the USA



1 – Rapeseed oil

Sources: International Service for the Acquisition of Agri-Biotech Applications and the U.S. Department of Agriculture

By Frank Pompa, USA TODAY

The Food and Drug Administration has wrapped up three days of hearings and public comment on the effort by AquaBounty Technologies, a Massachusetts company, to sell salmon genetically engineered to grow twice as fast as normal salmon. But the meetings ended without an FDA decision on whether the company can move ahead with sales. USA TODAY's **Elizabeth Weise** looks at how the decision will proceed from here:

**Q: What happens next?**

A: Nothing soon. Before issuing a decision on the application, FDA will publish an Environmental Assessment of the salmon, followed by a required 30-day comment period. The agency would then determine whether it would file a Finding of No Significant Impact or an Environmental Impact Statement, says spokeswoman Siobhan DeLancey. The agency would then use those findings to make a decision on whether or not to allow the sale of the salmon. The agency has said it has no set timeline for reaching a decision. Were the agency to decide to approve the sale of the salmon, it would take two years before the first crop was ready, company officials say.

**Q. What's the animal in question?**

A: It's called the AquAdvantage salmon. It's an Atlantic salmon with a growth hormone gene from a close cousin, the Chinook salmon, inserted into it. A second bit of molecular machinery to turn on the growth gene year-round, instead of only in the warmer months, comes from the ocean pout fish.

**Q: Why would anyone do that?**

A: The fish grow twice as fast as normal farmed salmon and require 10% less feed, so they'd be cheaper to produce.

**Q: What are the issues?**

A: There are really two: Are these fish safe to eat, and are they safe for the environment?

FDA staff, in a report released earlier this month, found the genetically engineered (or GE) salmon to be as safe to eat as normal salmon. But several members of the agency's Veterinary Medicine Advisory Committee felt that the tests for food safety could have included more data and encouraged the agency to request more from the company.

**Q: What's the environmental issue?**

A: Some scientists and environmental groups worry that if these fast-growing salmon escaped into the ocean, they might out-compete native salmon populations for both food and mates. As almost all wild Atlantic salmon are endangered, anything that could harm them is of concern.

**Q: Could they escape?**

A: The company has agreed to put in place multiple barriers to keep its GE fish from escaping. These include raising the eggs on Prince Edward Island in Canada where there's no fresh water for the baby salmon to live in, and raising the fish themselves inland in tanks in Panama, where nearby river water temperatures are too high for salmon to survive. This way, even if any of the eggs or fish were to escape, they wouldn't be in a place where they could live in the wild.

However, many environmental groups feel even these measures are not enough. According to Andrew Kimbrell, executive director for the Center for Food Safety, each year millions of farmed salmon being grown in ocean pens escape into the wild, outcompeting native populations for resources and straining ecosystems. "We believe any approval of the salmon would represent a serious threat to the survival of native salmon populations already teetering on the brink of extinction," he says.

**Q: Are those the only issues?**

A: The elephant in the room is that this is just the first request for a GE salmon. "It's a foot in the door," says Gregory Jaffe, biotechnology director with the Center for Science in the Public Interest. AquaBounty has put in place multiple protections for a fish that will be raised entirely outside of the United States but sold here. How, he and others ask, will FDA find funds to do sufficient oversight in Canada and Panama? And what happens when the fish is sold elsewhere? Who will be responsible for ensuring that the same standards are maintained?

**Q: If the salmon is ever sold here, will I know I'm eating it?**

A: Unknown. FDA heard public comment on Tuesday over the labeling issue. Because the agency says the GE salmon is not substantially different from regular salmon, by FDA's own regulations AquaBounty wouldn't be required to label it as genetically engineered. All the consumer groups who commented feel that the public has the right to know whether they're buying GE salmon.

Though at least at first it would be easy to tell — the AquaAdvantage would be the only salmon coming from Panama, and under Country Of Origin Labeling rules the salmon would have to be labeled Product of Panama.

# School meals study provides food for thought

Stacy Finz, Chronicle Staff Writer

Thursday, September 23, 2010



Science classes in Berkeley are taught weekly in campus gardens. English, history and math courses are held regularly in the kitchen. The cafeterias have been rid of processed food, and everything is made from scratch.

The experiment started five years ago to teach a generation reared on junk food about good nutrition, where their food comes from and the environment.

The naysayers laughed, "Only in Berkeley." Even the less skeptical wondered if kids could be weaned off Pop-Tarts with the lure of Brussels sprouts.

Now, the results are in. According to a new study, Berkeley Unified School District's School Lunch Initiative works.

A three-year UC Berkeley study shows that students fed a steady curriculum of gardening, cooking and nutrition have significantly better eating habits than children who don't get the same instruction.

## Integrated approach

The report, scheduled to be released next week by the university's Dr. Robert C. and Veronica Atkins Center for Weight and Health, is one of the first to look at how an integrated approach to food education at the elementary-school level can contribute to children's health and welfare. The center's findings could prove timely as Congress prepares to vote, possibly as early as this week, on child nutrition legislation.

"Ideally, this could be used to influence public policy," said Neil Smith, Berkeley's assistant superintendent.

Like Smith, Ann Cooper, a chef who was hired to renovate the district's lunch program and has since left to start a similar program in Boulder, Colo., hopes the report gives others a push.

"This is the first evaluation that really shows that after two to three years, you can have a profound impact on the well-being of children," she said.

In 2006, researchers from the Atkins Center began following the eating patterns of 238 Berkeley fourth- and fifth-graders. They wanted to know if the comprehensive nutrition program funded by the Chez Panisse Foundation and the Center for Ecoliteracy, two local nonprofits, was making a difference in kids' attitudes about food.

They compared the students enrolled in Berkeley schools with highly developed food programs - cooking and garden classes, improved cafeteria lunches and nicer dining facilities - with other students in the district's schools that don't have such an extensive curriculum.

What they found was that the students in the more advanced programs increased their fruit and vegetable consumption by 1.5 servings a day, while the other students decreased their intake by nearly a quarter serving. The first group also scored higher on nutrition tests and actually requested "more leafy greens, such as chard, spinach and kale, with their meals," said Suzanne Rauzon, the study's research project director. Typically, kids that age couldn't even identify those vegetables, let alone list them among their favorites, she said.

By the time the students got to middle school, they were more positive about eating in the cafeteria, seemed to have a preference for produce in season and were conscious that their eating choices could help or hurt the environment, according to the report.

Sixty percent of the parents of students enrolled in the stronger food curriculum said school changed their child's knowledge about healthful food choices, compared to 36 percent in the other program. Thirty-five percent as opposed to 16 percent said school improved their child's eating habits.

"It just validates everything we've known to be true," said Alice Waters, who started the Chez Panisse Foundation, which commissioned the study. The Bay Area restaurateur said, although she was not surprised by the findings, "Some people need facts and numbers."

Zenobia Barlow, co-founder and executive director of the Center for Ecoliteracy, said the study proves that it's not enough just to serve healthful food in the school cafeteria. Teaching good nutrition has to be woven into the curriculum.

"Kids at the sixth-grade level have no idea what a calorie is," she said. "But when they're told they'll have to run six laps to work off a bag of Doritos, it starts to change behaviors."

## **Impact on obesity**

And changing eating behaviors in this country has become imperative, experts say. The Centers for Disease Control and Prevention predicts that because of the country's obesity problem, 1 out of 3 children will have diabetes at some point in life. Only 1 to 2 percent of children in the United States meet the government's recommended dietary guidelines.

Many school nutrition advocates are hoping that UC Berkeley's report is instrumental in helping to pass the Healthy, Hunger-Free Kids Act, legislation that would include a 6-cent increase in the



federal reimbursement rate for school lunches, mandatory funding for Farm to School programs and national nutrition standards for food sold on campus.

"It's important that we demonstrate around the country how powerful these ideas are," said Waters. "We put physical education into the core curriculum under the Kennedy administration. Now more than ever before, we have to worry about our children's welfare."



Chef Ann Cooper with students in Berkeley's Martin Luther King Jr. Middle School garden.

Photo: Craig Lee / The Chronicle



Alice Waters, shown in the Edible Schoolyard garden at Martin Luther King Middle School. Her foundation has just awarded the Berkeley School District a \$4 million grant for programs relating to sustainable food production.

Photo: Mark Costantin



Tenzin Sangay (right) and Mohammed Aledlah (center) eat lunch at Martin Luther King Jr. Middle School in Berkeley. A study concludes early food education leads to better eating habits.

Photo: Craig Lee / The Chronicle

SAN FRANCISCO BAY AREA

SEPTEMBER 9, 2010

**Small Business**

## **A New Recipe for Feeding The Farm-to-Table Chain**

**By VAUHINI VARA**

Camilo Mondragon, who runs a small farm in Watsonville, has never heard of Nate Beriau. But Mr. Beriau, a chef at the Ritz-Carlton in San Francisco, goes out of his way to buy fresh strawberries from Mr. Mondragon.

"They taste great," Mr. Beriau says. "I want a strawberry that tastes like a strawberry."

### **From Farm to Restaurant**



*Ariel Zambelich for The Wall Street Journal*  
Camilo Mondragon, owner of VB Farms and Sunshine Organic in Watsonville, Calif., loaded flats of freshly picked strawberries into a van.

Mr. Mondragon and Mr. Beriau are two links in a fragile new supply chain known as the San Francisco Foodshed Project, which was launched in July by several nonprofits and business groups to connect small, local farmers with diners within a few hours' drive. The effort is part of a burgeoning movement nationwide in which nonprofits and businesses are trying to find viable models for distributing food locally.

In the Foodshed program, a few dozen farms sell their produce via Ben and Annie Ratto, a husband-and-wife team who act as middlemen between farms and food distributors. Those distributors, including L.A. Specialty Produce Co.'s San Francisco branch and FreshPoint Inc., pick up produce from small farms at the Rattos' warehouse in Oakland and deliver it to



customers. Mr. Ratto and the distributors each charge a markup—typically 10% to 15% for Mr. Ratto, while the distributors add a charge, currently \$5 per case of produce.

The goal of the supply chain is to tap into the growing market for local produce and to bolster small farms around the Bay Area. While a number of high-end restaurants in the Bay Area for years have had direct buying relationships with small farms, those arrangements often pose a logistical burden to both the farmers and the restaurants who prize locally cultivated produce.

Each year, farms within 100 miles of the Golden Gate Bridge produce 20 million tons, or \$10 billion, of food—more than 20 times San Francisco's annual food consumption, according to the American Farmland Trust, which advocates for farmland protection and local agriculture. Yet much of the food eaten in the city comes from elsewhere. At a typical Safeway Inc. store in California, less than half of the available produce is local, the retailer has said.

"We have to keep small farmers viable," says Bob Corshen of the Community Alliance with Family Farmers, a nonprofit that has been working with wholesalers including the Rattos on its own local-food effort, called Growers Collaborative, while also helping to spearhead the Foodshed Project.

The new supply chain remains nascent, with only eight customers such as the Ritz-Carlton and Living Room Events Catering in San Francisco signed up to purchase local produce through it. Many people involved say there remain big hurdles, with many food buyers such as hotels accustomed to purchasing bulk produce that is similarly sized and shaped and in the habit of ordering food no matter what is in season locally.

The Ritz-Carlton's Mr. Beriau, for one, acknowledges he doesn't like having to keep a standing order for strawberries and other produce provided through the Foodshed program, instead of being able to order food based on his daily needs. "It takes patience," he says.

The idea of eating food from nearby farms has deep roots in the Bay Area, where Chez Panisse chef Alice Waters has purchased local vegetables for years. Now the idea is also catching on nationwide. There are 6,132 farmer's markets today, more than double the number 10 years ago, according to the U.S. Department of Agriculture.

Before starting the San Francisco Foodshed Project, many of the groups involved worked on their own distribution initiatives. Earlier this year, some of them—who had come across each other while working on their separate projects—decided to integrate their efforts. They included San Francisco company FarmsReach, the Rattos and the Community Alliance with Family Farmers, which advocates for family farmers in California.

Helped by a \$280,000 grant from the California Department of Food and Agriculture, the consortium devised a system in which the Rattos would act as a produce hub for the farmers, so distributors could pick up food from one spot. The Rattos' insurance would fulfill a coverage requirement from the distributors. And FarmsReach would work with buyers to ensure they understood some of the system's limitations, like the difficulty of providing uniform-looking fruits.

The results are evident through Mr. Mondragon and Mr. Beriau. On a recent morning, Mr. Mondragon snacked on a freshly plucked strawberry at his 10-acre Watsonville farm while his workers picked and boxed the fruit to be loaded into Mr. Ratto's truck.

Mr. Mondragon, who started his business 15 years ago, faces the same financial challenges as many small farmers. He makes an annual profit of around \$60,000, mostly by selling at farmers' markets. "It's really hard because there's a lot of competition," he says, adding that he likes the Foodshed Project because it is easier and less time-consuming than traveling to markets.

After collecting Mr. Mondragon's wares, Mr. Ratto drove the strawberries to his refrigerated warehouse in Oakland. San Francisco Specialty picked them up, then dropped them off the next morning at the Ritz-Carlton in San Francisco.

Two days later, Mr. Beriau chopped up some of the strawberries and considered what to do with them. Typically, they end up in guests' continental breakfasts, he says.



Benjamin Moctezuma picked strawberries at the 10-acre VB Farms and Sunshine Organic in Watsonville, Calif.

Ariel Zambelich for the Wall Street Journal



The strawberries will be delivered to Thumbs Up, to be picked up for redistribution.  
Ariel Zambelich for the Wall Street Journal



Camilo Mondragon is among a few dozen farmers who have sold their produce via Ben and Annie Ratto, a husband-and-wife team who act as middlemen between local farms and food distributors. On a recent morning, Mro. Mondragon stacked flats of freshly picked strawberries.  
Ariel Zambelich for the Wall Street Journal





Mr. Mondragon, who started his business 15 years ago, faces the same financial challenges as many small farmers. He says he likes the Foodshed Project because it is easier and less time-consuming than traveling to farmers' markets. He loaded flats into Mr Ratto's van.  
Ariel Zambelich for the Wall Street Journal



After collecting Mr. Mondragon's wares, Mr. Ratto drove the strawberries to his refrigerated warehouse in Oakland.

Ariel Zambelich for the Wall Street Journal



Flats of strawberries were stacked outside the warehouse.

Ariel Zambelich for the Wall Street Journal



Trucks of produce waited in the receiving area of San Francisco Specialty in Union City. SF Specialty delivers small loads of local produce, aggregated by Thumbs Up, to Bay Area clients in the Foodshed program.

Ariel Zambelich for the Wall Street Journal



Ignacio Castrajon unloaded trucks of produce in the receiving area of SF Specialty. The next morning, SF Specialty dropped the strawberries off at the Ritz-Carlton in San Francisco.  
Ariel Zambelich for the Wall Street Journal



Nate Beriau, executive chef at the Ritz-Carlton, marinated strawberries from Mr. Mondragon's farm in an airtight plastic bag with some vanilla salt and thyme. "They taste great," Mr. Beriau says. "I want a strawberry that tastes like a strawberry."

Vauhini Vara/The Wall Street Journal



Up highway 101 north, past the winding Russian River and Ukiah, past the Avenue of the Giants and their rocket-size trunks, about 15 miles from the Pacific Ocean, there's a tiny redwood-mill town called Scotia (population 800). You often hear that there are two types of people in this part of California—hippies and loggers—and that never the twain do meet on friendly terms. That's why my visit today with Amy Arcuri defies so many preconceptions that it makes my head spin.

The dreadlocked environmental activist picks me up by the Eel River in her dusty white Oldsmobile Bravada, with her children, River and Irie, giggling in the backseat. Arcuri is all smiles and chatter as we bump along a dirt road and into the hills, where she unlocks a chain-link fence to the redwood forest surrounding Scotia. Arcuri knows this private logging land like her own backyard. She has walked tens of thousands of its acres; only a few years ago, she spent days at a time as a tree sitter, camping more than 300 feet up a 2,000-year-old redwood called Spooner, trying to save it and the rest of the grove from the company saw. "We had to sneak in after midnight and climb the fences," Arcuri recalls during our hike in the shade of the canopy to find Spooner. "Security was always after us."

These aren't just any woods. Arcuri is letting me into the largest private redwood holdings in the world, the same forest where the famous Julia Butterfly Hill perched in an old-growth redwood for 738 days, where David "Gypsy" Chain was killed by a falling redwood while he was trying to stop the cutting, and which Judi Bari and Darryl Cherney were fighting to preserve when a bomb mysteriously exploded under their car. Some have compared the 23-year battle for this land to the conflict in the Middle East. Here, though, the battle involved thousands of activists and longtime timber workers, Bay Area power brokers and infamous Wall Street tycoons, backroom deals hammered out at the top levels of state and federal government, and charges of fraud that led to multimillion-dollar lawsuits.

So if it seems strange that a woman who used to break into these woods now has her own keys to the kingdom, it is. These days, Arcuri spends the time she used to dedicate to tree sits walking the land with company foresters, whom she now considers friends, to identify old growth, the awe-inspiring trees that are the tallest and some of the oldest living things on Earth. "To let you know just how cool these people are," she says, "when they did mess up a couple of times and accidentally cut some old growth, they called to tell me so I could come see with my own eyes." Perhaps even stranger than this latter-day rapprochement is what made it possible: In 2008, the San Francisco-based Fisher family, the billionaire founders of Gap and owners of Banana Republic, acquired these 209,000 acres in the bankruptcy proceeding of the Pacific Lumber Company, which was owned by Texan and Wall Street mogul Charles Hurwitz. At the time, Hurwitz was coming off of 20 years of overlogging this land, which had nearly decimated the redwoods and the local habitat.

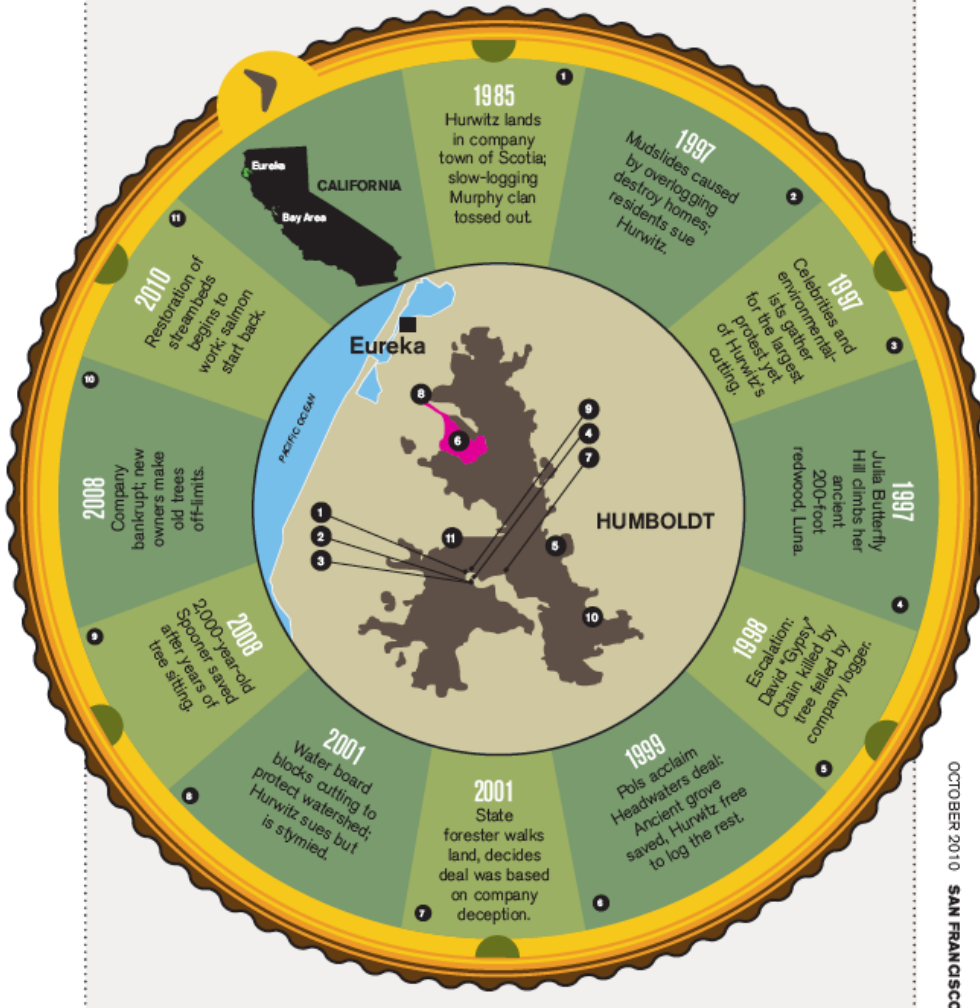
Over the past two years, the Fishers have been quietly shaking up the redwood world in Humboldt with an audacious pair of goals: to let the forest recover and to make money. Indeed, the Fishers and the team they've assembled to run their operation, now called the Humboldt Redwood Company (HRC), have become symbols of a California sustainable-forestry movement that could go as viral as any West Coast game changer, from stem cells to silicon chips. Mike Fay, a botanist with the National Geographic Society and a leading redwood expert, puts it like this: "The technology that foresters are using here is a complete reversal of the past 150 years. And what if California could say, 'Hey, world, look at what we're doing. We're actually going to rebuild our forests. We're going to get the creeks back in good shape, we're going to get the erosion down to zero, we're going to get the fish back, and we're going to be harvesting more and higher-quality lumber.' That would be amazing."

How the rest of the California timber industry will proceed remains uncertain. But the largely untold story of the fate of Pacific Lumber is a compelling parable about a century-old quest to find a way to live by, and with, the land. It's also the unlikely tale of how government-driven solutions to environmental problems aren't always as good as those devised by private parties who have their heads screwed on right. And, with luck, it will become the story of how the California redwoods were finally saved for real. >>



## THE FOREST COMES FULL CIRCLE

UNTIL THE STARTLING EVENTS OF THE PAST THREE YEARS, THE REDWOOD WARS HAD TURNED THE MASSIVE PACIFIC LUMBER FOREST OWNED BY CLEAR-CUTTER CHARLES HURWITZ INTO A WAR ZONE. **BY TIMOTHY KIM**



OCTOBER 2010 **SAN FRANCISCO**

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To tell this tale, you have to start with Richard A. Wilson, the man who headed the California Department of Forestry and Fire Protection from 1991 through 1999, the decade during which the Humboldt timber wars burned the hottest. A Republican appointed by then governor Pete Wilson, Richard Wilson was known as both a rogue environmental leader (he helped craft the forest practice rules of 1973, still the backbone of California forest law) and a timber- and cattleman who could speak to activists and industry heads alike. He's a legendary battler—in the late '60s, he succeeded in blocking the construction of a dam that would have flooded Round Valley, where his own ranch was located—and he ultimately became a whistle-blower who helped bring Hurwitz's Pacific Lumber down. He is still considered one of the department's best leaders ever.

It is January 2010, and I'm hiking through the Headwaters Forest Preserve with Wilson, a tall 76-year-old with a grandfatherly air, a stubborn streak, and an old bluetick coonhound named Sophie. It's a Sunday morning, and residents and tourists are already out picnicking, hiking, and admiring the trees. "Look at these fellows," Wilson says, pointing to a cluster of redwood stumps so thick, they might have sprouted not long after the fall of Rome. He has been telling me about why these stumps are so extraordinary, which is basically his way of reminding me that we now have our lowest redwood inventory in 150 years: The old-growth redwoods, generally thought of as anything that's more than 150 years old and has never been cut, are 95 percent gone and have been replaced by lesser-quality second- and third-growth trees (and a fair amount of Northern California 20th-century development). The reason, Wilson explains, goes back to the very founding of the state.

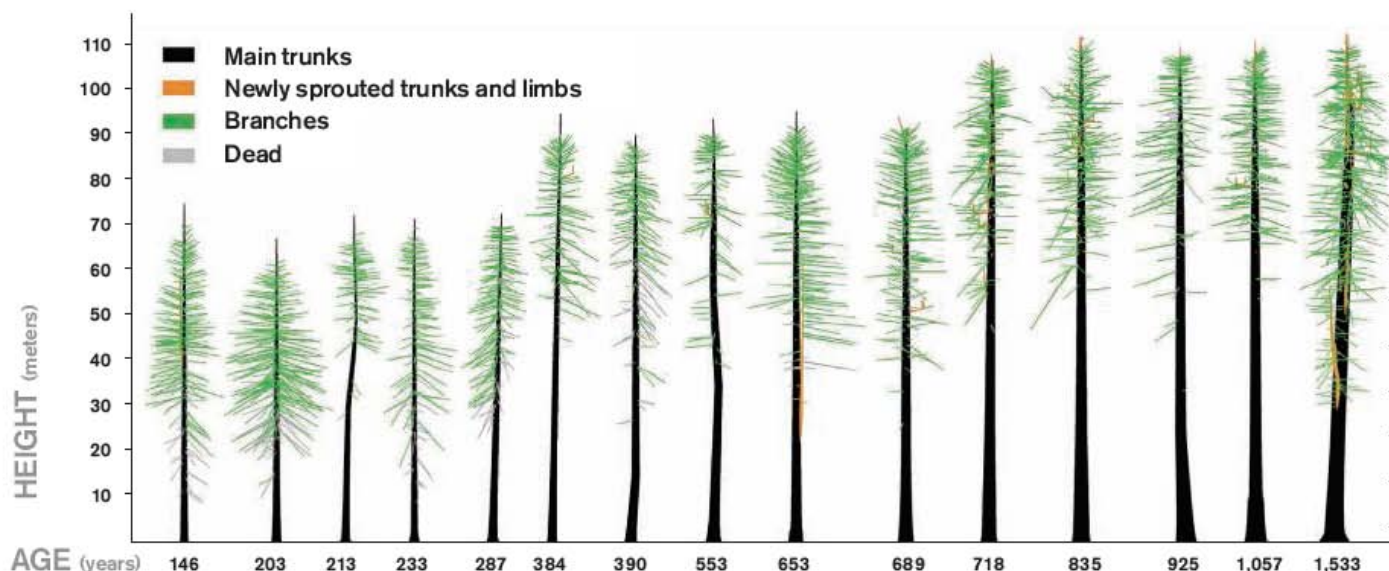
From the Gold Rush through the early 1920s, Western settlers hacked half of the original redwood population, with a big chunk of that wood going to rebuild San Francisco after the 1906 earthquake. Even then, groups such as the Save the Redwoods League began springing up, and eventually Congress was spurred to create the Redwood National Park, about 50 miles north of Eureka. But throughout the '60s and '70s, liquidation forestry was the method of choice—and still is, at some companies, for second- and third-growth redwoods. There are several versions, including clear-cutting, which means leveling all the trees in a stand, like a barber giving a buzz cut, and high-grading, which means removing the oldest wood and leaving the junk. But the principle is the same in both scenarios: You cut faster than the forest can naturally rejuvenate. These methods allow big timber companies to get their money out of the forest as quickly as possible—but they lead to the gradual degradation of the forest and less revenue down the line.

Mike Fay recently spent nearly a year with his hiking partner, naturalist Lindsey Holm, walking and studying the world's only coast-redwood range, from Big Sur to just past the Oregon border—the first known journey of its kind. After talking with sawmillers, timber CEOs, and everyone in between, Fay may know more about the current state of redwoods than even Wilson does. He breaks down the liquidation model into four steps.

"First, you cut the old-growth stands," Fay says. That's where you get those gorgeous, rot-resistant slabs that made those decks in *Sunset* magazine glimmer. Step two is to start hacking at the second-growth stands, generally after 50 years, which is too soon to get the highest-grade wood (that takes at least 100 years) but still yields a decent product. Now you're flush with cash and have clients who trust your timber, Fay explains, but you've been cutting faster than the forest can grow. Plus you've had to build massive logging roads to accommodate timber-hauling tractors, which causes sediment runoff that sullies local waterways and slams the population of coho salmon.

On to step three: Liquidate the brand. After a clear-cut, faster-growing trees such as tan oaks will pop up like weeds. To keep them from overtaking the new redwoods that are trying to sprout, you'll likely have to use herbicides on them, which gradually weakens the soil. Also, because you've depleted the forest, this third round of trees is growing in direct sunshine instead of in more natural partial shade, so the wood is a lower grade that has little of the redwood's famed resistance to decay. Liquidating the brand means selling this inferior wood at the same high price until your clients finally get wise—which, if you've timed it right and you're that kind of company, is when you get to step four: You walk away from the business, leaving acres of crappy forests to sell to whomever.

In the late '60s, Wilson watched this downward spiral on his own acreage on Buck Mountain, in Mendocino County, where he'd signed a contract to sell timber to the midsize Crawford family sawmill. "I knew they would harvest my timber in a way that respected my land," he says. However, timber behemoth Georgia Pacific acquired the Crawford Lumber Company mill, and with it, the rights to log on Wilson's land. Under the direction of CEO Harry Merlo—famous for the motto "We log to infinity"—the company took a turn for the worse, says Wilson. "Merlo would fly over my land in a helicopter and make sure they got every last merchantable tree," he describes, recalling a key event that sparked his interest in sustainable forestry. It was a miniature version of what would soon happen with Pacific Lumber and Hurwitz. >>



## THE OLDER, THE BETTER FOR BUSINESS

NEW EVIDENCE SHOWS THAT WAITING LONGER THAN 80 YEARS TO CUT A REDWOOD—WELL BEYOND THE INDUSTRY AVERAGE OF 50—IS A SOLID INVESTMENT.

The majority of timber companies say they can't afford to be so patient, but most loggers believe that the ideal time to harvest a redwood is when the tree turns 80: At that point, they say, its growth slows considerably—you get the highest return for your time investment, and you can profitably plant replacement trees. But the research team of forest scientist Stephen Sillett, at Humboldt State University, climbed 15 redwoods in Humboldt Redwoods State Park (see above) and concluded that **redwoods continue to produce more and better-quality wood as they get bigger** and older—for up to 1,500 years, or possibly more—which means that companies willing to take the long view can potentially still make good money. It turns out the common practice of measuring redwoods at chest height misses a wealth of activity—including newly sprouted trunks and branches—in a huge portion of the tree. These findings parallel the marketplace analysis of Chris Maranto, of the California Department of Forestry. By his accounting, logging a 100-year-old, 160-foot tree in 1985 would have gotten you \$195; the same tree, allowed to grow until this year, would be worth about \$750; and if you wait until 2035 for the tree to grow to 190 feet high and twice as large in volume as it was in 1985, you'll garner \$1,900 (assuming that redwood prices stay at 2007 levels).—TIMOTHY KIM

The acquisition of Pacific Lumber by Hurwitz's company, Maxxam, was a classic saga of 1980s Wall Street mania. In 1985, leveraged to the hilt with almost \$800 million in junk bonds underwritten by securities genius Michael Milken, Hurwitz engineered a hostile takeover. The deal made the smooth-talking Texan the owner of an estimated 70 percent of California's old-growth redwoods remaining in private hands. But with a massive debt to pay back, Hurwitz set out to reverse decades of good forestry and the excellent employee relations that had been instituted by the Murphy family, who had run the company for almost 50 years.

The Murphys were an anomaly in big timber. They practiced sustainable forestry before there was a name for it, and every Murphy intended for his descendants to work this same land for hundreds of years, as did the family's hundreds of employees. The Murphys were famous for throwing huge company parties and for providing college scholarships for the children of full-timers. Pacific Lumber workers say that watching them get forced out was like losing their own parents. Though Hurwitz tried for a while to maintain a façade of the Murphy tradition, it soon became clear that he would stop at nothing to satisfy his deep debt. One of his first acts was to drain \$55 million from the employee pension plan, replacing it with a shoddy life annuity that eventually landed the employees a mere \$7 million (and even that they had to fight for with a lawsuit). He also made clear-cutting and high-grading the norm. "He was taking every salable thing he could get his hands on and going until the roof fell in," says Wilson. Anybody with eyes could see the new mudslides and the bald spots growing like a disease over the green Humboldt hills.



The sad thing was, it didn't have to be that way. "In 1985, when Hurwitz showed up, there was enough old-growth timber out there that if the Murphys had kept going at their regular rate, they could have harvested old growth until the year 2045," says William Bertain, a lawyer in Eureka who won a \$162 million settlement from Hurwitz and his financiers after suing them over the details of the hostile takeover. But Hurwitz continued clear-cutting the land, and when Wilson took over California's forestry department in 1991, he cooked up an idea to require timber harvesters to submit a Sustained Yield Plan, which would analyze the 100-year impact of their harvesting on the local wildlife, soil, and watersheds.

Wilson got the forestry board to sign off on the new rules three years later, and though they came with a number of concessions to the timber industry, Hurwitz felt the threat. In the late '80s and early '90s, he'd been logging double the amount that the Murphy family had, getting up to 300 million board feet of wood per year (a board foot is the equivalent of a one-square-foot wood slab, one inch thick), yet still not enough to pay off his debt. So he decided to build a road into the Headwaters Forest—including five square miles of old growth so pristine that many activists considered it sacred—and start salvage logging, which means taking away any trees that are dead or dying or have fallen naturally. This set off alarm bells for the activists, who were afraid that his next move would be to cut standing trees, so that's when they started showing up en masse. Multiple lawsuits were filed against Hurwitz and Pacific Lumber by everyone from the Sierra Club to longtime residents who had lost their homes in mudslides.

That's also when Wilson began hearing talk of a deal going on way over his head—all the way up to then president Bill Clinton—that was supposed to accomplish two things Wilson desperately wanted: to save the Headwaters old growth and to get Hurwitz to comply with Wilson's new sustained-yield rules on the other 97 percent of his land. The Clinton administration had appointed senator Dianne Feinstein as chief negotiator of the deal. Over the next five years, the deal became a plan for the state and federal governments to pony up \$300 million to Hurwitz for 7,500 acres of land, including the 3,088 acres of Headwaters old growth. Hurwitz would also get an additional \$106 million for two other parcels adjoining the Headwaters.

At first, Wilson was open to the plan. But as the details began to emerge, it started to seem more like "a load of crap," he says. For one thing, Hurwitz had paid only about \$800 million for the entire 211,000 acres, and here was the government offering more than half of that for less than 5 percent of that land. There were also big questions about how much Hurwitz would actually dial back his logging on the land he would still own. He insisted that harvesting upward of 210 million board feet per year was a sustainable yield, but Wilson didn't want to go above the rate at which the Murphy family had been cutting, given that Hurwitz had already been depleting the forest at double that rate for at least a decade. "I hadn't seen any hard science to back up anything close to 200 million board feet per year," he says. Meanwhile, protesters were going ballistic in the hills—Hill perched in Luna in 1997, and Chain died in 1998—and Hurwitz, ever the Machiavelli behind this mess, kept threatening to walk away from the deal and keep clear-cutting if he didn't get his way.

The cut rate that Hurwitz and the federal politicians eventually agreed on was 179 million board feet per year for the first decade after the signing. Pacific Lumber lawyers told Wilson that the number was based on a computer model created by a private company named Vestra Resources, but oddly enough, Wilson couldn't get his hands on the report, even though he directed the most important timber-regulating body involved in the deal. Pacific Lumber claimed that the report was proprietary. Still, Wilson was getting leaned on to sign. "The politicians' view of this was, 'Let's close; let's get the Headwaters deal in our legacy and go do something else,'" Wilson says. "If I had had something to hang my hat on to stop it, I would have, but I just didn't." So on March 1, 1999, the very last day before a midnight deadline, he reluctantly signed off on the Headwaters Forest Agreement, joining President Clinton, Vice President Gore, Senator Feinstein, Governor Davis, Interior Secretary Babbitt, and representatives from almost every environmental regulatory body in the state.

From the way the other signatories hailed the Headwaters deal, you'd have thought it was the best thing ever to happen to the redwoods. "This historic agreement will ensure the protection of one of the world's most precious resources," said Governor Davis. "The final agreement is truly a compromise," said Pacific Lumber president and CEO John Campbell, who got into the timber business after he married a friend of the Murphys', then decided to stick with Hurwitz after the takeover. Feinstein added that she was very proud of forging ahead against all odds: "Getting to this point has not been easy," she said. "It has taken over five years of negotiations...and literally thousands of hours...[but] the end result is a strong plan."

Wilson, however, resigned shortly after and continued to feel bad about the deal. He remembers the day it was celebrated in the brand-new Headwaters Forest Reserve. "It wasn't a very good day," he says. "It was cold and rainy, with mud sloshing around." It wasn't just the weather that got him down, though; he shakes his head as if he wants to say more but doesn't. When I ask him if he resigned out of guilt, he shrugs. He chalks it up to not wanting to work with the Gray Davis administration, or he says that he'd been with the department long enough. But his actions in ultimately exposing the deal as a sham suggest a different story.

The initial revelations about the deal weren't encouraging. Within a month of the signing, the Environmental Protection Information Center (EPIC) teamed up with the Sierra Club to sue the government for failing to obtain an adequate Sustained Yield Plan from Hurwitz. As the lawsuit unfolded, it came out that there had never been such a plan, either before or after the deal was signed. The case went all the way to the California Supreme Court, where EPIC and the Sierra Club finally won in 2008. In Feinstein's "five years of negotiations," the court found, the government had never bothered to require backing for the linchpin of its deal.

"Here you have half a billion dollars in taxpayer money," says Sharron Duggan, one of the lead attorneys for EPIC and the Sierra Club in the case. "It's supposed to be buying us peace in the valley, and to not have the singular document you need to enforce the new rules—it's like building a house without any blueprint. Pacific Lumber and Hurwitz were only as terrible as the government let them be."

Even after getting the \$406 million in taxpayer money, meanwhile, Hurwitz still owed more than \$700 million to the bondholders. By 2001, two mills had been shut down; Pacific Lumber would soon slim down to 363 workers from its high of about 1,600. Wilson had a hunch that the company might go bankrupt, but in 2006, he got a phone call from a friend that would help him push Pacific Lumber to the brink.

The friend told him that Wilson's old department had hired a new "sustained-yield forester" whose job it was to implement Wilson's 1994 rules: Chris Maranto, a rising star in the complicated world of forest computer models. Bingo, Wilson thought—here's a guy who might actually know something about the Vestra report's key assumptions. (Remember, Pacific Lumber used computer modeling to come up with its cut rate of 179 million.) So he decided to give Maranto a call. "I said straightaway, 'I now think the Headwaters deal was flimflam and politics, a scam,'" Wilson says. To his surprise, Maranto completely agreed. What's more, he had something concrete to go on. After walking around an additional 8,000 acres that Pacific Lumber had purchased since the deal, Maranto had come to the conclusion that the company had padded its numbers in trying to persuade the government to let it log at a higher rate.

Here's how Maranto and Wilson thought the book-cooking worked. The cut rate that Hurwitz had requested in the government negotiations—210 million—was based on a particular number of trees. But on the acreage he surveyed, Maranto says that he didn't find anything close to the number of redwoods the company had told the government it had. He soon learned that Pacific Lumber had included a second tree in its computer modeling for all of its holdings: tan oaks, which are almost never used to show merchantable inventory because they're more like weeds. So he concluded that the company had deliberately inflated its inventory with tan oaks—there was no other way to explain what he had witnessed on the ground. "When I saw the model, I couldn't believe it," says Maranto, who still works at the department as its sole sustained-yield forester. "It was just so blatantly wrong."

Wilson instantly realized that he could have a fraud case on his hands. Maranto was reluctant to get involved, out of fear of losing his job, but he had such respect for Wilson's work that he figured he could get behind it if Wilson were with him. After much discussion, Wilson and Maranto contacted San Francisco plaintiff lawyer Joseph Cotchett, known as one of the best in the country. Cotchett's firm—Cotchett, Pitre & McCarthy—had already been approached by numerous groups, including some Native American tribes, who wanted to sue Hurwitz over alleged environmental and financial violations. Maranto's evidence finally gave the firm the case it needed in order to nail Hurwitz with huge damages.

The case wound up as a *qui tam* trial, or a whistle-blower case: Wilson and Maranto suing on behalf of the people of the United States and California, who, they argued, had been defrauded out of nearly half a billion dollars in taxpayer funds. It was filed in a federal court in Oakland, but Hurwitz and Maxxam, using their own high-powered Bay Area law firm, Morrison Foerster, led by trial-court celebrity James J. Brosnahan (defender of John Walker Lindh), did everything possible to delay the case. Hurwitz spent more than \$10 million in legal fees to keep the case out of court, all along denying any wrongdoing and arguing that the government had gotten exactly what it asked for: the Headwaters Forest Reserve and a promise that he'd log his remaining land at 179 million board feet or less. "That makes it a very strange sort of federal fraud case," Brosnahan told the *San Francisco Chronicle* before the trial.

The case wouldn't be heard in the Oakland court until 2009, but in the meantime, in Corpus Christi, Texas, Pacific Lumber had indeed filed for Chapter 11. And, surprisingly early in the proceeding, the judge made the bankruptcy trial nonexclusive, opening up Pacific Lumber to purchase and reorganization. Almost simultaneously, in two separate courtrooms, the truth about the Headwaters horse-trade—and the future of the California redwoods—would be revealed.

In Corpus Christi, the three parties who were vying for the company came down to Hurwitz, the bondholders who had underwritten Hurwitz's loan and desperately wanted their money back, and a family of clothing merchants whose massive investment in redwoods would have surprised their neighbors in San Francisco.

Like their parents, Gap founders Doris and the late Don Fisher, the Fisher boys are Presidio Heights originals: hard-headed businessmen with singular passions that can take a philanthropic turn. All three grew up on Washington Street; played serious boyhood tennis; attended Princeton and the Stanford Graduate School of Business; worked for their dad; and are now well-liked billionaires, raising families near where they grew up. They meet regularly to discuss their shared philanthropy and investments, which are managed by John, the youngest son and the only one of the three who didn't spend a chunk of his career working for Gap. Presumably to shield the family from the frenetic ups-and-downs in the value of Gap stock, where much of their wealth is still held, John looks for the longest of long-term investments: "businesses where being a family as opposed to a publicly traded company allows us to do things differently," as he told this magazine in one of his rare interviews.

Robert Fisher, the oldest son, helped push the family into trees. He currently chairs Gap's board and serves on the boards of the Natural Resources Defense Council and Conservation International, which works to keep the Amazon rain forest from disappearing. It was fly-fishing that made him a naturalist, and he now helicopters regularly to the family's fishing ranch in the ponderosa forest south of Mount Shasta, next to Nature Conservancy land. "Being connected to the outdoors was something very important to us as a family," John says. "But Bob's connection is what attracted us to this investment area. He's been very instrumental in helping us learn."

The Fishers embarked on their first redwood venture in 1998, when they paid a reported \$200 million to Louisiana Pacific for a massive Mendocino Coast redwood forest that had been devastated by clear-cuts and erosion—and learn they did. The family's longtime friend Sandy Dean, chairman of the Mendocino concern (now the Mendocino Redwood Company, or MRC) and the former Pacific Lumber, served as their guide as they sought to make a buck and improve the land. "We can't just go into the community and tell everyone that we're fabulous," John told the *San Francisco Business Times* in 1998. "We have to convince them that we're part of the solution." That didn't happen right away, and the family's operation drew a barrage of negative press from forest activists when it continued to cut some old growth. But soon enough, the company's slow-cut practices earned respect from forestry scientists.

"Because we are a family, and because we're local, we could allow the trees to grow over a long period of time and end up with a healthier forest," John says. And it doesn't hurt that the family has deep pockets, so they've been willing to invest cash in such projects as expensive bridges, rather than cheaper, environment-damaging culverts. "When you put in a bridge," John says, "all of a sudden fish can move

upstream, which means they can survive. It's a funny thing, though: That also means you can't harvest as many trees." (To preserve the fish's habitat, more trees bordering the river will be protected by law.) A philosophical free-marketer who has contributed to Republicans, John wryly acknowledges that such environmentalism costs him a lot of money, yet he remains committed to it anyway.

As the Pacific Lumber bankruptcy court date approached, the Fishers' bid took on a life of its own: To many involved in the proceedings, it sometimes felt as if the Murphys themselves were returning on white horses. The Mendocino Board of Supervisors and eight environmental groups, including the Sierra Club and EPIC, endorsed the Fishers as owners—as did local congressman Mike Thompson and Governor Schwarzenegger. "People could look at what we'd done in Mendocino," says Dean, "and that was a tangible track record. We could say, 'Hey, we want to eliminate traditional clear-cutting, bring the old-growth policies here, use our transparent mode of operation, and maintain jobs at the sawmill in Scotia.' That was a pretty compelling set of things to imagine after 21 years of conflict." After the bidders submitted their plans, the bankruptcy judge awarded Pacific Lumber's remaining 209,000 acres to the Fishers for half a billion dollars.

It was a momentous decision. It also confirmed for Wilson, who was waiting for his trial to begin, just how royally Hurwitz had screwed the government on both ends of the Headwaters deal. On the front end, the dollar amount was close to what taxpayers had paid Hurwitz for a section of the forest 30 times smaller. And when the Fishers brought in their timber appraisers to come up with a sustainable cut rate for the Hurwitz lands, they gave a figure of 55 million board feet a year. Hurwitz's people had initially asked for 210 million, then settled for 179 million.

Now, in Oakland, Maranto and Wilson were ready to blow the whistle. On the stand, Maranto described how he had discovered the deception during his tour of the land. The plaintiffs also brought in independent forestry experts, including Paul Harper and Greg Bloomstrom, both of whom testified that Pacific Lumber's inventory reports appeared manipulated, especially in regard to the tan-oak stocking. On Hurwitz's part, Brosnahan's team never denied that the company had used tan oaks in the stocking reports; they simply argued that doing so was perfectly legal. The jury would have to decide whether the company had knowingly defrauded the state and federal governments.

A final verdict was never reached—partly because the judge wouldn't allow past cases regarding Pacific Lumber and Hurwitz into evidence, including anything from the bankruptcy proceeding. "I still don't understand why," Wilson says. Such restrictions made for intense days of testimony, with Brosnahan and Cotchett blustering at each other throughout; at one point, they nearly went nose-to-nose when Brosnahan thought Cotchett might be trying to slip in evidence that the judge had blocked. But after five days, Cotchett advised Wilson that with so many limits on what he could enter into evidence, the odds weren't good that he could convince all 9 jurors (federal civil cases don't require 12) beyond a reasonable doubt that the tan-oak situation was a scam and that it came from the top. Consoling himself that he'd forced Hurwitz to spend \$20 million on the case, pushing him toward bankruptcy and the land toward the Fishers, Wilson and Maranto settled the case for \$4 million from Pacific Lumber, which was distributed among Cotchett's law firm and the state and federal governments.

The settlement was a big disappointment for Wilson—and for the Humboldt residents who had hoped to see Hurwitz pay hundreds of millions. One Humboldt blogger joked that "Chris Maranto and Richard Wilson, who had sought damages totaling more than \$1 billion in the case, settled for two McDonald's hamburger Happy Meals, one with no mustard and extra pickle, the other with apple slices instead of fries and a supersize beverage selection." But though the case didn't crush Hurwitz financially, it did reveal the travesty at the core of the Headwaters deal. It also helped usher in new owners who knew exactly whom to hire to run their revamped company.

If anyone in the redwood world garners more respect than Wilson or more buzz than National Geographic's Fay, it's Mike Jani, a gregarious Santa Cruz native who managed a small, family-owned timber company, Big Creek Lumber, in the area for decades. In 1999, Jani parted with that much beloved job to manage the Fishers' Mendocino Redwood Company; eight years later, he left MRC to join their new operation, now known as Humboldt Redwood Company (HRC). That makes Jani, a low-key family man who likes to surf in his hometown as much as possible, the policymaker for more private redwood land than anyone in the world—and he's shaking things up. He's taking a process called selection management, or uneven-age management—until now generally practiced only by smallish landowners, such as Big Creek, and by individual conservation-minded foresters—to the biggest redwood plots in the world, many of which had been savaged for years.

Using a very careful model that removes less wood than the forest can grow every year, both HRC and MRC have been certified by the Forest Stewardship Council (FSC), a lengthy and rigorous process similar to LEED certification for architecture or USDA Organic for farming. It sounds childishly simple to add more wood than you take out. But if foresters had done that for the past 150 years, the notion that only 5 percent of the original redwood forest remains standing today would be a tragic plot point in a dystopian novel rather than reality. Since the formation of MRC, Jani has also managed the effort to restore the forests' waterways, spending \$14 million to keep sediment from entering the rivers. He sees signs that the salmon are coming back.

This "restoration forestry" was the topic of the day at a recent gathering in Redway, a tiny town next to Garberville, where about 40 redwood experts—foresters, old hippies, bearded sawmillers—had assembled for a conference called Redwood Futures, an exercise in consensus and trust building that felt like necessary therapy after years of battle. Jani, shaking hands and cracking jokes, was the only manager of a big timber company to attend. The very fact of his presence seemed to bring hope. "You got a guy responsible for 400,000 acres spending his Saturday in Redway," said Art Harwood, a former sawmill executive and a Redwood Futures organizer. "What does that tell you?"

"The world is changing," agreed Fay, also in town for the meet-up. "A lot of other people are definitely tipping toward restoration forestry"—a group that likely includes Jim Able, Ed Tunheim, Jim Greig, and Craig Blencowe, foresters who manage small (20- to 2,000-acre), private redwood timberlands in California. Their plan, like Jani's, is to grow bigger trees and cut them out one by one, maintaining groves with every age of tree, and never taking more wood than the forest grows naturally. It's a slower process, profitwise, but in theory, it will earn them more money over time. Indeed, recent research by rockstar forest scientist Stephen Sillett (he was made famous by Richard Preston's 2007 bestseller, *The Wild Trees*), of Humboldt State University, shows that redwoods actually produce more and higher-quality wood each year for



up to at least 1,500 years (that's the oldest tree he measured). According to Chris Maranto's calculations, a 100-year-old tree that was worth \$195 in 1985 could bring in nearly 10 times that if you waited another 50 years to harvest it. Even taking inflation into account, the potential reward is huge.

But what about the rest of big timber, especially the Green Diamond Resource Company, which is nearly as large as MRC and HRC combined? Neither John Fisher nor Jani will pick on their competitors publicly. Says Fisher, "It's not to say that if someone harvests their trees with a shorter rotation than we do, that's wrong. It's just different." Green Diamond tries to market itself as eco-friendly, but Fay doesn't buy it. The company has given more than 70 percent of its redwood acreage to clear-cutting, but by law, the cut areas have to be replanted with trees instead of left to grow back naturally—a method that the company claims is better for forest regeneration than Jani's because the trees grow back faster in direct sunlight. But according to Fay, "The forest composition there is nothing like a redwood forest would have been." When you clear-cut, he explains, you destroy so much of the habitat that the next generation of growth is more like a plantation forest than a real forest. EPIC agrees—and has made Green Diamond the new target of its protest campaign.

How to inspire the transition to sustainable forestry was a burning topic at the conference. The nation's timber industry is in decline. Plunging home construction, fast-falling prices, the bad economy, and the high cost of meeting government regulations have all done damage, and much of our wood now comes from places with more lax regulatory environments, such as Indonesia, South America, and Canada. In this dark environment, where desperate companies might be inclined to cut faster, it seems that much more important to push all of big timber to adopt the Fisher business model rather than the liquidation model.

Jani says one big step will be getting hard data on different harvesting methods, since many industry folks aren't convinced that selection management will be as lucrative down the line as he and others believe it will be—and, unfortunately, that type of research is in its infancy. Encouraging consumers to look for FSC-certified wood, installing a carbon-trading market to profit landowners who don't cut their forests, and freeing up sustainable foresters from costly paperwork also have tremendous promise (see "Three Shifts That Will Rebuild the Redwoods," below). Notably, though, after the debacle of the Headwaters deal, the idea of waiting around for the government—whether it's Congress, the Department of Forestry, the regional water-quality boards, or the Air Resources Board—to regulate big timber into doing better is widely viewed as a nonstarter.

For her part, Amy Arcuri would prefer that none of the redwoods be cut down. "If it were up to me," she says as we finish a picnic under Spooner, "I would just let the forest rest. But we have to find ways to compromise."

For the first time in a long time in Humboldt County, that seems possible. As we wrap up our interview, we hear "cooooooie," the traditional sound someone makes when she's in the woods and wants to warn other people of her presence. A few years ago, that would have meant it was time for Arcuri to hide. This time, the sound comes from Adam Farland, a longtime logger for Hurwitz's Pacific Lumber who has graduated to forester and now works for the state parks department. A strong man in a flannel shirt and jeans who looks like he has hauled some serious timber in his day, Farland walks over to us with a big smile. He and Arcuri embrace.

During the Hurwitz years, says Farland, it was routine for loggers like him to receive orders to fell trees like Spooner—partly, he says, to intimidate the tree sitters into coming down. But today, Farland has come to meet Arcuri because he's giving her one of his cats in order to deal with a mouse problem in her home. The two are good friends and hang out together outside of work, but Farland says he also enjoys walking the land with Arcuri because she's so good at identifying old growth—and that makes his job easier.

Talking with both of them in the shade of these giants, I can almost hear the echoes of old ghosts. Farland was on the scene the day David "Gypsy" Chain was killed by the falling tree; he tried to warn Chain to stop taunting the loggers by coming so close to the trees as they came down. That day still haunts Farland, and talking about his friendship with Arcuri seems to get him choked up. "When I was a logger, I was always the one who wanted to try to find a way to work with the activists, to find common ground," he says. "But it was just so hard. Everything was so divided."

I ask Arcuri if it's weird to be friends with the people who seemed like her enemies five years ago. "Not really," she says. "These guys love the forest as much as we do. It makes you realize that what kept us from being friends was that the men they worked for didn't share our vision of preserving the forest. But now they do."

Jaimal Yogis is a San Francisco contributing writer. Additional reporting by Timothy Kim.

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What happens if a tree falls in the forest...and everyone with money, power, or ego hears it?  
*A now-to-then guide to the moguls, pols, barristers, and believers who have been drawn like butterflies to the nation's most fiery forest controversy.*

The son in charge

"Other natural resources are depleted when they're exploited—but timber doesn't have to be.... In theory, it can last forever."—JOHN FISHER, third son of Gap founder Don Fisher, who has made the Fisher family the largest private owner of redwood forests in the world.

The enviro

"The business begins with substantial capital, so it can operate to a higher environmental standard."—ROBERT FISHER, Gap chairman and the eldest Fisher son, explaining to a redwoods activist how he and his family justified becoming loggers.

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#### The don

"I don't have a lot to say about that; you're better off talking to John."—DON FISHER, the patriarch of the family, who passed away last year, referring a journalist to his son to talk about the family's bid for control of Pacific Lumber's redwoods.

#### The cheerleader

"Today's decision in the Pacific Lumber bankruptcy case is good news for the people of California." —Governor ARNOLD SCHWARZENEGGER, celebrating the 2008 decision to turn over the reins of Charles Hurwitz's company to friend Don Fisher.

#### The jilted bidder

"I will serve as chairman of the company, with the authority to manage these 209,000 acres of timberlands."—Former governor PETE WILSON in 2008, boldly proposing himself as "plan agent" when noteholders tried (and failed) to win Pacific Lumber over the Fishers.

#### The dealmaker

"This agreement was truly the last, best chance to save Headwaters." —Senator DIANNE FEINSTEIN, whose private five-year negotiation with Hurwitz led the government to pay him \$406 million for a fraction of his forest. Feinstein was dogged by claims that she drove a soft bargain due to her Wall Street ties.

#### The seal of approval

"Redwoods are a natural treasure, as much a part of our legacy as the world's great libraries and cathedrals."—BILL CLINTON, who had made saving the Headwaters an election pitch in 1996, attempting to share in the glory of Feinstein's Headwaters deal.

#### The convert

"Until you come here yourself, and this is my first time, you cannot understand how awe-inspiring this is."—Democratic governor GRAY DAVIS, after signing the Headwaters deal, even though it was questioned by his own forestry chief and negotiated by his Republican predecessor, Pete Wilson.

#### The avenger

"We will produce experts who will talk about how these models were manipulated."—Nationally famous Bay Area plaintiff's attorney JOE COTCHETT, in the opening statement of his case charging Hurwitz with fleecing the government in the Headwaters deal by misleading them about how many redwoods were left on his land.

#### The defender

"Excuse me, I'm here, too. And I can be just as loud as you, if the court please."—Equally famous Bay Area defense attorney JAMES J. BROSNAHAN, going toe-to-toe with Cotchett as he defended Hurwitz against the charges in an Oakland court.

#### The raider

"There is the story of the golden rule: He who has the gold rules."—CHARLES HURWITZ, CEO of Maxxam and infamous 20th-century corporate raider, to his new Pacific Lumber employees in 1985, kicking off the mighty battle and 23 years of clear-cutting.

#### The financier

"[I] never made a penny dishonestly."—MICHAEL MILKEN, who ultimately pleaded guilty and served 22 months in jail for securities violations, helped Hurwitz take over Pacific Lumber with about \$800 million in junk bonds.

#### The talk-show host

"No one from Texas can own the trees, birds, and all the other species!"—JERRY BROWN, shouting to a crowd of thousands of anti-Hurwitz protesters, including Bonnie Raitt and Woody Harrelson, in 1997. Brown was lost in the political wilderness and hosting a show on KPFA at the time.

#### The wild card

"The swap for Treasure Island has great promise."—A 1996 *San Francisco Chronicle* editorial, parroting then mayor WILLIE BROWN's thumbs-up on offering Treasure Island to Hurwitz in exchange for the Headwaters.

#### The symbol

"I had to laugh, because I was so thankful that I didn't have to sit through another winter."—JULIA BUTTERFLY HILL, on the cold, damp morning when she descended (after 738 days) from her famous perch in the 1,000-plus-year-old tree she named Luna, after Hurwitz cut his deal with the government.

## RECOVERY ZONE

HOW WELL ARE SOME OF THE BIGGEST TIMBER STEWARDS JUGGLING THE NEED TO LOG WITH THE GOAL OF PROTECTING ANCIENT TREES, FOREST STREAMS AND SPECIES, AND REDWOOD CANOPIES? HERE'S AN APPRAISAL **BY TIMOTHY KIM**

[+]

### IMPROVING ITS FORESTS

#### Humboldt Redwood Company (Fisher Family)

Fisher family foresters cut selectively, grow more redwoods each year than they cut, and try to let the land rest from decades of clear-cutting. Trees older than 200 are completely spared.

[+]

### IMPROVING ITS FORESTS

#### Mendocino Redwood Company (Fisher family)

The Fishers bought this land 12 years ago, made mistakes, and got hammered. But MRC has become the leader in sustainable forestry, with good ties to eco-leaders and its neighbors alike.

[-]

### LOGGING YOUNG TREES

#### Green Diamond Resource Company

Most of Green Diamond's 308,000 redwood acres are slated for plantation-style forestry, in which clear-cuts are replanted with trees that are cut again after 50 years or so.

[+]

### SETTING A COMPELLING EXAMPLE

#### Conservation Fund's Garcia River Forest

By harvesting trees that hamper growth of an overcrowded grove while selling more than \$4 million in carbon credits, the company has shown that a timber concern can profit by practicing sustainability.

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### STUDYING SOLUTIONS

#### Jackson Demonstration State Forest

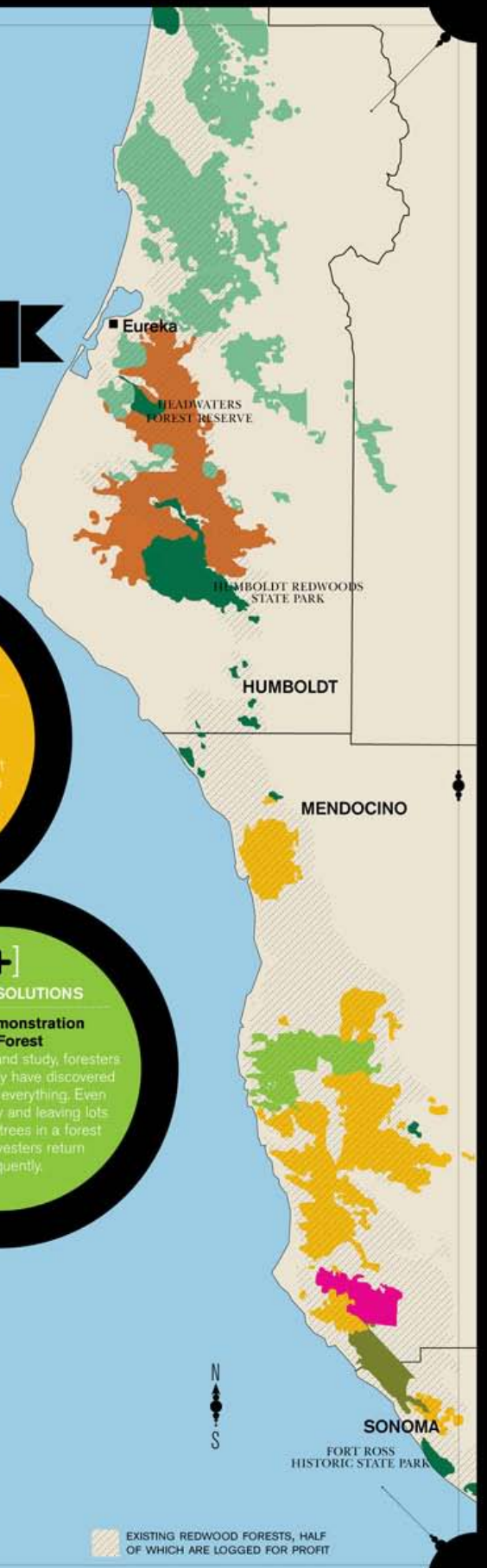
Mandated to lead and study, foresters at this state agency have discovered that execution is everything. Even cutting selectively and leaving lots of different-age trees in a forest can fail if harvesters return too frequently.

[+/-]

### A MIXED BAG

#### Gualala Redwoods

One of the smallest of the big guns, this company does a combination of clear-cutting and single-tree selection, which leaves the forest diverse, age-wise. Environmentalists are keeping a watchful eye.



EXISTING REDWOOD FORESTS, HALF OF WHICH ARE LOGGED FOR PROFIT

## Three shifts that will rebuild the redwoods

By Jaimal Yogis

More consumers buy sustainable.

Look for “FSC-certified” on redwood you buy at the lumberyard—it means that the timber company that grew it manages its forests sustainably. “If people vote with their dollars for certain kinds of ecological forest practices,” says Peter Tittmann, a PhD candidate studying forest carbon management at UC Davis, “that will send a clear message to timber companies.” The Home Depot, for example, is now the largest retailer of FSC-certified wood in the country. (Influencers, take note: President Obama had his inauguration invitations printed on FSC-certified recycled paper, and his annual Easter-egg hunts have used FSC-certified wooden eggs.)

Sustainable foresters are rewarded with lighter regulations.

Given the lessons of the past 150 years, deregulating the forests doesn’t sound like a good idea—but it is, at least for landowners who can show a record of sustainability. Cumbersome regulations keep outfits such as the Humboldt Redwood Company from having the time and resources to conduct crucial research into sustainable forestry, says the HRC’s top forester, Mike Jani. These days, timber companies must meet bureaucratic requirements for eight regulatory bodies. “We spend so much energy just going through the permitting process and compliance that we don’t have time to study what we’re doing,” Jani says. Even former state forestry leader Richard Wilson, who played a pivotal role in creating many of the regulations, now says that the state “really needs to just start over.” Of course, no one suggests that we unfetter the timber market completely—only that we reward good behavior. “It’s a balance,” says John Rogers, of the Institute for Sustainable Forestry. “Obviously, there will be companies out there that will take advantage of looser regulations, but it’s a problem when people of goodwill can’t achieve positive results.”

Carbon trading takes off.

Because of their age and resistance to disease, redwoods are the best trees for removing and storing greenhouse gases from the atmosphere, so timberland owners are licking their chops at the deals awaiting them on the incipient carbon-trading market—deals that could potentially make them serious bucks and save the trees. Already, big timber company Sierra Pacific Industries is in the preliminary stages of the largest carbon-offset deal in U.S. history, involving giant sequoias. Some environmentalists are excited, too, albeit with caveats. On the plus side, the nonprofit Conservation Fund bought 24,000 acres of redwoods and Douglas firs in Mendocino that a series of large logging companies had raked over. Had the Fund not stepped in, reps say, the land might have been turned into a vineyard or subdivisions. The deal was made possible by the ability to sell millions of dollars in carbon credits to investment firms and to PG&E under the advance carbon-trading market, which officially kicks off in California in 2012. However, in an irony that drives environmentalists crazy, there’s some evidence that clear-cutting actually sequesters more carbon than leaving the trees alone does. That’s because redwoods grow back faster after a clear-cut, and some experts believe that the faster a tree grows, the more greenhouse gases it sucks up. So carbon trading could wind up as a classic rob-Peter-to-pay-Paul dilemma, encouraging the exact wrong approach to the forest.

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[1] <http://www.sanfrancmag.com/content/tree2jpg>



## New duds

# What Monsanto's fall from grace reveals about the GMO seed industry



by Tom Philpott

12 Oct 2010

# MONSANTO



I got caught up in a cyclone of travel, meetings, and speechifying the last two weeks, so I'm a bit behind on the latest news in the food world. But I did take note of Andrew Pollack's Oct. 4 *New York Times* story on the recent plight of genetically modified (GM) seed giant Monsanto, long-time Wall Street darling and *bête noire* of the sustainable food movement.

Pollack [summed up](#) Monsanto's woes like this:

As recently as late December, [Monsanto](#) was named "company of the year" by Forbes magazine. Last week, the company earned a different accolade from Jim Cramer, the



television stock market commentator. "This may be the worst stock of 2010," he proclaimed.

On Tuesday, Forbes [publicly lamented](#) its decision to deem Monsanto "company of the year." The headline was cutting: "Forbes was wrong about Monsanto. Really wrong." How did Monsanto go from Wall Street hero to Wall Street doormat?

According to *The Times'* Pollack, Monsanto's troubles are two-fold: 1) the patent on Roundup, Monsanto's market-dominating herbicide, has run out, exposing the company to competition from cheap Chinese imports; and 2) its target audience -- large-scale commodity farmers in the south and Midwest -- are turning against its core offerings in genetically modified corn, soy, and cotton seed traits.

I agree with Pollack's diagnosis, but I want to add a third and even more fundamental problem to the mix: Monsanto's once-celebrated product pipeline is looking empty. As I'll show below, its current whiz-bang seeds offer just tarted-up versions of the same old traits it has been peddling for more than a decade: herbicide tolerance and pest resistance. Meanwhile, judging from the company's recent report on its latest quarterly earnings, the "blockbuster" traits it has been promising for years -- drought resistance and nitrogen-use efficiency -- don't seem to be coming along very well.

Why do I say that? In my days as a reporter covering the stock market, I read a lot of company financial reports. When a high-tech company like Monsanto disappointed Wall Street analysts with its financial performance, it would strain to draw attention to "next-generation" products that promised huge future returns to investors. But in its report on its disappointing quarter last week, Monsanto did no such thing. It gave zero details about next-generation seeds, and instead focused on its "revamped pricing approach." Translated, that means that after years of constantly jacking up prices, the company is being forced to slash them to keep farmers interested. The loss of pricing clout is devastating for a high-tech company like Monsanto.

What gives? Why is the company that once ruled the Big Ag universe like Darth Vader now whimpering like a mouse?

### **Stuck in the mud**

As Pollack delicately puts it, Monsanto "has been buffeted by setbacks this year." The most famous one is the rise of Roundup-resistant "superweeds," [first in the south](#) and [then in the Corn Belt](#), that has forced thousands of farmers to reconsider the merits of Monsanto's flagship Roundup Ready crop varieties.

Monsanto's response has been to roll out its much-ballyhooed SmartStax corn seed, "stacked" with a mind-boggling eight foreign genes. Colluding with its arch-rival Dow AgroSciences -- whatever happened to antitrust, again? -- Monsanto loaded the new wonder-seed with multiple varieties of the toxic gene from Bt, a naturally occurring bacteria that had been used as a pesticide for years before Monsanto came along. Each of the Bt varieties in SmartStax targets a specific insect. To address the problem of Roundup-resistant "superweeds," the SmartStax seed



combines Monsanto's Roundup Ready trait with Dow's trait for resistance to its own proprietary herbicide, Liberty. Now corn farmers can douse their fields freely with not one but two broad-spectrum herbicides!

In a press release heralding the advent of SmartStax when it was still in development back in 2007, a Monsanto exec expressed the company's hopes and dreams for the new product:

"By bringing together the two companies that have developed and commercialized the trait technologies widely used in agriculture today, we can provide farmers an 'all-in-one' answer to demands for comprehensive yield protection from weed and insect threats," said Carl Casale, executive vice president of strategy and operations for Monsanto. "Farmers will have more product choices to optimize performance and protection, and that translates into a higher-yielding opportunity and a new growth proposition for their businesses and ours."

But as I say above, SmartStax is just a mashup of various forms of the only two traits Monsanto has ever brought to market: herbicide tolerance and Bt toxicity.

And unfortunately for Monsanto and its once fat-and-happy shareholders, SmartStax corn is starting to look, well, not so smart. According to *The Times'* Pollack, early data from this year's corn harvest suggest that SmartStax is "providing yields no higher than the company's less expensive corn, which contains only three foreign genes." As a result, the company is having to slash prices on both SmartStax and its new soybean seed, cleverly called Roundup Ready 2 Yield. Oops.

The evident failure of SmartStax to deliver yield gains may be the straw that crushes Monsanto's long-time claim that its products offer farmers dramatically higher yields than do conventional seeds. In a 2009 paper called ["Failure to Yield," Doug Gurian-Sherman](#), a senior scientist at the Union of Concerned Scientists, showed that since their public debut in 1996, GM traits have actually provided, at best, marginal yield gains -- and in fact in some cases have caused yields to *decrease*.

So why is Monsanto merely rearranging and stacking up last year's traits, and not rolling out new ones?

### **Tough row to hoe**

Here's what I think, from years of listening to industry critics like Gurian-Sherman and the Center for Food Safety's Andrew Kimbrell: It is one thing to splice a particular trait like herbicide or pesticide resistance into the corn genome. You isolate the gene in an organism like Bt that kills insects, splice it into the corn genome, and watch it express itself.

But transforming a crop's way of taking up water and fertilizer -- the goal of engineering crops that can withstand drought and use nitrogen more efficiently -- is infinitely more complex. These intricate processes developed through millions of years of evolution. They don't involve a single gene, but rather groups of genes interacting in ways that are little understood. And as the Union

of Concerned Scientists' Gurian-Sherman told me in an interview, in the process of achieving a complex trait like drought resistance, breeders often generate unintended traits, such as susceptibility to disease. These are known as "pleiotropic effects" -- simply the idea that changing one aspect of a thing can create multiple, unpredictable effects. Pleiotropy is the scourge of GMO breeders looking to create the next generation of miracle transgenic seeds.

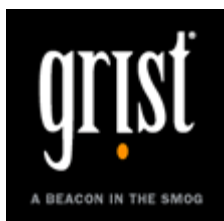
In his 2009 paper [No Sure Fix](#) [PDF], Gurian-Sherman shows that attempts to create nitrogen-efficient GM seeds that actually work well in the field have so far failed -- and that conventional breeders have actually managed to generate significant gains in nitrogen-use efficiency in the field without resorting to transgenic methods.

In his *Times* piece, Andrew Pollack reports that Monsanto "hopes" to introduce another complex trait, drought-tolerance in corn, sometime in 2012. My experience as a business reporter tells me that if Monsanto execs were confident in their ability to do so, they would have trumpeted it in their dismal recent quarterly report.

From my perspective, what we're seeing is signs that GMO technology is much cruder and less effective than its champions have let on. After decades of hype and billions of dollars worth of research, much of it publicly funded, the industry has managed to market exactly two traits. More devastating still, it has failed on its own terms: it has not delivered the promised dazzling yield gains.

As Monsanto execs scramble to win back their mojo with Wall Street investors -- the lot that brought us the dot-com and housing busts in the past decade alone -- the rest of us would do well to remember that the surest path to a bountiful future lies in supporting biodiversity, not in narrowing it away by handing the globe's seed heritage to a few bumbling companies.

*Tom Philpott is Grist's senior food and agriculture writer.*



Seedenfreude

## Why Monsanto is paying farmers to spray its rivals' herbicides



by Tom Philpott

20 Oct 2010



Photo: Big Grey Mare

Monsanto's [ongoing humiliation](#) proceeds apace. No, I'm not referring to the company's triumph in our recent ["Villains of Food" poll](#). Instead, I'm talking about a Tuesday [item](#) from the *Des Moines Register*'s Philip Brasher, reporting that Monsanto has been forced into the unenviable position of having to pay farmers to spray the herbicides of rival companies.

If you tend large plantings of Monsanto's "Roundup Ready" soy or cotton, genetically engineered to withstand application of the company's Roundup herbicide (which will kill the weeds -- supposedly -- but not the crops), Monsanto will cut you a \$6 check for every acre on which you apply at least two other herbicides. One imagines farmers counting their cash as literally millions of acres across the South and Midwest get doused with Monsanto-subsidized poison cocktails.

The move is the latest step in the abject reversal of Monsanto's longtime claim: that Roundup Ready technology solved the age-old problem of weeds in an ecologically benign way. The company had developed a novel trait that would allow crops to survive unlimited lashings of glyphosate, Monsanto's then-patent-protected, broad-spectrum herbicide. It was kind of a miracle technology. Farmers would no longer have to think about weeds; glyphosate, which killed everything but the trait-endowed crop, would do all the work. Moreover, Monsanto promised, Roundup was less toxic to humans and wildlife than the herbicides then in use; and it allowed farmers to decrease erosion by dramatically reducing tillage -- a common method of weed control.

There was just one problem, which the Union of Concerned Scientists pointed out as early as 1993, New York University nutritionist and food-politics author Marion Nestle recently [reminded us](#). When farmers douse the same field year after year with the same herbicide, certain weeds will develop resistance. When they do, it will take ever-larger doses of that herbicide to kill them -- making the survivors even harder. Eventually, it will be time to bring in the older, harsher herbicides to do the trick, UCS predicted.

At the time and for years after, Monsanto dismissed the concerns as "hypothetical," Nestle reports. Today, Roundup Ready seeds have [conquered prime U.S. farmland from the deep South to the northern prairies](#) -- 90 percent of soybean acres and 70 percent of corn and cotton acres are planted in Roundup Ready seeds. Monsanto successfully conquered a fourth crop, sugar beets, gaining a stunning 95 percent market share after the USDA approved Roundup Ready beet seeds in 2008. But recently, as [I reported here](#), a federal judge halted future plantings of Roundup Ready beets until the USDA completes an environmental impact study of their effects.

Given what happened to other Roundup Ready crops, it's hard to imagine that the USDA can come up with an environmental impact study that will exonerate Monsanto's sugar beet seeds. Today, there are no fewer than 10 weed species resistant to Roundup, thriving "in at least 22 states infesting millions of acres," *The New York Times* recently [reported](#). And the ways farmers are responding to them are hardly ecologically sound: [jacked-up application rates of Roundup](#), supplemented by other, harsher poisons.

And as Monsanto's once-celebrated Roundup Ready traits come under fire, there's another Roundup problem no one's talking about: Roundup itself, once hailed as an ecologically benign herbicide, is looking increasingly problematic. A [study](#) by France's University of Caen last year

found that the herbicide's allegedly "inert" ingredients magnify glyphosate's toxic effects. According to the study, "the proprietary mixtures available on the market could cause cell damage and even death" at levels commonly used on farm fields.

Moreover, the annual cascade of Roundup on vast swaths of prime farmland also appears to be undermining soil health and productivity, as this startling [recent report](#) shows.

Meanwhile, the endlessly repeated claim that Roundup Ready technology saves "millions of tons" of soil from erosion, by allowing farmers to avoid tilling to kill weeds, appears to be wildly trumped up. According to Environmental Working Group's [reading](#) of the USDA's 2007 National Resource Inventory, "there has been no progress in reducing soil erosion in the Corn Belt since 1997." (The Corn Belt is the section of the Midwest where the great bulk of Roundup Ready corn and soy are planted.) "The NRI shows that an average-sized Iowa farm loses five tons of high quality topsoil per acre each year," EWG writes.

In short, Monsanto's Roundup Ready technology is emerging as an environmental disaster. The question isn't why a judge demanded an environmental impact study of Roundup Ready sugar beets in 2010; it's that no one did so in 1996 before the technology was rolled out. After all, the Union of Concerned Scientists was already quite, well, concerned back then.

As I [wrote in June](#), rather than spark a reassessment of the wisdom of relying on toxic chemicals, the failure of Roundup Ready has the U.S. agricultural establishment scrambling to intensify chemical use. Companies like Dow Agriscience are dusting off old, highly toxic poisons like [2, 4-D](#) and promoting them as the "answer" to Roundup's problems.

In a better world, farmers would be looking to non-chemical methods for controlling weeds: crop rotations, mulching, cover crops, etc. Instead, they're being paid by Monsanto to ramp up application of poisons. Perhaps the USDA's main research arm, the National Institute of Food and Agriculture, will rise to the occasion by funding research in non-chemical weed-control methods? Not likely, since the Obama administration [tapped a staunch Monsanto man to lead that crucial agency](#).

But instead of true innovation, we have the spectacle of Monsanto paying farmers to dump vast chemical cocktails onto land that not only feeds us, but also drains into our streams and rivers.

*Tom Philpott is Grist's senior food and agriculture writer.*



## City Brights



**Zeke Grader**  
Pacific Coast Federation of Fishermen's Assns, Exec. Dir.

Tuesday, September 28, 2010

### **Stealth State Plan Would End Salmon Fishing in California**

At the end of any State Administration, agencies try to ram through plans and projects they have been working on for years. That's understandable. But I'm shocked and outraged that the Resources Agency is trying to sneak through a plan that would kill California's salmon fishing industry, eliminate thousands of jobs and devastate coastal communities. That's not how they're framing it, of course: they're dressing it up as a plan to "save" the Delta and distribute water equitably. Nothing could be farther from the truth. In reality, it's a plan to destroy the Delta and keep corporate farms in the San Joaquin Valley awash in cheap, taxpayer-subsidized water.

A week ago, the State Resources Agency released a curious document. The state insists that it is not a draft plan for the Delta, but it sure looks like one. As it stands now, this proposal would gut federal protections for salmon and other fish covered by the Endangered Species Acts. It proposes to revive a version of the Environmental Water Account, an utterly failed and now-abandoned scheme to cap the ability of fisheries agencies to limit the transport of fresh water from the Delta. And finally, the plan promotes a huge new canal and still weaker rules to allow for even more pumping. This is all driven by the desire of Central Valley agribusiness to seize more taxpayer-subsidized water, the salmon and our Bay-Delta ecosystem be damned.

As I write this post, the state is working to finalize this egregious give-away to the nation's largest corporate farms in closed-door meetings -- meetings from which fishermen and the Delta community have been banned. For fishermen, this is producing a profound and uneasy sense of déjà vu: we've been here before. Whenever we have been excluded from the table, whenever state authorities and corporate agribusiness convene in secret, the salmon -- and salmon fishermen -- suffer.

For the few people who haven't noticed that wild California salmon is scarce as hen's teeth in their supermarkets, let me summarize: the state's salmon fishery is on the edge. In 2008 and 2009, the fishery was closed entirely. This year, salmon fishermen in San Francisco were



allowed to fish for eight days. Obviously, no major industry can survive on eight active days of business annually, and salmon fishing is no exception. Businesses are going broke and closing their doors. Fishermen are losing their boats. Thousands of jobs have been lost. For coastal communities, this is an official, federally-designated disaster -- it is like an earthquake, but it is no natural event. It is fabricated, the product of an utterly misguided policy.

There's no mystery to this catastrophe. Time and again, scientists have told us that the major cause of our salmon declines is high water diversions in the San Francisco Bay-Delta ecosystem -- driver of California's salmon fishery. Record water diversions have produced record low salmon runs. Disregard all the hype spewing from the media shops of corporate ag -- it's really as simple as that. Fishermen know that we can bring this industry back. But we need to take real action to restore our salmon. And that means we need to put more cold, clean water down the Bay-Delta system -- and fast.

The state's proposals fly in the face of science. For example, the current protections for the Delta - the ones that the state proposes to gut like a fish -- were developed through careful scientific peer review. Recently, the strong scientific foundation for these safeguards was verified by the National Academy of Sciences and the State Water Resources Control Board. On the other hand, the state's weak proposed replacement protections have been rejected by the scientific community. Likewise, the state's long-term proposal to increase diversions is not supported by credible science. Fish biologists have already concluded that the state's position doesn't reflect the best available science or meet legal requirements.

Here's the bottom line: the salmon industry can't survive the state's proposals. Without healthy salmon runs in the Bay-Delta, salmon fishing in California cannot endure. Frankly, it looks like the state has decided to increase Delta pumping at all costs and to hell with science, salmon and fishing jobs.

Eighty percent of California's water is consumed by agriculture. Like fishermen, farmers produce the food we all need. But our food requirements will not be met by pumping more taxpayer subsidized water to grow commodity crops while taking delicious, healthful local salmon off the consumer's plate. The real solution is for agriculture to use the vast amount of water it receives more efficiently. A few California farmers are showing how this can be done. Unfortunately, many corporate farms squander, rather than steward, their water supplies. Worse, some are selling their taxpayer-subsidized water for huge profits to private developers, then turning around and demanding still more deliveries from the Delta's government pumps.

It is time to face a simple truth: for any river, there is a limit to the amount of water that can be diverted without causing ecosystem and fishery collapse. Every scientist and fisherman knows this. Recently, the State Water Board found that to restore a truly healthy ecosystem, diversions from the San Francisco Bay-Delta system should be cut by half. We have not only hit the limit in the Bay-Delta --we're way past it.

Fishermen understand that public resources must be managed conservatively. We have long supported science-based limits on our industry, to insure its health over the long-term. We hope and expect that agriculture and Southern California water users will recognize that we have hit

limits in the Bay-Delta. After all, we have plenty of options to meet our water needs -- water conservation, reusing wastewater, cleaning up our groundwater, desalination, water transfers and more. But fish and fishermen don't have these options. If our fish don't have enough water to survive, they disappear and we're out of work.

We urge the state to withdraw these reckless proposals to kill salmon and California's salmon fishing industry. Federal agencies must step up and reject this plan as well. Solving the Delta's problems will require listening to the scientific community and recognizing that we have hit -- and passed -- responsible limits on pumping in the largest estuary on the West Coast.

The grounding fact in this issue is eloquently stated in the lyrics of Oscar Hammerstein: fish gotta swim. To do that, may I add, they need enough water to swim in.



## VIEWS FROM THE FOOD SYSTEM FRONTIER

*Emerging trends, dilemmas, and opportunities in the changing global food system*

**JOSEPH MCINTYRE**

### Measuring agricultural stewardship: Risks and rewards

The case for the Stewardship Index for Specialty Crops

Published online August 2010

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As a process facilitator working exclusively on food system issues, I spend a lot of time on the road talking to farmers and other food system actors about sustainability. The two most frequent comments I hear, particularly from producers, are “what the heck does sustainability mean?” and “if we were not sustainable, we would not be here today.”

The dialogue from this point may follow one of several paths. We can try to define sustainability abstractly, and inevitably someone will bring forward a definition that mimics the Brundtland<sup>1</sup> formulation: Sustainability means meeting the needs of the present without compromising the ability of future generations to meet their own needs. Others may say that sustainability is a set of practices, such as organic or biodynamic farming. Still others suggest that it has an ever-shifting end point, never reached and also never fully defined.

In the end, all of these exchanges prove unsatisfying. Without a common understanding of what stewardship means and how it ties to the

everyday realities of producers and the communities and environments that the food system depends on, the conversation is just not productive.

For the past 18 months, a coalition of United States-based producers, nongovernmental organizations, and buyers have been trying another approach. What if, rather than trying to define stewardship and sustainability abstractly, we figured out what specific impacts of food production on people and place matter most to good stewardship — and then measure them? (More details are in “Stewardship Index Partners and Funding.”)

This is the core goal behind the Stewardship Index

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*Joseph McIntyre is president of Ag Innovations Network, a California-based nongovernmental organization that focuses exclusively on developing and facilitating collaborations between interests in the food system to promote change in practices and policies. Trained as both an economist and an organization development professional, he works with food system leaders on complex change initiatives.*

*This is the first in an ongoing series of columns by Mr. McIntyre on emerging trends, dilemmas, and opportunities in the changing global food system.*

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<sup>1</sup> The Brundtland Commission, more formally the World Commission on Environment and Development, developed the first popularized framework for “sustainable development” in the mid-1980s.

for Specialty Crops<sup>2</sup> ([www.stewardshipindex.org](http://www.stewardshipindex.org)), an effort to establish a series of broadly agreed upon “stewardship” metrics for specialty crops supply chains grown in the United States. (See “15 Proposed Stewardship Metrics.”) Specialty crops are defined as essentially every food product other than the commodity crops of corn, wheat, soybeans, rice, and cotton.

The participants in the Index development process, who are working on 15 distinct indicators of stewardship, are not debating definitions, but rather focusing on the *performance* that can be measured. This is information that would give producers, buyers, and the public real data on the impacts of the specialty crop sector of the food system on the environment and society.

A metric approach is quite different from a practice-based one, such as certified organic or integrated pest management (IPM). One of the principles of the Index is that sustainability is the sum of the actual *impacts* you generate regardless of the practices you employ. Rather than require specific practices, the Index hopes to inspire a

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### Stewardship Index Partners and Funding

The Stewardship Index is a unique collaboration between organizations and individuals representing food production and processing, such as Western Growers Association and the National Potato Council, food buyers such as Sodexo, Sysco, and Del Monte, and civil society organizations including the National Resources Defense Council, California Rural Legal Assistance Foundation, and Defenders of Wildlife. Over 425 individuals from across the United States have signed up to participate in creating the project’s metrics. Early funding for the project has come from the Packard Foundation and a U.S. Department of Agriculture Conservation Innovation Grant.

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<sup>2</sup> For the past year Mr. McIntyre has served as the lead facilitator for the Stewardship Index for Specialty Crops, and his organization provides administrative services for the project.

cycle of continuous improvement and innovation in practices based on real data. In the arena of sustainability this approach is particularly critical, because there is still so much we do not know about which particular practices will generate the best overall sustainability results.

The task quickly becomes a technical one, rife with challenges. For example, how do you measure, farm by farm, agriculture’s contribution to greenhouse gas production? Immediately we get into complex biogeochemical processes that vary greatly by field, by crop, by region. Water use is clearly something that should be measured, but is it important in areas where water is not scarce? And then there are social metrics: what is the right way to account for wages? Can we use average wages paid to workers or should it be the percentage of

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### 15 Proposed Stewardship Metrics

The Stewardship Index is developing metrics in 15 distinct areas of impact at the farm, processing, distribution, and retail and food service levels. They are broken out here in a triple-bottom line formulation.

#### PEOPLE

Human resources (worker health and safety, employment practices, etc.)  
Community (local sourcing, local hiring, etc.)

#### PLANET

Air quality  
Biodiversity and ecosystems  
Energy use  
Greenhouse gas emissions  
Nutrients  
Packaging  
Pesticides  
Water quality  
Water use

#### PROFIT

Green procurement  
Fair price and incentives

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wages relative to a “living wage”? (See “Inside a Metric.”)

Despite the hurdles, the group has progressed far enough to begin piloting eight metrics on almost 100 farms and facilities, a substantial success. The goal of the pilot phase is to determine if the metrics themselves are workable, the data accessible, and the collection process sufficiently user friendly. Extreme care is being used to protect the security of the self-reported data during the pilot phase to assure all participants that incomplete or misleading data is not disclosed. A core principle of the Index is that the data created by participants belongs to them and may only be disclosed by them.

Based on the information collected in the pilot phase, the metrics will be further refined and then the Index will be rolled out for widespread use in the industry. A successful Index is envisioned as “one-stop shop” for a producer’s sustainability reporting, avoiding expensive duplicative requirements that occurred in the leafy green food safety case. Producers would have a consistent set of

measuring sticks to compare themselves with their peers and to report performance to their supply-chain partners. Buyers would have data to assess the stewardship performance of their entire supply chain, since metrics for off-farm processing and distribution are included in the Index, and identify opportunities for improvement. Commodity groups and civil society organizations would have aggregated and anonymized data from the Index to report changes in specialty crop stewardship performance.

If only it were that simple. The development of metrics brings into focus the current challenges in specialty-crop business relationships. Producers are concerned that collecting, and in particular *sharing*, stewardship information could be used against them by buyers who would have new data to pit one producer against another. The deep imbalance in influence between producers (particularly small and medium producers, but also very large multi-national agribusinesses) and the biggest buyers, such as Walmart and Tesco, intensifies the fear that many already have about sharing data.

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## Inside a Metric

The members of the Stewardship Index’s Metric Review Committees have been charged with determining exactly what to measure for each metric. The goal has been to select metrics that have real impact and can be measured in a cost-effective manner using current technologies and understanding.

The Water Metric, which has been approved for pilot testing in the field during the summer of 2010, includes two specific measurements:

### 1. Simple Irrigation Efficiency

$$\text{Simple Irrigation Efficiency} = \frac{\text{Crop evapotranspiration}}{\text{Applied water per acre}}$$

### 2. Water Use Efficiency

$$\text{Water Use Efficiency} = \frac{\text{Crop yield per acre}}{\text{Applied water per acre}}$$

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Geography also plays a large role: consider a water metric that included information about water scarcity (which is not currently part of the Stewardship Index). Ninety-eight percent of California agriculture is irrigated, much of it in arid regions that require water imports to be productive. How would buyers and consumers rate produce from California, realizing that some of it came from potentially overdrafted groundwater, versus rain-fed produce from Michigan? Measuring stewardship will inevitably reveal regional disparities in production practices that result in more or less use of fertilizers, crop-protection chemicals, energy, and a host of other stewardship variables that are now hidden.

Producers are not the only ones with reservations about the metrics; agricultural input companies have also expressed concerns. The Pesticide Metric Review Committee of the Index is considering adopting the IPM Institute of North America's Pesticide Risk Mitigation Engine, a new tool that looks at the on-field toxicity of crop-protection regimes. Consistent with the Index's goal of measuring impacts and not practices, the tool attempts to give farmers a view of the actual impact on insects, animals, and humans of their pesticide use. One implication is that it is possible to use a combination of integrated pest management and lower-toxicity chemicals and applications and still get an acceptable yield. This of course could affect the mix of crop-protection chemicals growers select.

Meg Wheatley, an American change management thinker, wrote in her book *Leadership and the New Science*,

The most profound strategy for changing a living network comes from biology....If a system is in trouble, it can be restored to health by connecting it to more of itself. ...The system needs to learn more about itself from itself.

My experience is that this is true. Increased flows of information and rekindled relationships are powerful tools for change. Despite the challenges,

efforts like the Stewardship Index *must* succeed. Moving toward sustainability means understanding what sustainability looks like on the ground in the form of the actual impacts on people, planet, and profit. With that knowledge in hand, we can generate a new cycle of innovation in the way we grow and process food. The fears are real (and are being addressed in a variety of robust dialogues the Index is conducting), but the opportunity is great as well. Information from the Index can help the entire supply chain reduce input costs, improve soil health, and increase the confidence consumers have in the foods they eat.

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### Get Involved

Development of the Stewardship Index for Specialty Crops is an open process that is open to the participation of anyone interested. You can join a Metric Review Committee or get more information at [www.stewardshipindex.org](http://www.stewardshipindex.org).

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A first effect of measuring actual stewardship performance of the specialty crop supply chain may be the uncovering of uncomfortable information. We might learn that we are not as sustainable as we need to be. As troubling as that might be, it is critical data to quicken the pace of innovation in the farming and processing of the fruits and vegetables we all need. And that is good news indeed.





## What's New for Dinner

By Frederick Kaufman

August 24, 2010

Bigger than local. Bigger than organic. Agribusiness prepares to define sustainability for American food.



ON A ROLL -- Unilever's processing plant in Stockton, California, peels, chops, pulps, and condenses half a million tons of tomatoes a year. Amanda Friedman

I walked along the mud-caked fringe of farmland and tried in vain to make out the profiles of a quarter of a million baby tomato plants. It was hard to believe that in just a few months this perfect rectangle of endless muck would burst into three million pounds of ripe red fruit, and even stranger to think that this vast monoculture just might be leading the world toward agricultural sustainability -- particularly considering that not one of the plants before me was organic, heirloom, or pesticide free.

"When I see my fields, I see a canvas," said Frank Muller, the sunburned avatar of agri-technology who sold 60,000 tons of last year's tomato harvest to transnational food giant Unilever, which subsequently processed the lot into bottles of Cheesy, Chunky, and Robusto-style Ragú spaghetti sauce.

Muller and his two brothers farm 219 mammoth tracts of land in the Sacramento Valley. They are the sons of Swiss immigrants who settled in California less than half a century ago, and while the brothers do cultivate a few organic fruits and vegetables here and there, when it comes to the health and well-being of their cash crop, the Mullers rely on conventional farming methods.

Recent estimates blame agriculture for as much as 30 percent of global greenhouse gas emissions, and nitrogen fertilizers account for more miasma than all those methane-belching cows and sheep combined. But even as the power of the American food movement waxes, organic farms still make up less than 1 percent of this country's cropland. The unignorable presence of that other 99 percent has forced many environmentalists to a singularly pragmatic conclusion: If there is going to be a significant attempt to slash the use of water, fossil fuels, fertilizers, herbicides, insecticides, and fungicides -- the resource-sucking carbon and chemical footprint that has come to define the modern agro-industrial complex -- the bulk of that effort will have to emerge from the operations of large-scale, conventional farms. The assault on business as usual will come from the everyday operations of Frank Muller's farm.

"If you're not organic, it doesn't mean you're bad," Muller says. Still, the notion of the world's megafarms leading the way to global sustainability may chill the hearts of Wendell Berry, Michael Pollan, and Alice Waters, not to mention their legions of followers. The very idea opposes the philosophy and politics of the Slow Food movement, the grass-fed movement, the organic movement, and the local food movement.

But in the past few years, some of the world's mightiest and most profitable tomato syndicates -- including Del Monte, Heinz, and Unilever -- have allied themselves with a small, relatively unknown, and extraordinarily ambitious consortium called the Stewardship Index for Specialty Crops. In 2008 the Stewardship Index began the business of gathering together many of those who share a stake in industrial agriculture, be they farmers, transnational packagers and retailers, or environmentalists. The goal is to get them to agree on what, exactly, one ought to measure to understand and gauge the environmental impact of the seed-to-shelf life cycle of any produce-based product, from frozen french fries to canned almonds to bottled pasta sauce. Working committees include representatives from Bayer CropScience, General Mills, PepsiCo, and Walmart; trade groups such as the Western Growers Association and the National Potato Council; and nongovernmental organizations such as the Natural Resources Defense Council (NRDC), the Organic Center, and the World Wildlife Fund. And then there are the academics -- from Berkeley, Stanford, Yale, and the University of Arkansas' Sam M. Walton College of Business -- all of whom have taken an interest in how sustainability can permeate megafarm and megastore alike.

The Stewardship Index calls its proposed yardsticks "sustainability metrics," and the hope is that once everyone in the industry can quantify environmental sustainability, they will be able to compare and contrast their levels with those of their industry peers and eliminate their own excesses. The logic is fairly straightforward: sustainability aligns

with efficiency, and the elimination of any size, shape, or form of wasted resource will save the world's largest companies untold dollars, euros, and yuan. Thus will stewardship of the earth come to align with the profit motive, and sustainability metrics will become the lingua franca of staunch capitalist, radical environmentalist, and everyone in between. At least that's the idea.

Here on the Mullers' fields in Yolo County, the translation of agricultural custom into sustainability metric had already begun. I had come to California to see tomatoes and found a revolution in measurement, so I followed the fruit from family farm to the world's largest retailer in order to catch a glimpse of the future of food.

Frank Muller and his brothers raise and sell "process tomatoes," those red, meaty fruits destined to be pureed into the earth's supply of ketchup, tomato paste, and salsa. Of the 4,000 varieties of tomatoes that grace the planet, only a select few hybridized, high-yield, high-pulp varieties -- the AB2, the Sun 6366, and the Asgrow 410 -- will make it into the global sauce. With all the scientific research and product development devoted to future tomato seeds, with all the far-flung transportation networks and hundreds of millions of transnational dollars committed to the tomato-industrial complex, it is easy to forget the humble origins of the fruit.

The earliest-known wild specimens of *Solanum lycopersicum* flourished in the thin air of Bolivia, Ecuador, and Peru before migrating north to Mexico, where the Mayans became enchanted with the marble-sized fruit and devoutly copied its likeness onto their ancient cookware. Cortés purchased *xtomatl* seeds in the great market of Chichén Itzá and brought them back with him across the Atlantic, where old-world botanists analyzed the new-world rarities, shaped like the human heart, and declared them aphrodisiacs. It was a Spanish chef who combined the "love apple" with olive oil, spices, and onions, thereby siring the most ancient ancestor of the now ubiquitous jar of Ragú.

Throughout the majority of the tomato's postcolonial career, the general public of North America was not in the least concerned with sowing, reaping, or ingesting what they knew as the "wolf peach," which most Yankees considered lethal, perhaps because of its poisonous cousins in the nightshade family, belladonna and mandrake. Eventually, most everyone realized the deadly aphrodisiac was neither deadly nor aphrodisiacal, and by the early twentieth century the H. J. Heinz Company was producing 12 million bottles of ketchup each year and exporting to Africa, Australia, and Japan. Today, the process tomato reigns as an undisputed supermarket superstar, a staple of Mediterranean and Latin American diets, and the essential ingredient of pizza topping, salsa, and spaghetti sauce. The earth's annual production of the Peruvian fruit now exceeds 100 million tons, and demand continues to grow.

I bounced around the front seat of Frank Muller's pickup as he pushed it to 70 miles an hour down the rutted back roads of Yolo County. Muller raced past tracts of garlic and onions, walnut trees, almond trees, and fields of winter wheat, and as he hit ever more ridiculous speeds he took a hand off the wheel to point out the cover crops: his vetch, bell

beans, winter peas, and buffer strips of triticale, all of which increase his soil's biodiversity and organic matter while reducing erosion.

As he careered across Cache Creek, Muller explained that his farmland lies between the Sierra Nevada and California's coastal range. "We're in a big bowl," he said. "It's an amazing water area." In this latter-day Fertile Crescent, the Muller brothers also cultivate sunflowers, bell peppers, jalapeños, and the yellow wax peppers that adorn the top of Subway sandwiches, as well as wine grapes they sell to makers of Cabernet, Chardonnay, Sauvignon Blanc, and Syrah. But most of all, they raise process tomatoes.

Muller pulled up next to his barns, jumped out of the pickup, slammed the door, and began to check his iPhone for the latest agricultural report, which included the current wind speed, wind direction, and evapotranspiration rate -- a sum of the velocities at which the sun wicks moisture from plants and soil. Taken together, all this raw data would inform Muller's calculations as to how many hours a day he should run his irrigation, and at what rate. This information-age farmer appeared a picturesque figure beneath clear California sky, as transfixed by his hand-held as a Wall Street banker.

The decisions Frank Muller would make in his fields that day would be logged, archived, and analyzed back at his office. This wood-paneled space possessed a certain rustic charm -- perhaps it was the John Deere clock, the cucumber wall calendar, or the bottle of Coon Creek olive oil adorned with a Best of Show ribbon from the 2008 Yolo County Fair. But the room revolved around Muller's double-screen computer, his printers, fax machines, and shelves burdened with dozens upon dozens of thick black notebooks. Muller handed over one of those notebooks, a volume entitled "Cost Accounting 2008," and I began to flip through a 600-page report that enumerated every imaginable element that had gone into that year's tomato crop for every single one of Muller's 219 fields.

As a matter of course, Muller monitors and records his soil's organic matter level, moisture content, salinity, and pH, as well as its levels of nitrogen, phosphate, and potassium and its ratio of magnesium to calcium. He keeps count of his farmland's biodiversity and can tell you how many aphids and fruit worms live on any one of his acres. "I keep track of absolutely every input that goes into this farm," Muller said. And by deploying hyper-calibrated GPS technology that makes the device on your car's dashboard look like a child's toy, Muller can measure to the fraction of an inch the seemingly uncountable back-and-forths of his high-tech plows and hoes. "Fuel is a good metric," he said.

Every data point fed into Muller's overall assessment of his production. Sustainability, it appeared, was a matter of spreadsheets -- and, fortunately, all that counting has cash value. Before Muller adds a gram of anything to his irrigation drip, into his soil, or onto his crops, he measures how much of that substance is already present. When fertilizer prices soared in 2008, he was able to inject 20 percent less chemical nitrogen into his irrigation system than he had the previous year, because he had calculated that his land had enough left over. If Muller's colleagues had made a similar accounting of their existing nitrogen and discovered that they, too, could inject 20 percent less of the

chemical, the environmental savings across the country would have amounted to 2.5 million tons of nitrogen fertilizer.

Most of "Drip Fields 2008" was devoted to irrigation. Muller explained that graduate students from the University of California, Davis, had measured the total lifetime water usage of his process tomatoes -- including water lost to evaporation and transpiration -- so Muller understood that to reach maturity, one acre of tomatoes required on average 1.7 acre-feet of water. One acre-foot is a year's worth of water for nine people, but it is also enough for Muller to produce an average of 45 tons of tomatoes. Instead of watering his plants with sprinklers (which generally miss their target) or furrows (which are notoriously inefficient), Muller once again deployed his GPS technology, this time to bury drip tape in the precise mathematical midpoint of every one of his perfectly parallel rows of tomato plants. Installing GPS-guided subway-seepers can run about a thousand dollars per acre, but the method generally produces 35 percent higher tomato yields, which means the investment soon pays for itself. Then there is the additional value of keeping the tomato leaves dry, which can reduce fungicide applications by one-quarter to one-half. And because the water goes straight to the roots, the calculation of a precise "crop-per-drop" water usage metric becomes possible.

Muller mentioned that if all 300,000 acres devoted to process tomatoes in California went to drip, the water saved would equal the entire volume used by the Yolo irrigation district in a year. "That's a dam," he said. Indeed, the Peters Dam in Marin County, just north of San Francisco, holds back as much water as was sold in the Yolo district in 2009.

From the Mullers' farm to the Walmart Supercenter and everywhere along the agri-supply chain, those involved in the Stewardship Index for Specialty Crops are convinced that sustainability will not be a passing consumer fancy. Producers feared that after the industry was forced to adopt a strict food-safety agenda in the wake of the 2006 *E. coli* scare -- and subsequently introduce a variety of protocols that have caused no end of accounting headaches and financial woe -- the next cause would be sustainability. Rather than sit and wait for regulations to be forced upon them, farmers, food processors, and retailers preferred to devise a more sustainable system on their own terms.

Hank Giclas heads strategic planning at Western Growers, a trade association whose 3,000 members grow, pack, and ship 70 percent of the fruit and nuts in Arizona and California. Giclas was among those who perceived that agriculture's environmental problems were about to become business problems -- and that sooner or later his industry would be held accountable. And so he began to work with Jonathan Kaplan of NRDC and Jeff Dlott of the agricultural consulting firm SureHarvest, among others, to found the Stewardship Index. Together they began to reach out to anyone who wanted to join their committees -- on air quality, biodiversity, packaging, pesticides, soil quality, water use, greenhouse gases, and energy use -- to figure out how they ought to measure whatever it was they should be measuring.

The lure of self-regulation has helped the Index amass a vast array of agribusiness stakeholders beneath its tent. Given the choice between self-imposed metrics and a tangle



of standards, conventional farmers like the Muller brothers, giant food processors like ConAgra, and retailers like Walmart are opting for the former. They would much rather employ their own sustainability metrics to benchmark and communicate improvements or declines in the production and sale of fruits, nuts, and vegetables -- improvements or declines that would be immediately translatable into dollars and cents. These large commercial players understood that the transformation of agriculture into a more sustainable practice would not be complete until other farmers in Yolo County could pore over the spreadsheets and see for themselves how a farmer like Frank Muller has harvested more tons of process tomatoes per acre than they had, while using less water, less herbicide, and less insecticide.

"The lowest performers in the system are the ones who we most need to step up and improve their practices," NRDC's Kaplan said. "We're going to get at that when we start measuring and comparing." Indeed, what farmer in his right mind would decide to buy and use 200 pounds of fertilizer per acre of crop once he learns that his neighbor used only 80 and matched his yield?

Of course, very few farmers can say precisely how much fertilizer they have used per acre of crop, and of those who know their numbers, only a small percentage -- among them Frank Muller and his brothers -- are willing to share such information. "How we protect and share data is going to be the linchpin issue for the long-term viability and short-term success of the Stewardship Index," Giclas told me by phone from his office at Western Growers. "Let's talk about nitrogen input," he continued. "When applied, what application methods, how much is applied -- these are considered production secrets. You're going to have a hesitancy on the part of some folks to share that specificity of data, because that's their competitive advantage." What he didn't say was that many growers fear that a display of unsustainable numbers will be their downfall.

When it comes to water usage, Giclas is well aware that many of his growers do not possess the great good fortune of residing in Yolo County, one of the most water-rich agricultural regions in the country. If these less geographically blessed farmers were to reveal how much water they require (if, in fact, they collected such data), their consumption of imported water would immediately become apparent. If made public, the data might even drive eco-minded buyers away from their products.

Since the power of Stewardship Index metrics will be to make clear what has long been obscure, the measurements will possess implications that reach far beyond the choice between sprinkler and drip. American consumers spend more than a trillion dollars a year on food. What might happen to the potato industry if water and diesel and greenhouse gas measurements were to reveal that, in terms of environmental sustainability units (whatever they might be), a french fry costs 10 or 20 times more than, say, an onion ring? Would shoppers feel compelled to drop the *frites* and pair their steaks with *oignons*?

Between the hopes and fears and endless committee meetings of the farmer and the retailer, and behind the loose-leaf notebooks overburdened with microscopic measurements, lies the immensity that is the fresh-pack season: 100 triple-shift days of



picking, trucking, pureeing, and packing. This year, the marathon started on July 19 and will run until October 19, three months during which a summer's worth of California tomatoes must be condensed into a year's supply of sauce and paste.

At the height of the harvest, Frank Muller and his brothers spend their days and nights shepherding tens of thousands of ripe red fruits from their massive acreage to the colossal double-beds of 16-wheelers. Tomato-laden trailers pull out of the Muller megafarm at all hours and rumble down 80 miles of highway that cut through the alluvial soil of the greatest tomato-producing region in the world. Last year, the brothers sold their 60,000 tons of process tomatoes to Unilever at a rate that hovered around \$80 a ton. "You can tie the environmental and the economic together," said Muller. "And we're close to this. You can't do one without the other. I guess the best metric is the overall productivity of your farm."

A fleet of trucks carries the Mullers' red gold from the mud of Yolo County to the city streets of Stockton, home of Unilever's mammoth puree plant that processes every tomato that will become Ragú pasta sauce. And as the vehicles pass through the automatic gates, they leave the spreadsheets of Frank Muller and enter the data streams of the Anglo-Dutch transnational that not only sells Ragú but also pulls in profits from brands as diverse as Lipton, Hellman's, Bertolli, Knorr, and Slim-Fast.

I sat in the conference room of the tomato-smashing plant, enjoyed a PowerPoint presentation on process tomatoes, and stared at a wall plastered with Unilever tomato metrics, known around the shop as the "Daily KPIs." *KPI* stands for Key Performance Indicators, and there were quite a few of them, ranging from the quantity of units produced to the sums of time and energy needed to produce them, to every last liter of tomato leak and spill along the way. From the point of view of those developing the Stewardship Index, each measurement represents the sort of reckoning that will lie at the heart of a future system of comparing and contrasting processing operations in order to shave waste from every step of food production. At the puree plant, sustainability metrics had shifted from water use and volume of insecticide to kilowatts and packing efficiency, and I learned that the factory's five colossal tomato peelers can process 30 tons of raw tomatoes per hour. To achieve maximum efficiency during the fresh-pack season (and not waste a watt of energy or calorie of human labor), Unilever must manage a trucking operation that will deliver a constant stream of process tomatoes, enough to keep its giant peelers at maximum capacity 24 hours a day, 100 days running.

Sustainability, in this case, was a matter of precision management, and the puree orchestrator at Unilever's Stockton plant wore blue jeans and cowboy boots. His name is Randy Rickert, and he promised to show me how tomato command-and-control got done. After the presentation in the conference room, Rickert took me for a ride around the plant in his pickup truck, and we slowly traced the labyrinth of pipes and vats that surrounded an epic Wonkaland of twisting conveyor belts, stainless steel boilers, and monstrous cooling towers, all of which in a few weeks' time would be smeared red with tomato juice, tomato pulp, and tomato skin. Rickert explained that by the end of the fresh-pack season, the Stockton plant will have peeled, chopped, diced, pulped, boiled down, and

condensed half a million tons of raw tomatoes. The main technology employed here is evaporation: tomatoes enter the plant measuring 6 percent solids and leave the plant at a concentrated 31 percent. Why it is 31 percent is a trade secret, but the logic is clear: anything less would mean an excess expenditure of time, effort, energy, and money, considering that all that tomato pulp would soon be hauled by train to Unilever's remanufacturing plant in Owensboro, Kentucky.

Unilever piloted its first agricultural sustainability program -- for peas -- in 1997. This was soon followed by ambitious attempts to quantify every conceivable input and output in the production of tea, spinach, and palm oil. The company's pilot programs concentrated on data collection and measurement, but management struggled to reduce all the data into something useful. "In those early days it was impossible -- we were measuring too much," said David Pendlington, Unilever's sustainable agriculture program coordinator. "We pretty much measured everything that moved, and we got killed by data collection that did not tell us anything." Excess measurement had blurred Unilever's sustainability picture, but the experience forced the company to isolate the statistics it required and to identify those streams of facts and figures it did not need.

Sobered by the experience with peas, in 2001 Unilever turned its gaze toward tomatoes and asked its contract growers in California to report two basic numbers: their nitrogen use and crop yield. Unilever aggregated and analyzed the data and discovered that the least efficient growers were applying almost twice as much nitrogen to their fields as the most efficient, while harvesting the same yield. Growers were leaving money on the table, and Unilever had the numbers to prove it. After nitrogen came specific measurements of irrigation, and then it was only a matter of time before Pendlington would invite the biggest player in global food retail to come and see the results of Unilever's new metric-based model of production. And that was how Walmart came to inspect the way Frank Muller ruled the water on his farm. "We had just completed our second year of tracking," Pendlington said, and it looked as though Muller's data set exhibited optimal tomato-growing irrigation and could therefore be used as a benchmark. And like Frank Muller and his brothers, Pendlington and Unilever were eager and willing to share their volumes of data not only with Walmart but with everyone else, too.

It was a cloudy day in the Ozarks as I ambled past the pine trees and waterfalls gracing the entryway of the Applied Sustainability Center of the Sam M. Walton College of Business, the think tank that received a \$1.5 million grant from Walmart in July of 2007 and \$2 million more last July. I was on my way to visit Jonathan Johnson, the center's executive director. Johnson's team is trying to conceptualize a measuring tool that will quantify the production and overall impact of retail products using a wide variety of approaches, from ecological engineering to energy audits to uncertainty analyses. The scope of the project is ambitious, as the tool could be used not only by Walmart but also by General Mills, Monsanto, Pepsico, Tyson Foods, Unilever, and every other major and minor food processor and producer in the world.

Johnson is a thin man, with the sleepless eyes of an academic who knows there is much too much to know and not enough time to learn it. We sat in his book-lined office and

discussed fresh water and the global tomato, herbicide, fertilizer, and the current mania to account for greenhouse gas emissions. Johnson observed that there are at least 350 sustainability certifications out in the world, all competing with one another. "Products are already being graded, whether they like it or not," he said. "Moreover, you've got greenwashing out the wazoo. Everyone is skeptical," he continued, "but if you're getting more product on a truck using less energy, that's good for everyone."

In July 2009 Walmart invited 1,000 suppliers, associates, and sustainability experts to a "Milestone Meeting" at which the company introduced its vision of a sustainability index and, as a matter of course, announced plans to eliminate 20 million metric tons of greenhouse gas emissions from the products it sells worldwide by 2015. "Sales used to be the metric," declared John Fleming, Walmart's chief merchandising officer. But going forward, the bottom line would be linked to a concept Fleming called "product life-cycle management" -- which means following a food product from farm to fork, tabulating every input that went into its production and every emission generated along the way. It is precisely what the Muller brothers and Unilever have been doing for process tomatoes. "I like metrics," Walmart CEO Mike Duke declared that summer morning. "If you can't measure it, you can't manage it."

The vast majority of Walmart's environmental impact does not emerge from its big-box stores, but from the manufacturing, transportation, and packing of the 145,000 retail items that take up shelf space. A disproportionate percentage of environmental impact comes from the farm.

That could make the Stewardship Index for Specialty Crops useful to the executives at Walmart who are in charge of tabulating the life-cycle toll of the thousands of food products that line the retailer's aisles. The hope is that Walmart will take data generated from the Stewardship Index and feed it into a proprietary algorithm that the company is now developing, the goal of which is to generate a unique number for each product it sells. That information could in turn be graphically represented on labels in a way that consumers would immediately grasp.

The precise design of this sustainability graphic has been shrouded in secrecy, and many of the men and women I met on the tomato trail expect future sustainability metrics to be enshrined on something like an ingredient label. But one source suggested that the indicator would take the form of a speedometer whose needle can swing from green to red. Such an all-encompassing graphic representation of sustainability would be the most ambitious environmental marketing concept ever deployed, and since it is the world's number one retailer that is demanding the numbers necessary to make the plan work, agricultural suppliers will bend over backward to meet all the requirements, thus meeting the goals of the Stewardship Index along the way.

At long last, the day had arrived to buy a bottle of Ragú. I pulled into the driveway of New Jersey's Saddle Brook Mall and drove past the McDonald's, the Radio Shack, and Beach Bum Tanning. At the end of the parking lot stood the gigantic blue Walmart sign. It was 9:00 in the morning, so I found a spot right in front.

I bought myself a cup of coffee and shook hands with the last person I would meet along the tomato trail: Chris Krusen, the man from Unilever who masterminds the shelf facing, unit pricing, and sales velocity of Ragú at Pathmark, Duane Reade, ShopRite, and right here.

Within 30 seconds of our meeting, Krusen had led me past row upon row of Pasta-Roni, Chef Boyardee, Dinty Moore, and Armour Potted Meat. We strode by towering stacks of packaged rotini, farfalle, spaghetti, and egg noodles. I realized I was reaching the end of my journey as we approached Classico, Prego, and Hunt's, and there they were, row after gleaming row of Ragú.

I pulled a jar off the shelf and turned the product in my hands. There was no green dot, no carbon footprint label that listed greenhouse gasses or diesel emissions, no indication of kilowatts used or water wasted. I could not find a whisper of a sustainability speedometer telling me, the customer, that across the country and across the world, farmers, food processors, academics, and retailers were collecting and contemplating vast stores of data. One hundred growers had recently joined the Stewardship Index in the first large-scale attempt to pilot the entire range of newly minted agricultural metrics. And when the results would pour in from 100 different farms and improvements were implemented, the ecologist's dream of sustainability metrics would become a commercial reality, and a revolution in measurement would be upon us.

All of this would come to pass very soon, but not quite yet. So I bought myself a bottle of Ragú, took it home, and made spaghetti.

## **NRDC: Working on the Farm**

By OnEarth Editors

August 24, 2010



Illustration by Bruce Morser

**JONATHAN KAPLAN**

*Senior policy specialist for NRDC's health and environment program and an expert on sustainable food*

**You have played an integral role in developing the Stewardship Index for Specialty Crops. What sparked the idea?**

This index is like an accounting system for sustainable agriculture and sustainable food production. Accountants have all kinds of metrics -- price-to-earnings ratios, protocols for evaluating a company's financial health -- but we don't really have anything like that for sustainability. The Stewardship Index will provide that. The industry needed a system of measuring sustainable performance for farmers, food processors, packers, shippers, and retailers alike.

### **How is this different from imposing new regulations?**

The Stewardship Index is quantitative and science-based, and we're measuring things we know that all the participants care about. How much water do you use? How much nitrogen are you applying to your crops? What's the quantity and toxicity of your pesticide mix? We're not prescribing the best practices to improve those kinds of scores. We reveal the best practices throughout the whole system, but we're not telling growers or others how to run their business. We think that's going to leave innovation in the hands of the operator, of the farmer, to figure out which systems work best.

### **What benefits do you see to this approach?**

One advantage is that the Index will allow anyone to start immediately, regardless of their performance level. You could be the most sustainable grower in the country and still be able to use this tool to figure out how you can improve further. At the same time, you can be the least sustainable operator in the system and you can start today to figure out how to be more efficient with your water use, your energy, your chemicals, etc.

### **How will farmers and others in the supply chain access this program and put it to use in the real world?**

The Stewardship Index isn't ready to be used in the marketplace -- it's still in the pilot phase -- but the vision is to create an online toolkit where anybody can log in, upload information about their farm inputs and outputs, share that data with others in their supply chain, and demonstrate progress over time. So it's a supply chain-wide tool. We have Walmart, Cisco, Unilever, Sedexo, and large buyers of fruit and vegetable crops engaged in the process. If those folks agree to use the tool, then we think that will create a lot of incentive for upstream operators to improve their practices.



## environmental **LEADER**

August 2, 2010

### **Local Governments Drive Product Stewardship**

Local governments are leading the nation in the call for extended producer responsibility (EPR) policies, reports the [Product Policy Institute](#) (PPI). The city of Roseville, California, recently became the 100th local government, agency or association to adopt a local EPR resolution.

PPI says California is leading the push for product stewardship. [Local governments](#) started organizing in California in 2006 by starting the California Product Stewardship Council (CPSC) to promote a policy shift away from disposal bans to EPR to manage hazardous product waste. PPI helped CPSC develop the first local EPR resolution, which has been used as the model for subsequent resolutions across the country including the US Conference of Mayors.

Local product stewardship resolutions have been adopted in five other states frequently by members of state [Product Stewardship Councils](#): New York (7 resolutions), Texas (4), Minnesota (6), Massachusetts (4), and Rhode Island (1).

PPI helped local governments start Product Stewardship Councils in Texas, New York, Vermont and Massachusetts.

The resolutions call for extending producers' responsibility for product waste beyond the sale to ensure products and packaging are properly reduced, reused and recycled, says PPI. They also call for state legislatures to pass legislation that shifts financial responsibility for recycling product waste to producers and consumers, rather than costs falling solely on local governments via taxpayers and garbage ratepayers.

In June 2010, the US Conference of Mayors became the third major national association of local elected officials to [adopt an organizational resolution supporting EPR](#). The National League of Cities and the National Association of Counties adopted resolutions in 2009.

While EPR policies are common in Europe, Canada, Japan and other countries, they are relatively new to the United States, says PPI. Twenty-two states currently have EPR policies for electronic waste.



## **Roseville promotes product stewardship**

New carpet drop-off site accepts used carpet and padding

By Sena Christian, The Press Tribune

July 28, 2010



Photo by Cole Allen

Rick McGrath of GB Carpet Recycling on Athens Road in Lincoln accepts used carpet and padding Tuesday morning. The material is then shipped to southern California for recycling.

The place may not look like much.

Behind the chain-link fence and next to a dozen or so big rigs, two large trucks sit in an obscure part of the yard. One holds carpet pieces and the other holds padding.

But this nondescript site down the street from Thunder Vally Casino on Athens Road in Lincoln actually is something special. It's the site of GB Carpet Recycling, a drop-off place where local residents and carpet installers can unload used or excess carpet remnants — at about half the cost of landfill disposal. The material will then be sent to a recycling plant in southern California.

GB Carpet Recycling, which opened Monday, is good news for the City of Roseville's efforts to promote sustainability.

Roseville recently became the 100th jurisdiction to adopt a resolution supporting the California Product Stewardship Council, which works to encourage the state legislature to adopt Extended Producer Responsibility (EPR) regulations. The Roseville City Council unanimously passed the resolution July 21.

An EPR requires manufacturers to develop products that reduce toxicity and waste-stream volume — or take financial responsibility for dealing with a product's end life in an environmentally sensitive manner.

This is known as product stewardship, which is a nationwide effort to get manufacturers, retailers, users and disposers to share in the task of collecting and disposing of products that pose dangerous environmental impacts if not managed properly, such as batteries, electronics, vehicles, thermostats, medical waste, fluorescent lamps, paint, pesticides, tires and carpets.

Currently, companies design and sell products without considering what happens to the items when their useful life comes to an end.

The primary responsibility for managing a product's end life instead falls on local jurisdictions, said Roseville Councilman John Allard, who serves on the Western Placer Waste Management Authority board of directors.

“What has been happening is the state and federal government have been mandating local governments do all sorts of things, which are huge expenses and then we pass that on to ratepayers,” Allard said during the July 21 council meeting.

For instance, in 2006, “universal waste” — hazardous items such as fluorescent lights, batteries and electronics — was banned from landfills. In 2008, medical sharps were banned. Pharmaceutical waste will likely be banned in the future because of growing concerns over the impact of drug waste in waterways and on aquatic life.

Local jurisdictions are supposed to enforce the bans. But these unfunded mandates burden cities that may lack the money or resources to adequately implement the rules.

Under Extended Producer Responsibility, the financial burden shifts from local governments and ratepayers to the producers of the product. Companies integrate the cost of product recovery into the purchase price. Those companies who create the most cost-effective recovery and recycling programs will be able to offer the most competitive prices to consumers.

Heidi Sanborn, executive director of the California Product Stewardship Council, said legislation levels the playing field so companies with voluntary stewardship programs don't inadvertently get burned.

“One company is doing the right thing and taking (the product) back and recycling it,” Sanborn said.

But the cost of recycling the product is then passed onto the consumer.

“It's not fair,” Sanborn said. “That's why we need legislation.”

As for the carpet business, she said the industry-endorsed Carpet America Recovery Effort aims to achieve a 25 percent landfill-diversion rate by 2012. Usually, carpet remnants end up disposed of in landfills, where the petroleum-based material never breaks down. Every year, only about 4 percent of the roughly 4.7 billion pounds of carpet discarded annually in the United States is recycled. The material occupies about 2 percent of total landfill volume, according to the U.S. Environmental Protection Agency.

Nylon fiber, one of the most prominent types of carpet fiber, is a polymer that can be recycled into other products.

A critical component of product stewardship is the presence of convenient collection facilities, such as Lincoln's new carpet drop-off spot. But there also needs to be more recycling plants.

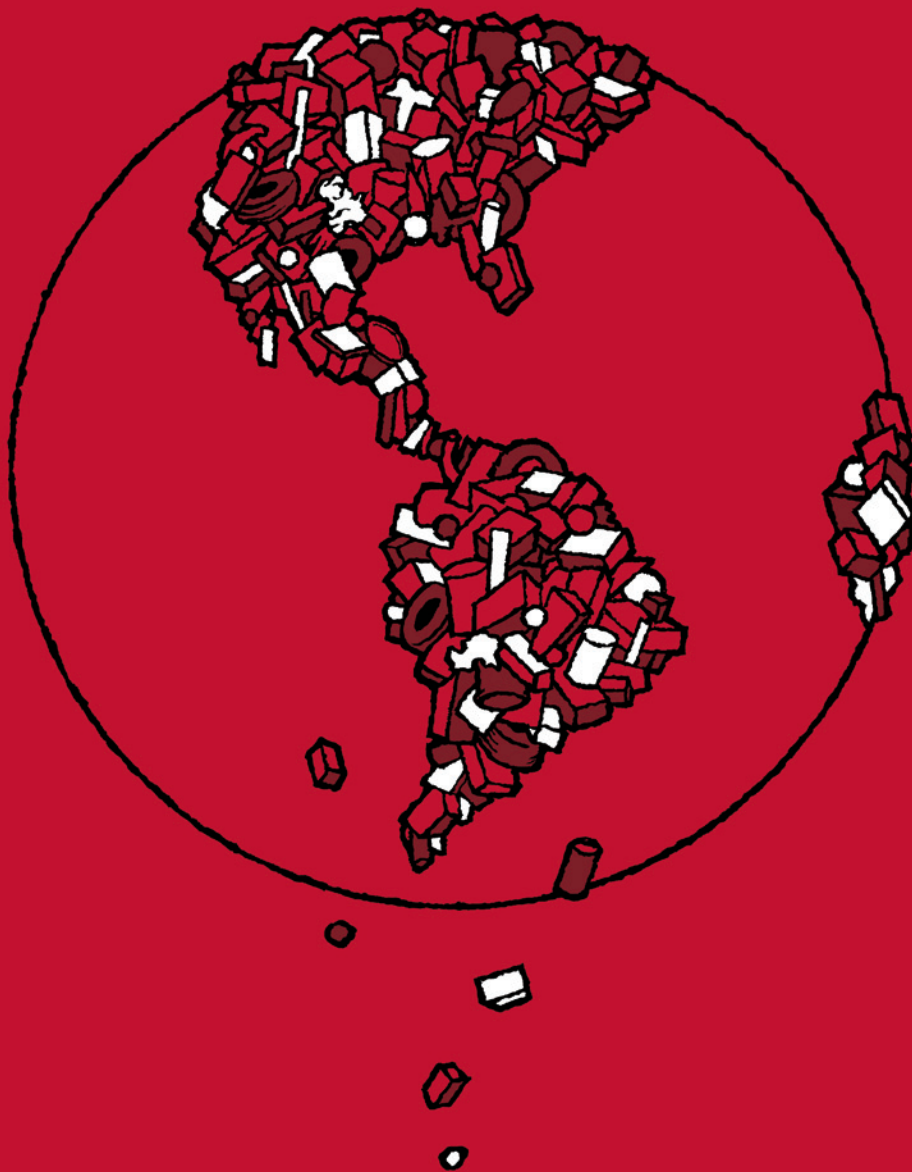
"There are no carpet recycling facilities in all of northern California," Sanborn said. "They're all in southern California."

She said the goal is to eventually establish a local permanent recycling plant.

The Post Carbon Reader Series: Waste

# Climate Change, Peak Oil, and the End of Waste

By Bill Sheehan and Helen Spiegelman



## About the Author

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Bill Sheehan is executive director and co-founder of the Product Policy Institute. He has worked with local governments, communities, and nongovernmental organizations to bring extended producer responsibility (EPR) policies to a growing number of communities across the United States. He was co-founder and executive director of the GrassRoots Recycling Network from 1995 to 2003 and a board member of the National Recycling Coalition in the late 1990s. Sheehan is a Fellow of Post Carbon Institute.

Helen Spiegelman is board president and co-founder of the Product Policy Institute. She has worked on waste and EPR issues in British Columbia for over a decade, including as director of communications for the Recycling Council of British Columbia, and most recently with Zero Waste Vancouver.



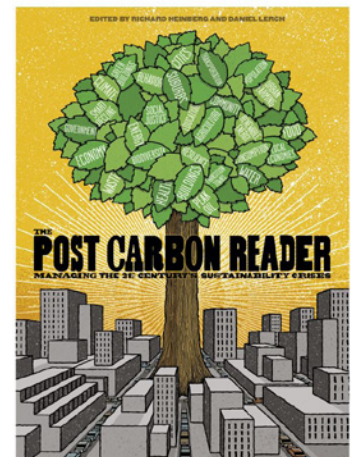
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# Waste is supported with services more universal, affordable, and accessible than health care, housing, or education.

Household waste is often overlooked in discussions of big issues like climate change and peak oil. Even dedicated environmentalists sometimes share the prevailing view that waste “will always be with us.” In fact, waste as we know it today is not an inevitability but an indicator of massive failure in both markets and market regulation. Worse, we are poised to compound that failure by building costly energy infrastructure that relies on waste as a substitute for declining fossil fuels.

## The Normalization of Waste

It’s important at the outset to recognize a paradox about waste. Our culture holds generally negative attitudes toward wastefulness, yet waste is supported with community services that are more universal, more affordable, and more accessible than health care, housing, or education. Consider the ubiquitous street litter bins provided and maintained at public expense. These community amenities make wasting easy and convenient. Similarly, household garbage containers lined up at the curb every week communicate unabashedly that *wasting is a publicly sanctioned behavior in our society*.

How did wasting become socially normalized to this extent? The answer lies in a well-intentioned effort a century ago to take public action to protect human health and safety.

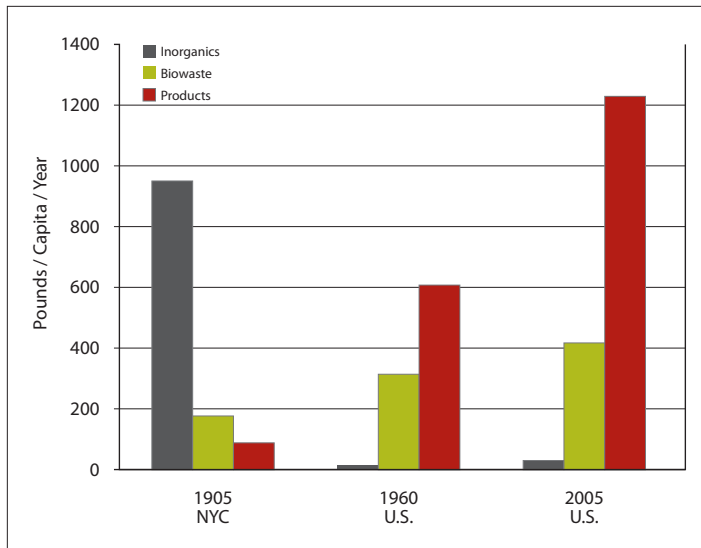
In the booming industrial cities of the late-nineteenth century “heaps of garbage, rubbish and manure cluttered the streets and alleys,” writes waste historian Martin Melosi.<sup>1</sup> Imagine teeming cities where horses were the main mode of local transportation. Pigs and fowl were kept in basements of the crowded tenement buildings that housed the growing numbers of the new laboring class. In such conditions, yellow fever, typhoid, cholera, and other diseases emerged quickly and spread rapidly, affecting neighborhoods both rich and poor.

The only waste collection services were informal arrangements with itinerant entrepreneurs such as rag collectors. As time went by and things got worse, Melosi writes, the traditional notion of individual responsibility for refuse disposal gave way to an acceptance of community responsibility. A broad-based civic reform movement demanded that cities provide “municipal housekeeping” to keep the streets clean. In this way, *waste management* became a core function of our local governments. The streets and alleys were cleansed and, best of all, citizens had the assurance that their waste was safely in the hands of competent professional engineers and public servants.

No one could have predicted what would happen over the next hundred years (figure 28.1). When local governments assumed responsibility for solid waste a century ago, household and commercial waste consisted mainly of inorganics, in the form of coal ash and wood

**FIGURE 28.1**

Changes in per capita municipal solid waste “generation” by weight



Note: Inorganics = “ashes” (1905), “miscellaneous inorganic wastes” (1960, 2005); Biowaste = “garbage” (1905), “food scraps” plus “yard trimmings” (1960, 2005); Products = “rubbish” (1905), “products” (1960, 2005).

Sources: Helen Spiegelman and Bill Sheehan, *Unintended Consequences: Municipal Waste Management in the Throwaway Society* (Athens, GA: Product Policy Institute, 2005). 1905 data are from Martin V. Melosi, *Garbage in the Cities* (College Station, TX: Texas A&M University, 1981). 1960 and 2005 data are from United States Environmental Protection Agency, “Municipal Solid Waste in the United States: 2005 Facts and Figures,” EPA530-R-06-011 (Washington DC, October 2006), page 64, <http://www.epa.gov/wastes/nonhaz/municipal/pubs/msw2005.pdf>.

**BOX 28.1**

What Is “Solid Waste”?

The U.S. Environmental Protection Agency (EPA) defines *municipal solid waste* as the materials traditionally managed by municipalities, whether by burning, burying, recycling, or composting.<sup>1</sup> This material is actually a small fraction of the far larger universe of waste created “upstream” of the consumer in the course of extracting raw materials, processing and manufacturing products, and packaging. These industrial-process wastes are called *industrial hazardous waste* and *industrial nonhazardous waste*.

There are three major components of municipal solid waste:

- (1) Inorganics (inert material such as ashes, rocks, bricks, etc.).
- (2) Food scraps and yard trimmings and other biodegradable wastes.
- (3) Manufactured products and their associated packaging.

The EPA uses the term *waste* to refer to all materials managed by municipalities, and the term *discards* is the subset that is buried or burned. To acknowledge the resource value of unwanted materials, we prefer the opposite usage: *Discards* refers to all materials set out, whereas *waste* refers to discards destroyed by burning or burying.

1 U.S. Environmental Protection Agency, *Municipal Solid Waste Generation, Recycling and Disposal in the United States: Facts and Figures for 2007*, EPA-530-R-08-010 (Washington DC: Government Printing Office, 2008).

ash from furnaces and stoves.<sup>2</sup> Beyond that, waste was mostly food scraps, with a smaller quantity of simple manufactured products made with paper, cloth, and leather. By 1960, the ash had been almost completely eliminated by the introduction of other forms of space heating and cooking appliances, biodegradable wastes had doubled because of suburbanization, and there was already striking evidence of the advent of the throwaway economy. By the year 2005, products and packaging made up 74 percent of our waste and reflected a thirteenfold increase in per capita consumption from one hundred years earlier. The growth in production and consumption is driving waste growth.

Throwaway products and packaging have become a hallmark of modern industrialized economies, eagerly emulated by less industrialized economies. Constant demand for “new” products is actively encouraged,

spurred by advertising and planned obsolescence in product design. Historian Susan Strasser has noted that the mass-marketing of consumer goods started as long ago as catalog sales in the nineteenth century, and that advertising campaigns had to be developed to replace established values of thrift with new values of conspicuous consumption.<sup>3</sup> Consumerism and planned obsolescence became even more entrenched after World War II when the development of the national highway system increased the mobility of people and goods, encouraging the proliferation of convenient disposable products and packaging. Note in figure 28.1 that between 1960 and 2005 per capita product and packaging discards doubled while the per capita generation of organic discards like food scraps and yard trimmings remained relatively constant (yards and stomachs have natural limits, while desire for new stuff is seemingly limitless). Today we think nothing of consuming and

discarding thirteen times more manufactured goods than our great-grandparents did.

Product and packaging waste grew not only in quantity but also in toxicity. As petroleum production expanded in the twentieth century to power a growing fleet of motor vehicles, cheap petrochemical by-products became the building blocks for whole new classes of products and packaging. Plastics were novelties in the 1930s but their use virtually exploded after World War II and has experienced continued growth ever since. Moreover, whole new classes of other synthetic chemicals based on petroleum—the vast majority untested for toxic effects on human health and the environment—proliferated during this period, and they continue to be invented and used in products and packaging at an ever-increasing rate. While much has been done to reduce and regulate releases of chemicals during industrial production, many of the more than 80,000 synthetic chemicals produced in commercial quantities wind up in products and packaging and are released during the use and disposal of the products containing them, posing risk not only to public health and safety but to the global ecosystem.<sup>4</sup>

## The Throwaway Economy and Climate Change

The stuff we buy, use, and discard has a long and complicated life story. The waste we discard at the curb is only a fraction of the total waste produced along the way. Annie Leonard sums it all up in a fast-paced, twenty-minute blockbuster Web film called *The Story of Stuff*.<sup>5</sup> Raw materials are gouged from nature, manufactured into packaged products by underpaid workers, shipped halfway around the world to rich countries, sold in “big-box” stores, and, more often than not, deposited in huge industrial-scale landfills and incinerators. The average life span of the materials used in manufactured goods and packaging, according to Leonard’s sources, is six months.

The greatest impacts from our consumption happen to someone else, somewhere else. We don’t see the pollution, depleted resources, and social ills in the distant communities that supply our stuff. And because our waste is increasingly hauled longer and longer distances to massive disposal facilities, we don’t see the impacts where our waste ends up. In short, the “distancing” of the pleasurable consumption experience from both production and wasting insulates us from the consequences of our actions.<sup>6</sup> But new analytical tools are making it possible to quantify the upstream and downstream impacts of the products we buy and use.

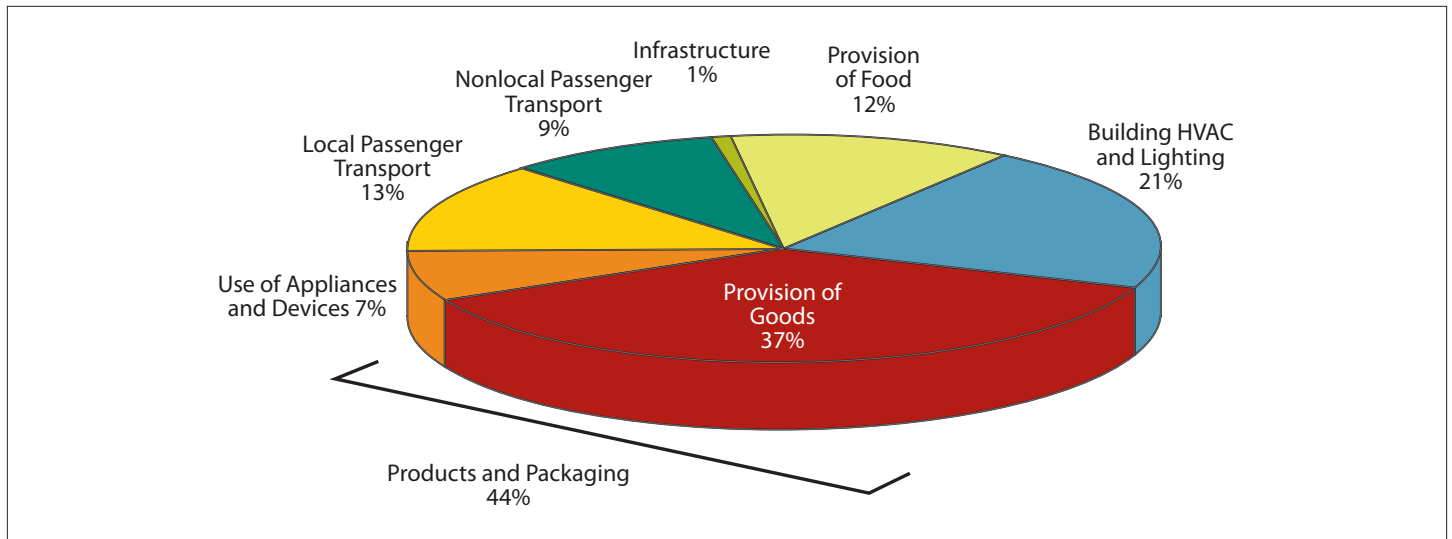
Ecological footprint analysis, developed by Canadian researchers William Rees and Mathis Wackernagel in the 1990s,<sup>7</sup> provides a measure of the global scale of our resource consumption. It shows us that North American consumption requires resources from an area four times greater than what our actual land-based biological carrying capacity can support. We are able to enjoy this extra consumption (temporarily) because we *appropriate the carrying capacity* of other parts of the world. We are, every day, throwing away other people’s shares of limited global resources to supply our wants and needs. Furthermore, global per capita consumption of some commodities has grown eight to twelve times faster than population over the past four decades.<sup>8</sup>

We have yet to come to grips with our own vulnerability in this global supply system. We in rich countries have almost lost the ability to supply our own needs through local manufacturing and agriculture—or even to extend the life of products through reuse, repair, and repurposing. We rely on others, and on a system lubricated by cheap oil, to meet our needs as well as our wants. In the post-peak-oil period, inevitable interruptions in the flow of the goods we rely on every day will be profoundly destabilizing.

It turns out that our throwaway economy is also a major contributor to climate change. The U.S. Environmental Protection Agency (EPA) released a report in September 2009 that shines new light on the greenhouse gas impacts of “stuff” bought and thrown

**FIGURE 28.2**

Consumption-based view of sources of U.S. greenhouse gas emissions, 2007, including emissions from products made abroad and consumed in the United States.



Source: Joshua Stolaroff, *Products, Packaging and U.S. Greenhouse Gas Emissions* (Athens, GA: Product Policy Institute, September 2009).

away by Americans.<sup>9</sup> Conventional greenhouse gas analysis apportions emissions based on industrial sectors—electricity, transportation, and so on. This EPA report instead used life-cycle analysis to incorporate all of the emissions associated with end-user materials and energy that are consumed, in the economists' sense, by households and governments. In this new systems-based analysis (also known as consumption-based analysis),<sup>10</sup> we can quantify the greenhouse gas emissions that are embodied in the goods we buy and use.<sup>11</sup> These include the energy used at all stages of the product life cycle: to extract and process the resources, to manufacture and transport the products, to operate the retail outlets, to use the products themselves, and then to dispose of them by recycling, burying in landfills, or burning in incinerators.

The EPA report concluded that the provision of goods and materials is responsible for the largest share, by far, of *direct* U.S. greenhouse gas emissions. The Product Policy Institute commissioned a supplementary white paper by the technical author who wrote the EPA report to factor in *indirect global* emissions—that is, the emissions from products produced abroad and consumed in the United States minus products produced here and shipped abroad.<sup>12</sup> The white paper showed that 44

percent of total U.S. greenhouse gas impacts are due to the provision, use, and disposal of products and packaging (figure 28.2). That's more than the emissions from the energy used in buildings, passenger transportation, or the provision of food—activities that get the lion's share of attention in government and business efforts to reduce greenhouse gas emissions.

We cannot address climate change or prepare for the post-peak-oil period without changing the way we manage products and packaging throughout their life cycles. And since previous research has shown that most impacts occur in the production stage<sup>13</sup>—and thus are determined at the design phase—policies are needed that address how products are designed and marketed to encourage conservation and recycling. These policies should be a part of every state and local government's climate action plan. But our waste management policies are having the exact opposite effect.

## Market Failure

Many of the social and environmental problems we face today can be traced to market failure, often occurring as an unintended consequence of well-intentioned public policy. This is the case with waste. Much of the stuff



we throw away cannot be recycled, reused, or repaired because it was designed to be wasted. The waste management system supports planned obsolescence by providing the convenient removal and disposal of all those poorly designed products and their associated packaging.

Because of our waste policy, it is local communities—not the producers of throwaway products and packaging—that bear the cost of cleaning up after the throwaway economy. Over the course of the twentieth century, taxpayers and ratepayers have faced higher and higher costs to manage more and more waste.

On top of the direct financial costs, we must also factor in the *opportunity costs* of allocating more and more public dollars to waste management instead of to other essential community services like public safety, schools, libraries, and parks. And then there are the hidden social, economic, and environmental costs imposed on the communities (usually poor) and ecosystems where our stuff is produced and where our waste is sent. Economists call these *externalized costs*, because they fall on someone other than the producers and consumers who directly benefit from the products.

The externalization of costs leads to what economists call *market failure*. The market’s “invisible hand” pushes us toward choices that are underpriced because they don’t factor in the externalized costs. If the market had been working correctly, the real costs of wasteful products would long ago have given producers and consumers clear feedback telling them to produce less waste. But because our cities and towns provided the programs to clean up after the throwaway economy at taxpayer or ratepayer expense, this critical feedback loop was broken. In this way, our communities have become unwitting enablers of the market’s turn to massive scales of excess production and consumption.



Horse-drawn garbage wagon in Seattle, 1915.

## Supersizing Municipal Waste Management

As waste grew over time, so did the waste management system. From its humble beginnings of horse-drawn carts and dumps at the edge of town, waste management has grown into a multibillion-dollar, multinational industry that hauls local garbage to huge disposal facilities that are sometimes hundreds or even thousands of miles away.<sup>14</sup> The municipal waste management system is made up of both public entities (municipal waste authorities) and private-sector waste management companies. This complex waste management system has evolved its own regulatory, administrative, technological, market, and social components, which operate largely out of the view of ordinary citizens and with loose oversight by local elected officials, who generally defer to the expertise of their professional staff when it comes to decisions about waste.<sup>15</sup>

By the middle of the twentieth century, impacts arising from the growing volume and toxicity of municipal waste had begun to rouse public concern. State and federal governments started to intervene in municipal waste management, forcing the cleanup of former landfill sites (one-fifth of all the federal-designated “Superfund”

hazardous waste sites in the United States are old municipal landfills) and imposing new guidelines on the operation of landfills and incinerators.<sup>16</sup> By the late 1980s government regulations were forcing the closure of hundreds of municipal landfills across North America—resulting in further unintended consequences.

The closure of local dumps, along with the ever-rising quantities of waste (the amount of waste flowing to U.S. landfills grew by more than 70 percent between 1960 and 1990<sup>17</sup>), created a perceived “landfill crisis,” which in turn created a growth opportunity for the private waste management industry. The waste industry consolidated, with a handful of publicly traded waste corporations buying up thousands of small companies that used to serve their local communities. During this period, the corporate “Giants of Garbage” built huge regional landfills serving many municipalities.<sup>18</sup> This eliminated the landfill shortage and indeed created an abundant supply of disposal capacity that kept disposal costs relatively low, despite the extra cost of long-distance hauling.<sup>19</sup>

The period between 1980 and 1990 also saw hundreds of proposals to solve the landfill “crisis” by building waste incinerators, and these received strong encouragement from the federal government.<sup>20</sup> A new movement of citizen reformers sprang up and battled proposals for waste incinerators in their communities. The citizens called instead for municipal recycling programs to conserve the valuable resources in the waste stream. Like their Progressive Era predecessors, these activists left a lasting mark on municipal waste management. Almost three hundred incinerator proposals were shelved and the waste industry was forced to adapt to the changing political climate.

The response was a new waste management policy called integrated waste management (IWM). IWM is based on a hierarchy of preferred management strategies: reduce, reuse, recycle, and, last, bury or burn. This policy approach was sanctioned by senior levels of government including the EPA.<sup>21</sup> To reinforce the hierarchy, more than two dozen U.S. states and several

Canadian provinces required local governments to meet recycling or waste “diversion” targets, diverting waste from landfills and incinerators into local recycling or composting programs. The State of California passed legislation in 1989 requiring cities to divert half of their waste by the year 2000 or face stiff fines.<sup>22</sup>

In practice, IWM settled for what was deemed to be an “optimal mix” of traditional disposal in landfills and incinerators operating alongside recycling and composting programs. After three decades of effort and a huge public investment in recycling infrastructure, the national diversion rate for municipal solid waste reached barely 33 percent in the United States and 22 percent in Canada.<sup>23</sup> In other words, despite the hierarchy of preferred options, the large majority of discards are still being entombed and destroyed in landfills and incinerators. The lion’s share of solid waste department budgets and waste industry profits are in waste disposal, rather than in the “three Rs” (reduction, reuse, and recycling).<sup>24</sup> Most important, in the broader context of global material flows, waste continues to grow. New York University writer Samantha MacBride comments:

Using metrics of tons flowing globally and ending in waste, rather than the vibrancy of the recycling industry or the popularity of recycling, it is fair to say that solid waste solutions practiced in the U.S. today are not achieving outcomes in a materially meaningful way.<sup>25</sup>

IWM has had no discernible effect on production and consumption because these occur outside the scope of the end-of-pipe waste management system. Indeed, gains achieved by municipal recycling programs have been offset by continuing growth in both consumption and population. Even with recycling programs in place, cities in the United States and Canada are sending more waste to landfills and incinerators today than they did in 1990.<sup>26</sup> Municipal waste managers do their planning around the assumption that waste will continue to grow over time; thus they tend to favor continued expansion of waste facility infrastructure to accommodate that growth.<sup>27</sup>



# Communities that invest in incinerators become locked into supplying those facilities with waste, a vicious cycle that shuts out waste reduction.

## Garbage Rebranded as Fuel: Wasted Energy

Conceding that IWM is incapable of significant further progress on waste reduction, the waste industry is now shifting its focus to brand garbage as a renewable energy source.

### INCINERATORS—BURNING THE FURNITURE TO HEAT THE HOUSE

The incineration industry is exploiting concern about the declining supply of fossil fuels to create a growth opportunity for waste incineration. Co-opting the language of the citizen reformers who battled incinerators in the 1980s, incinerator salespeople tell municipal officials that waste is a “resource.” A ton of garbage, says global incineration giant Covanta Energy, contains the energy equivalent of a barrel of oil or a quarter ton of coal.<sup>28</sup>

Municipal officials desperate for a positive solution have been convinced. The chair of Metro Vancouver’s waste committee tells his constituents that sending a million tons of garbage to landfills is like “burying a million barrels of oil in the ground every year.”<sup>29</sup>

Less attention is paid by busy politicians to the counterargument posed by economist Jeffrey Morris. Using systems-based life-cycle analysis like that of the U.S. EPA report cited above, Morris points out that one ton

of garbage actually represents the equivalent of *eight barrels of oil* that were used during the manufacture, distribution, sale, use, and disposal of the products and packaging in the waste.<sup>30</sup> Thus, burning mixed garbage in waste-to-energy plants still results in a net energy *deficit* of seven barrels of oil (equivalent) per ton of garbage. Reuse and recycling preserves much more of the embodied energy value than any form of waste disposal, which is a complete, or nearly complete, write-off of all the investment of resources and energy that was used to produce the products.

The illusion that garbage is a renewable fuel ignores the fact that our cities don’t produce the materials in their waste. A city is an open system; products and packaging flow in from somewhere else. This creates the politically challenging problem that a local community burning its waste receives economic benefits (heat and power generation, avoided cost of landfilling), whereas the distant communities where replacement products are manufactured are burdened with social and environmental costs (resource extraction, factory and transportation pollution). Politicians naturally favor a course of action that benefits their own constituencies. Nevertheless, communities that invest in waste incinerators become locked into supplying those facilities with waste in order to earn the energy revenues on which the economic viability of waste-to-energy depends. It’s a vicious cycle that shuts out waste reduction. Where is

the incentive to produce or consume reusable and recyclable products if the energy infrastructure relies on throwaways to operate?

### LANDFILLS—A MAJOR SOURCE OF UNCONTROLLED GREENHOUSE GAS EMISSIONS

It's not just the incineration industry that is on board the waste-to-energy bandwagon. Landfill operators are trying to exploit the gas that is produced by decomposition of the organic fraction of garbage, which includes paper, food scraps, and yard trimmings.<sup>31</sup>

Methane is generated in landfills and open dumps as waste decomposes without oxygen; landfill gas contains about 50 percent methane, which can be combusted as a fuel. This may seem like a smart use of our otherwise useless landfills, but it can also create incentives for decisions that are not so smart. For example, in late 2009 the state of Michigan, which banned yard waste from landfills a generation ago, was pressured by the landfill industry to repeal the yard-waste ban so they can “convert grass to gas.”<sup>32</sup> Similarly, the waste industry is seeking to reverse long-standing practices that were put in place to delay landfill gas generation and introduce practices to *speed up* the production of landfill gas for use as fuel. Unfortunately, adding more organic matter to our landfills will also increase the rate at which they fill up, meaning local governments will need to spend more money and sooner to build new landfills (usually farther away).

More important, while landfill-generated methane is a potential energy source, it's also a potentially devastating greenhouse gas, and gas capture systems are far from perfect. Methane is twenty-three to seventy-five times more potent than carbon dioxide, depending on the timescale over which it is measured.<sup>33</sup> Landfills are the second-largest human-related source of methane in the United States, accounting for 23 percent of all methane emissions in 2007.<sup>34</sup> When actual operating conditions are taken into account over the lifetime of a landfill, even with gas-recovery systems in place as much as 80 percent of the methane may still end up



being released into the atmosphere.<sup>35</sup> As a recent Sierra Club report on landfill gas-to-energy practices states:

Contrary to conventional wisdom, it appears the relatively small carbon dioxide reduction benefit that might be achieved by replacing fossil fuel electricity with electricity [generated from landfill gas] is greatly outweighed by the increase in fugitive methane emissions resulting from altered landfill management practices.<sup>36</sup>

Finally, landfill gas does not burn cleanly—some studies suggest dioxin emissions from landfill gas flaring are thirty times higher than from state-of-the-art waste incinerators.<sup>37</sup> Whether from incinerators or landfills, the risk to human health from waste combustion, despite advances in pollution control, is far from zero. Along with the well-known effects of dioxins and heavy metals in incinerator emissions, there are new and less well-characterized threats to health from nanoparticles that can move through tissues into the brain.<sup>38</sup> And in the end, landfilling, like incineration, removes products from circulation so that the destructive production process must be repeated again and again.

The European Union introduced tough measures in 1999 for reducing the quantity of biodegradable materials going into landfills in order to prevent methane emissions.<sup>39</sup> But Europe's approach had the unintended consequence of encouraging waste incineration with its

own attendant greenhouse gas impacts. North America is in a position to learn from European experience by rejecting end-of-pipe solutions and emphasizing prevention.

## The Zero-Waste Vision

Our waste management policies and practices rest on the assumption that waste is inevitable—an assumption that became a self-fulfilling prophecy. What if we start from the assumption that most, if not all, of the waste in our communities is a symptom of massive market failure caused by misguided (if well-intentioned) policies? Once we accept this assumption, we are well on the way toward *denormalizing waste*.

Zero waste is an approach directed at preventing waste rather than managing it. Its scope is the entire production and consumption system, not just the back-end activities of our economy that have traditionally been carried out by local governments and the waste industry. It is a holistic focus on global resource flows, rather than a myopic focus on local waste management. Zero waste is the design principle best articulated by William McDonough and Michael Braungart in their 2002 book *Cradle to Cradle*: Instead of “cradle-to-grave” resource flows, zero-waste design produces safe products and closed-loop “cradle-to-cradle” flows.<sup>40</sup>

### THE COMMUNITY’S RESPONSIBILITY

Strong federal and even international regulation will be required to reduce today’s unsustainable global materials and energy flows and to channel them into closed-loop systems where wasting is discouraged. But change can be driven from the local level, through a conscious rethinking by citizens about the role of their local communities in the global system of producing and discarding goods.

Zero waste offers communities a practical alternative to IWM, a strategy to begin correcting decades of neglect both at the front (production) and back (disposal)

ends of our throwaway economy. The Product Policy Institute proposed in 2005 that communities focus on two zero-waste objectives that should be pursued together.<sup>41</sup> The first is eliminating the municipal subsidy that communities provide to producers of throwaway products and packaging, which is enabling waste growth. The second is curbing the emission of methane and other harmful substances caused by landfilling of organic wastes. This is an area where local communities can take immediate action. The need is urgent in North America because more than 80 percent of our waste that is buried or burned ends up in landfills.<sup>42</sup>

Local governments in North America have already had striking success diverting yard trimmings from landfills. Within a decade of introduction, yard trimmings diversion programs were recovering almost two-thirds of available supply.<sup>43</sup> Food and food-contaminated paper products remain the unfinished business of our municipal recycling system.<sup>44</sup> Less than 3 percent of food scraps (which comprise 20 percent of the discards in landfills) are currently being diverted; fortunately, major cities in the United States have recently begun collection of food scraps.<sup>45</sup> In October 2009, San Francisco became the first city in the United States to require residents and businesses to separate organic material from their waste. Seattle has a similar requirement that applies only to single-family homes. The Canadian province of Quebec, with federal government support, is investing over \$500 million in four new municipal composting infrastructure projects to divert organics from disposal.<sup>46</sup>

### THE PRODUCER’S RESPONSIBILITY

The other great task of local communities is to give back to producers and consumers the responsibility for the management of throwaway products and packaging. This is being done through an internationally recognized policy called “extended producer responsibility” (EPR), also known as “product stewardship” in North America.<sup>47</sup> EPR establishes a legal chain

# Recycling programs simply deliver low-value commodities back into the global marketplace, with the municipality taking the risk of fluctuating market prices.

of producer custody extending through the entire product life cycle.

Ultimately, there could be a significant reduction in the overall flows of materials and energy if producers rethink their products and supply chains to avoid the costs that are currently incurred in waste management. Indeed, we are already seeing rapid development of new recycling services where EPR has been introduced. In Canada every province has adopted EPR legislation, and this has given rise to a whole range of new programs provided at no cost to local communities for recycling electronics, tires, used oil, paint, solvents, pesticides, pharmaceuticals, and beverage containers.<sup>48</sup>

An early precursor to the system we now call EPR was the system used in the first half of the twentieth century for marketing nationally branded soft drinks and beer. At one time, every town had several bottling plants. These were local businesses that would produce one or more brand-name beverages using syrup concentrates that were supplied by the brand owner. The bottlers would package the beverages using distinctive bottles and caps that were also specified by the brand owner; consumers received cash refunds for bringing their bottles back to the store.

But this system was abandoned in the mid-twentieth century due to another well-meaning government program that had unintended consequences. The Interstate

Highway System, construction of which began in the 1950s, made it more profitable for the brand owners to switch to no-deposit, no-return bottles and cans that could be filled at large regional bottling plants and trucked on the new highways to local markets. The results were roadside litter, growing quantities of throwaway bottles and cans in local landfills, and the loss of many small bottling businesses as well as small local brands of beer and soft drinks (which used to compete successfully against national brands).

Our municipal recycling programs, at their best, do no more than deliver bales of low-value commodities back into the global marketplace, with the municipality taking the risk of fluctuating market prices. Since the 1970s some state and provincial governments have introduced “bottle bills” requiring beer and soft drink companies to reinstitute cash refunds on bottle and can returns, shifting the cost of beverage container recycling from the public to the beverage industry. These states have the best recycling rates for beverage containers in North America.<sup>49</sup>

This example hints at the possibilities for renewed local economic development through EPR. Local bottling businesses have not yet made a comeback in bottle bill states. However, a return to local production could ensue as energy prices rise post-peak oil because EPR levels the playing field between national brands and local brands. Moreover, EPR not only can help put the



brakes on waste and global materials and energy flows, it can also drive the development of more economically productive manufacturing, repair, and recycling infrastructure in local communities.

### THE ACTIVIST'S RESPONSIBILITY

The zero-waste concept has energized a new generation of community activists across North America and beyond. A number of broad citizen-based campaigns are pushing for EPR and programs to divert organics from landfills.

In 2008 the Institute for Local Self-Reliance, the Global Alliance for Incinerator Alternatives, and Eco-Cycle produced a seminal report, *Stop Trashing the Climate*, which examined the link between reform of the waste management system and broader issues of peak oil, climate change, and corporate globalization.<sup>50</sup> The report called for an end to new investment in landfills and incinerators and the expansion of EPR and local recycling. Similarly, the Sierra Club adopted a zero-waste policy in 2008 promoting EPR.<sup>51</sup> COOL 2012 is a new and growing campaign to keep “compostable organics out of landfills.”<sup>52</sup>

In addition, the Electronics TakeBack Coalition, the Texas Campaign for the Environment, and other state-level advocacy groups have pressed nineteen states to adopt tough EPR legislation targeted at electronic products. The Container Recycling Institute and ad hoc groups in communities across North America are putting pressure on high-profile beverage producers to expand bottle bills, scoring one new program in the United States (Hawaii in 2002) and significant expansion of the scope of bottle bills in other jurisdictions. Eight out of ten Canadian provinces have bottle bills that are much broader in scope than those in the United States (for example, the province of Alberta requires cash refunds on *all* beverage containers, including milk containers).

Local governments are also increasingly activist in their call for EPR. The Product Policy Institute has organized



local governments to press for state EPR legislation, building on the effective model of the Northwest Product Stewardship Council. That regional council of local governments, established in 1998, lobbied successfully for legislation introduced in Washington State in 2006 requiring producers to set up recycling programs for electronic products. Product Stewardship Councils have been formed in California, New York, Texas, and Vermont and organizing is continuing in other states. The councils have adopted common “framework principles” for product stewardship policy, and they are promoting these as the basis for harmonized statewide legislation.<sup>53</sup>

### Government and the Market

A citizens’ movement, supported by growing advocacy from local governments, is pressing for change in our waste policy. But national policy is still shaped by the dominant neoconservative economic paradigm that the market economy is the life force of our civilization and that *consumption* is the purpose of that economy, creating jobs and wealth and material prosperity. It also holds that producers will act for the common good once they are guided by “sovereign” consumers without interference from government. By this thinking, if we just

exhort *individual consumers* to purchase green products we will eventually arrive at a greener form of capitalism.

There is some truth within this notion, but there are also the practical realities of corporate power and self-interest. Corporations by nature seek freedom to pursue profit for their shareholders as their first priority, and to keep environmental and other nonmarket obligations to a minimum. Author Samantha MacBride is concerned that the recycling movement is being co-opted by corporations.<sup>54</sup> As an example, these corporations have insinuated themselves into Keep America Beautiful (KAB), a supposedly grassroots organization that promotes entirely nonmarket solutions—volunteer cleanups and municipal recycling—to our waste problem. KAB's most prominent donors ("social responsibility partners") are a garbage company (Waste Management), an opponent of bottle bills (Pepsico), and a major source of cigarette butt litter (Philip Morris).<sup>55</sup> The lower tiers of corporate sponsorship are populated by a "who's who" of the corporations enjoying the greatest subsidies from municipal taxpayers in avoiding their waste management responsibilities. These corporations spare no expense in an effort to build public acceptance of status quo municipal recycling as an initiative that satisfies public yearning for change while not threatening the practices that have led to excessive production, consumption, and waste.

Added to this is the distrust of government that pervades North America at both ends of the political spectrum. The Right trusts corporations more than governments to ensure that we will continue to enjoy the material benefits to which some have become accustomed, while the Left blames governments for decades of inaction against self-interested corporations. This has led especially in the United States to a tolerance of corporate greenwashing rather than tough, fair government regulation.

But there seems to be a growing realization, expressed by Michael Maniates in *Confronting Consumption*, that today's market failure can be addressed effectively only through civic reform rather than voluntary solutions

("collective citizen action as opposed to individual consumer behavior"). To redirect the market toward practices that protect the common good, Maniates emphasizes, we will need "strong and sustained intervention at large scales to regulate the freedom of the firms that control extraction, production and distribution of goods that end up as waste."<sup>56</sup>

Along with the Product Stewardship Councils' advocacy of framework EPR legislation, the Institute for Local Self-Reliance is leading a comprehensive New Rules Project that explores ways of "designing rules as if community matters."<sup>57</sup> Their work in municipal waste management is a good starting place to find examples of interventions at all levels to change the status quo and hold corporations accountable for their waste.

## New Rules, New Path

Reforming waste policy is an important part of the broader work on transitioning to a post-carbon economy, both to reduce materials and energy flows and to build resilient communities through a return to local production and product stewardship. It would be irrational to repeat the mistakes of the nineteenth century with public investment in municipal incinerators and landfills supporting unsustainable flows of materials and energy, and simply hope that consumers and producers will of their own accord do in this new century what they failed to do in the last one. Instead, we can set new rules and hold producers responsible for obeying them. If we get waste policy right, we can leverage profound changes in how our society manages materials and energy and how we function as communities. If we fail, then "business as usual" will lead to further acceleration of material and energy throughput and ensuing destabilization of the climate and human society.



## Endnotes

- 1 For a thorough history of the origins of municipal waste collection summarized here, see Martin V. Melosi, *Garbage in the Cities* (College Station, TX: Texas A&M University, 1981).
- 2 Steven Mintz, "Housework in Late 19th Century America," Digital History, <http://www.digitalhistory.uh.edu/historyonline/housework.cfm> (accessed January 1, 2010).
- 3 Susan Strasser, *Waste and Want: A Social History of Trash* (New York: Metropolitan Books, 1999).
- 4 Elizabeth Grossman, *Chasing Molecules: Poisonous Products, Human Health, and the Promise of Green Chemistry* (Washington DC: Shearwater/Island Press, 2009). The U.S. Environmental Protection Agency defines "commercial quantity" as more than 25,000 pounds used per facility per year.
- 5 See Annie Leonard, *The Story of Stuff*, [www.storyofstuff.org](http://www.storyofstuff.org).
- 6 Jennifer Clapp, "The Distancing of Waste: Overconsumption in a Global Economy," in *Confronting Consumption*, Thomas Princen et al., eds. (Cambridge, MA: MIT Press, 2002).
- 7 Mathis Wackernagel and William Rees, *Our Ecological Footprint: Reducing Human Impact on Earth* (Gabriola Island, BC: New Society, 1996).
- 8 Thomas Princen, Michael Maniates, and Ken Conca, eds., *Confronting Consumption* (Cambridge, MA: MIT Press, 2002), 4–7.
- 9 U.S. Environmental Protection Agency, *Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices*, EPA 530-R-09-017 (September 2009), <http://www.epa.gov/oswer/publication.htm>.
- 10 While there are technical differences between systems-based and consumption-based greenhouse accounting, both focus on the end users: consumers in the economic sense of households and government.
- 11 Goods, or products and packaging, includes building materials and passenger automobiles.
- 12 Joshua Stolaroff, "Products, Packaging and U.S. Greenhouse Gas Emissions" (Product Policy Institute, September 2009) <http://www.productpolicy.org/content/climate-change-epr>.
- 13 J. Jeswiet and M. Hauschild, "EcoDesign and Future Environmental Impacts," *Materials & Design* 26, no. 7, Sustainable Design (2005), 629–634.
- 14 R. W. Beck, *Size of the U.S. Solid Waste Industry*, Environmental Research and Education Foundation (Alexandria, VA: Chartwell Information Publishers, 2001).
- 15 Garrick E. Louis, "A Historical Context of Municipal Solid Waste Management in the United States," *Waste Management and Research* 22, no. 4 (2004), 306–322.
- 16 Paula J. Meske, "The Solid Waste Dilemma: Municipal Liability and Household Hazardous Waste Management," *Environmental Law* 23 (1993).
- 17 U.S. Environmental Protection Agency, *Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2008*, EPA-530-F-009-021 (Washington DC, November 2009), table 3, <http://www.epa.gov/wastes/nonhaz/municipal/pubs/msw2008rpt.pdf>.
- 18 Harold Crooks, *Giants of Garbage: The Rise of the Global Waste Industry and the Politics of Pollution Control* (Toronto: James Lorimer, 1993).
- 19 Peter Anderson, "Endgame: Consolidation and Competition in the Solid Waste Industry," in *MSW Elements 2000*, 24–28. Accessed January 12, 2010, at <http://www.competitivewaste.org/reports/CCWEndgamet.PDF>.
- 20 Neil Seldman, "History of Recycling," in *Encyclopedia of Energy, Technology and Environment* (New York: Wiley, 1995).
- 21 The EPA refers to the policy as integrated solid waste management. See U.S. Environmental Protection Agency, *Solid Waste Management: A Local Challenge with Global Impacts*, May 2002, <http://www.epa.gov/waste/nonhaz/municipal/pubs/ghg/f02026.pdf>.
- 22 AB 939 (Sher)—*The Integrated Waste Management Act*, 1989, at "History of California Solid Waste Law, 1985–1989," <http://www.ciwmb.ca.gov/Statutes/Legislation/CalHist/1985to1989.htm> (accessed January 1, 2009).
- 23 U.S. Environmental Protection Agency, *Municipal Solid Waste Generation, Recycling, and Disposal in the United States*; Statistics Canada, *Waste Management Industry Survey: Business and Government Sectors*, catalog no. 16F0023X (2006), 9.
- 24 Anderson, "Endgame."
- 25 Samantha MacBride, *Diversion: The Progress and Promise of Recycling in the United States* (Cambridge, MA: MIT Press, forthcoming 2011).
- 26 Statistics Canada, *Waste Management Industry Survey*, reports that the amount of waste disposed in public and private disposal facilities increased 8 percent between 2004 and 2006, following an increase of 5 percent during the previous two-year period.

- 27 For instance, a January 8, 2010, report to the Metro Vancouver board projected an increase in annual waste generation from 3.7 million metric tonnes in 2010 to 5 million metric tonnes by 2020 as the basis for scaling an increase in waste disposal capacity in the region's new Solid Waste Management Plan.
- 28 Covanta Energy Corporation, "EfW Solutions," <http://www.covantaholding.com/site/solutions/efw.html>.
- 29 CBC News, "Garbage a Burning Issue in Metro Vancouver," June 23, 2009, <http://www.cbc.ca/canada/british-columbia/story/2009/06/23/bc-garbage-burning-gvrd.html>.
- 30 Jeffrey Morris, "Why the Vancouver Region Should Fund & Promote 3Rs not 2Ds," presentation to Vancouver Board of Trade, July 2009, available at [http://rcbc.bc.ca/files/u7/ZW\\_JeffMorrisReport\\_0907.pdf](http://rcbc.bc.ca/files/u7/ZW_JeffMorrisReport_0907.pdf).
- 31 Current EPA regulations under the Clean Air Act require many landfill owners/operators to collect and combust landfill gas. U.S. Environmental Protection Agency, "Landfill Methane Outreach Program," <http://www.epa.gov/lmop/faq/lfg.html#07>. Likewise, some Canadian provinces have similar requirements—for example, British Columbia, "Landfill Gas Management Regulation," [http://www.env.gov.bc.ca/epd/codes/landfill\\_gas/](http://www.env.gov.bc.ca/epd/codes/landfill_gas/).
- 32 Detroit News, December 21, 2009, <http://detnews.com/article/20091221/POLITICS02/912210317>.
- 33 Sierra Club Landfill Gas-to-Energy Task Force, *Sierra Club Report on Landfill Gas-to-Energy*, January 5, 2010, <http://www.sierraclub.org/policy/conservation/landfill-gas-report.pdf>.
- 34 U.S. Environmental Protection Agency, *2009 U.S. Greenhouse Gas Inventory Report: Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2007*, April 2009, <http://epa.gov/climatechange/emissions/usgginventory.html>.
- 35 Intergovernmental Panel on Climate Change, *2006 IPCC Guidelines for National Greenhouse Gas Inventories, Volume 5, Waste*, (Hayama, Japan: Institute for Global Environmental Strategies, 2006), page 3.19.
- 36 Sierra Club Landfill Gas-to-Energy Task Force, *Sierra Club Report on Landfill Gas-to-Energy*.
- 37 AECOM Canada Ltd., *Management of Municipal Solid Waste in Metro Vancouver*, June 2009, [http://public.metrovancouver.org/boards/GVSDD%20Board/GVSDD\\_Board-June\\_12\\_2009-AECOM\\_FULL\\_REPORT.pdf](http://public.metrovancouver.org/boards/GVSDD%20Board/GVSDD_Board-June_12_2009-AECOM_FULL_REPORT.pdf).
- 38 Vyvyan Howard, "Incinerator Health Risk 'Unacceptable,'" *BBC News*, March 31, 2005; Louise Roseingrave, "Expert Challenges Safety Risk Study for Incinerator," *Irish Times*, June 10, 2009.
- 39 European Union Council Landfill Directive, articles 5.1 and 5.2, *Official Journal of the European Communities*, April 26, 1999, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:182:0001:0019:EN:PDF>.
- 40 William McDonough and Michael Braungart, *Cradle to Cradle: Remaking the Way We Make Things* (New York: North Point Press, 2002).
- 41 Helen Spiegelman and Bill Sheehan, "The Next Frontier for MSW," *BioCycle* 47, no. 2 (February 2006), 30, [http://www.jgpress.com/archives/\\_free/000781.html](http://www.jgpress.com/archives/_free/000781.html).
- 42 U.S. Environmental Protection Agency, *Municipal Solid Waste Generation, Recycling, and Disposal in the United States*.
- 43 Spiegelman and Sheehan, "The Next Frontier for MSW."
- 44 It can be argued that branded, or brand-name, food products also require producer responsibility. Likewise, compostable products may require producer financing of a fair share of composting costs.
- 45 U.S. Environmental Protection Agency, *Municipal Solid Waste Generation, Recycling, and Disposal in the United States*.
- 46 "Green Infrastructure Projects for Montreal," *Solid Waste and Recycling: News*, February 1, 2010, <http://www.solidwastemag.com/issues/story.aspx?aid=1000356947>.
- 47 The Organisation for Economic Co-operation and Development (OECD) carried out extensive analysis of EPR during the 1990s and in 2001 produced a guidance manual to help member states understand and implement it as well as a fact sheet, "Extended Producer Responsibility," which can be accessed at [http://www.oecd.org/document/53/0,3343,en\\_2649\\_34395\\_37284725\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/53/0,3343,en_2649_34395_37284725_1_1_1_1,00.html).
- 48 Bill Sheehan and Helen Spiegelman, "Extended Producer Responsibility Policies in the United States and Canada: History and Status," in *Governance of Integrated Product Policy: In Search of Sustainable Production and Consumption*, Dirk Scheer and Frieder Rubik, eds. (Sheffield, UK: Greenleaf Publishing, 2005).
- 49 Businesses and Environmentalists Allied for Recycling (BEAR), "Understanding Beverage Container Recovery: A Value Chain Assessment Prepared for the Multi-Stakeholder Recovery Project," a project of Global Green USA, January 2002, <http://www.container-recycling.org/publications/reports/bear.htm>.
- 50 Brenda Platt, David Ciplet, Kate M. Bailey, and Eric Lombardi, *Stop Trashing the Climate*, Institute for Local Self-Reliance, June 2008, <http://www.stoptrashingthecclimate.org/>.

- 51 Sierra Club, "Zero Waste: Cradle-to-Cradle Principles for the 21<sup>st</sup> Century," approved by the board of directors, February 23, 2008, <http://www.sierraclub.org/policy/conservation/ZeroWasteExtendedProducerResponsibilityPolicy.pdf>.
- 52 COOL 2012, "Compostable Organics Out of Landfills by 2012," <http://www.cool2012.com/>.
- 53 Product Policy Institute, *Product Stewardship Policy and Framework Principles*, January 2010, <http://www.productpolicy.org/content/framework-principles>.
- 54 MacBride, "Diversion."
- 55 Keep America Beautiful, Inc. (KAB), "Corporate and Foundation Partners," [http://www.kab.org/site/PageServer?pagename=Corporate\\_contributors](http://www.kab.org/site/PageServer?pagename=Corporate_contributors).
- 56 Michael Maniates, "Individualization: Plant a Tree, Buy a Bike, Save the World?" in *Confronting Consumption*, Thomas Princen et al., eds. (Cambridge, MA: MIT Press, 2002).
- 57 Product Policy Institute, "EPR Framework," <http://www.productpolicy.org/content/epr-framework>; Institute for Local Self-Reliance, "Recycling and Solid Waste," New Rules Project, <http://www.newrules.org/environment/rules/recycling-and-solid-waste>.

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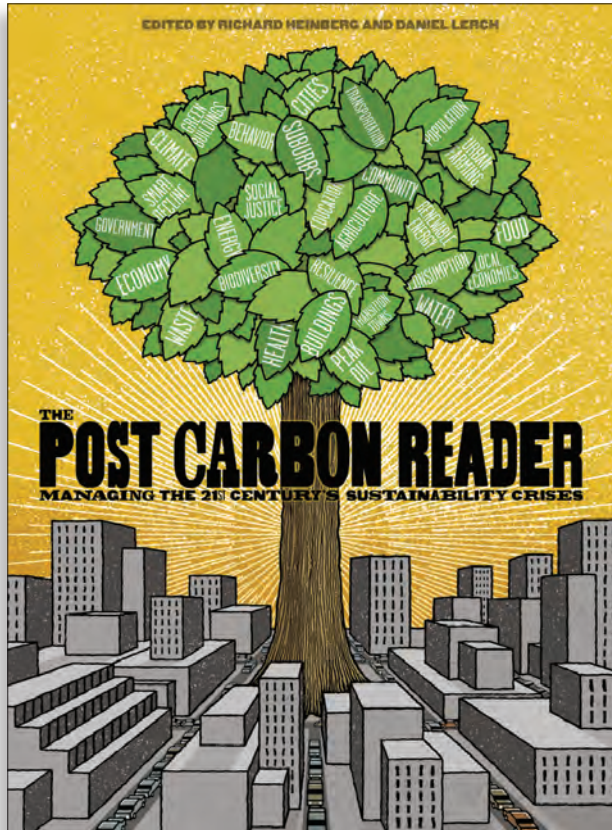
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# post carbon institute

## **BILL SHEEHAN: Waste Not, Want Not.**

September 23, 2010

Post Carbon Institute Products and Waste Fellow Bill Sheehan co-founded the Product Policy Institute with Helen Spiegelman in 2003 and serves as its Executive Director. Bill advocates for public policy that protects public health and safety and slows climate change by encouraging waste prevention, clean production and reduced use of toxics in products. He developed, with Spiegelman, a historical analysis that showed how municipal recycling and waste management services enable product manufacturers to design and sell goods without considering disposal costs and impacts.

Since 2005, Bill has worked with local governments, communities and NGOs to bring "extended producer responsibility" (EPR) policies to the U.S. to spur green product design. This work resulted in the formation of local government Product Stewardship Councils in California, New York, Texas and Vermont; he is working in several other states to form Councils. Bill holds a Ph.D. in ecology from Cornell University.



# Los Angeles Times

## Celebrating chefs and local food at Vibiana

September 22, 2010



(Photo of Neal Fraser by Anne Cusack / Los Angeles Times)

If you're the type who haunts the farmers markets to get a look at your favorite chefs, there's a party coming up that will be full of star gazing. [Roots of Change](#), an organization working to make food in California more sustainable and equitable, is organizing the party to celebrate the work of the Los Angeles Food Policy Task Force.



On Oct. 6, chefs and farmers – and a few politicians and policy experts – will gather at Vibiana on Main Street downtown for a reception called Good Food for All, a Taste of the Los Angeles Foodshed. Tickets are \$100, and proceeds will benefit Hunger Action Los Angeles and Sustainable Economic Enterprises Los Angeles.

Mayor Antonio Villaraigosa has been invited to talk about his plans for food policy in the city. But he'll have a hard time competing with the main event: a walk-around tasting from some of the city's best-known chefs.

Among those who will be providing the food: Josiah Citrin of Melisse; Jimmy Shaw of Loteria; Brendan Collins of Waterloo & City; Susan Feniger of Street, Cuidad, Border Grill; Ray Garcia of Fig; Suzanne Goin of AOC, Lucques and Tavern; Mark Gold, Eva.

Amy Knoll Fraser, who with her husband, the chef Neal Fraser, are working to open a restaurant in part of the Vibiana building, says 35 chefs have agreed to take part. They are being partnered with a farmer or two.

The farms include: Coleman Farms, Flora Bella Farms, Garcia Organic Farm, McGrath Family Farms, Peacock Farm, Penryn Orchard, Sage Martin Farms, Schaner Farms and Tamai Farms.

Neal Fraser will be one of the chefs cooking pork – several chefs will use as much of a whole hog as possible – and he's working with Alex Weiser of Weiser Family Farm, Amy Knoll Fraser says.

The party is the kick-off event for the [Roots of Change conference](#), being held Thursday and Friday at the Omni Hotel downtown. The focus is on how to increase access to healthy, affordable, fairly and sustainably produced foods.

“I think this is something that's at the core of what we do as food industry professionals, and it's also a really important thing for the city,” Amy Knoll Fraser says.

-- Mary MacVean

# Roots of Change Network

## Roots of Change History Slideshow by Rick Nahmias

October 04, 2010

# Los Angeles Times

## **Panel seeks to use L.A.'s abundance of fresh food in fight against childhood obesity**

The Food Policy Task Force proposes creating a regional food system that would allow low-income residents to buy locally produced food while keeping the dollars in the local economy.

By Mary MacVean  
October 4, 2010

Los Angeles has both an astonishing choice of fresh, local food and a troubling childhood obesity rate. World-class farmers markets and neighborhoods with little access to fresh produce.

A new report seeks to change those disparities by recommending the creation of a regional food system that would increase low-income residents' access to healthy food and outlets for farmers' products while keeping more food dollars in the local economy.

The Food Policy Task Force established by Mayor Antonio Villaraigosa last fall makes more than 50 recommendations. Among them are getting food stamps accepted at all farmers markets in Los Angeles County and encouraging city and county institutions, including schools and hospitals, to buy more local food, said Robert Gottlieb, a task force member who is the director of the Urban and Environmental Policy Institute at Occidental College.

The goals also include more far-reaching notions such as eliminating hunger in Los Angeles, addressing farm labor issues and creating a regional food hub where local farmers and other producers could do business. Where to locate the hub and how to fund and operate it still must be determined, Gottlieb said.

But change is imperative, several task force members said.

"The pendulum has swung so far out of balance, to this overly globalized, over-industrialized, over-centralized food system. Somehow we have to swing this pendulum back so we are more in control of our food," said Larry Yee, a task force member and advisor emeritus with UC Cooperative Extension.

The report does not estimate the cost of its proposals, and acknowledges that funding for new ideas is hard to come by, saying, "Leveraging existing resources, increasing participation in existing programs, and identifying outside funding mechanisms were of primary importance."

The task force report, "[The Good Food for All Agenda](#)," is being unveiled Wednesday night at a \$100-a-ticket reception at Vibiana, the former cathedral in downtown Los Angeles. Dozens of well-known chefs have been paired with farmers to make food. The evening's proceeds go to Hunger Action Los Angeles and Sustainable Economic Enterprises-Los Angeles.

The initiative takes advantage of widespread concern about the rate of obesity (40% of middle schoolers are overweight or obese in L.A. County, according to the L.A. County Department of Public Health), as well as the support for Michelle Obama's "Let's Move" campaign.

"The obesity crisis is a symptom of how broken the food system is," said Evan Kleiman, the chef-owner of Angeli Caffè and a member of the task force.

The task force report aims to be a blueprint for a food policy council, a volunteer panel that is being recruited, primarily from those people who worked on the task force, said Paula Daniels, an L.A. public works commissioner who was on the task force.

There are food policy councils in dozens of U.S. cities, including San Francisco, New York and Detroit. Los Angeles established one in the 1990s, but it collapsed after a few years. This time, Gottlieb said, there is a greater momentum and deeper support for changes in the local food system.

These days, health is a major driver of interest in a regional food supply, Yee said. "People are starting to put two and two together again that good food equals good health. And that's becoming the incentive for people to search out better food, healthier food and so on."

South Los Angeles, the report noted, has one of the highest poverty rates (30%) in the area, as well as one of the highest obesity rates (35% of adults).

Task force member Frank Tamborello of Hunger Action L.A. said the report doesn't devote enough attention to low-income people "who are really at the bottom end of the spectrum in having access to good food, local food."

In 2009, one in 10 L.A. County residents received food assistance, according to the report.

Renee Guilbault, food and beverage director for Le Pain Quotidien and a member of the food policy task force, said there's plenty to attract business to the task force goals.

Research shows, she said, that when items are procured locally, 45 cents of every dollar remains in the local economy, compared with 15 cents for items procured elsewhere.

Her company, with 12 restaurants in Los Angeles, spends \$6 million a year on agricultural products; if all of that was bought locally, that would pump \$2.7 million back into the system, Guilbault said.

Daniels suggested another way to measure success.

"If we can see more produce being sold in low-income communities, more people being enrolled in the food stamp program and using that to buy produce, and if we can see more signs in the produce aisle about which farm the food came from, then I will feel like we made some headway," Daniels said.



## What makes food grow - and why that matters

Stephanie Ogburn

Monday, September 20 2010

There's a lot of attention paid to where food comes from nowadays. Less attention has been paid to what helps that food grow, but that's an important part of the equation. Whether organic or conventionally grown, the tomatoes, lettuce, plums and other food we eat rely on nutrients in order to grow. One of the most important nutrients for plant productivity is nitrogen.

Nitrogen, which is ubiquitous in our atmosphere in a relatively inert, gaseous form, is not available to most plants unless it is transformed into a reactive form and added to soil, where plants can use it to grow. Most often nitrogen is applied to fields in the form of synthetic fertilizer, although organic production relies on other nitrogen sources, such as cover crops, manure, fish meal and poultry waste.



Agricultural production depends on nitrogen in order to grow reliable, high yielding crops. But this nitrogen, when it is applied to fields in the reactive form that plants can use, also tends to leak out into air and water and cause pollution when all the nitrogen applied to the field is not used up by the plants.

The California Nitrogen Assessment, a project of the [Agricultural Sustainability Institute](#) at UC Davis, is taking a hard look at the whole system of nitrogen use in California. While nitrogen is hugely important to producing the food and fiber that we all need, there may be ways to use it more efficiently and reduce the pollution problems it can cause. These problems include air and water pollution, which can have negative consequences for human and environmental health in California.



Since nitrogen is so important to producing the food that all of us eat, the Agricultural Sustainability Institute's team has involved stakeholders from all around the agricultural system. The assessment team has sought insight from farmers and economists, policy makers and public health groups, and Californians whose drinking water has been polluted by nitrogen, forcing them to buy bottled water on a regular basis. There are many diverse perspectives and ideas about how nitrogen should be managed in California's future. The assessment will provide a synthesis of the most up-to-date scientific knowledge on science, policy and practice to inform decision making on how to improve nitrogen management.

Thinking about where food comes from is one important part of understanding the food system. Learning about the trade-offs involved in other key agricultural inputs is another.

Find out more about nitrogen and the California Nitrogen Assessment at its [website](#). If you are interested in becoming involved in the assessment as a stakeholder participant, visit the website for more information to learn how you can get involved.



## UCSC farm apprentices create their own jobs in the field

More than 80 percent worked in farming or education, 42 percent created jobs that didn't previously exist

September 17, 2010

By Guy Lasnier



The apprenticeship program, part of the Center for Agroecology and Sustainable Food Systems at UCSC, takes place at the 25-acre farm near the base of campus and 3-acre Chadwick Garden near Merrill College.

A new study that looks at 20 years of the Apprenticeship in Ecological Horticulture program at UC Santa Cruz finds that a large percentage of its alumni are still involved in growing and marketing organic food and teaching others how to do so.

The paper "Achieving program goals? An evaluation of two decades of the Apprenticeship in Ecological Horticulture at the University of California, Santa Cruz" is based on surveys of 299 graduates from 1989 through 2008. It is published in the premiere issue of the new online [\*Journal of Agriculture, Food Systems, and Community Development\*](#), available for no charge until October.

Lead author Jan Perez, a research specialist with the [Center for Agroecology & Sustainable Food Systems](#) (CASFS) at UCSC, said the survey, one part of a larger internal evaluation, explored if the program's goals of having an impact on sustainable food systems were being achieved.

The findings are "both surprising and not so surprising," Perez said.

Not surprising, she said, because she expected a commitment to sustainable agriculture from the program's graduates. Surprising, because finding a job let alone eking out a living in the field is difficult. "You kind of have to go out and make your own job," Perez explained. The field doesn't have a lot of job openings awaiting graduates as graduates of a nursing program might find.

Forty-two percent of survey respondents reported creating jobs that did not previously exist, the survey found.

Perez and coauthors Damian Parr, a former apprentice who is now a postdoctoral fellow at the Agricultural Sustainability Institute at UC Davis, and Linnea Beckett, a graduate student researcher at CASFS, found the results showed an overwhelming number went into farming and gardening and a large number are still there. "More than 80 percent of the respondents have done some type of paid or vocation-related work since graduating. Sixty-five percent are still doing this work," the authors report.

The surveys were conducted in June and July 2009. Of the alumni the researchers contacted, 58 percent responded. In all, 37 percent of all alumni from 1989-2008 took part in the survey.

The pioneering Apprenticeship in Ecological Horticulture (AEH), part of the CASFS at UCSC, has evolved since 1967 when Alan Chadwick converted a rocky hillside below Merrill College into an organic food and flower garden that became the Student Garden Project. As of 2009, there were 164 colleges or universities offering education or training in sustainable food systems.

"AEH has been successful at both meeting its goals and addressing the mission of CASFS," report the authors, who also acknowledge their connections to AES and CASFS. Neither has a fiduciary interest in the program or the outcome of the study, they assert.

Their research was supported by the Foundation for Global Community and the U.S. Department of Agriculture.

## Endangered Species Act protection sought for Franklin's bumble bee

By Sarah Phelan  
Created 06/23/2010



I've been obsessed with bees in general, and bumble bees in particular for some time now. I'm fascinated by the bumble bee's thick tundra- adapted pelt that allows it to forage for nectar in way colder temperatures than your average sun-loving Italian honey bee.

And then there's the bumble bee's relatively hardcore social structure, in which only the young bumble bee queens over winter, emerging alone in the spring to start colonies afresh.

I've even read that the first generation of a bumble bee queen's colony can be stunted because the young queen had to do everything herself—gathering pollen and nectar, building the nest, tending to her developing brood—unlike the honey bee queen, which forms a permanent colony and has multiple female workers to help raise the young, clean the hive and gather necessary provisions each day.

But above all, I'm fascinated by the fact that something as small as a bumble bee plays such an important role when it comes to pollinating plants. Experts say that native bumble bee pollinators are important to the reproduction of many native flowering plants and food crops. And in Britain and the Netherlands, researchers have actually noticed a decline in the abundance of certain plants where multiple bee species have also declined. Then there's the fact that for many crops, such as greenhouse tomatoes, blueberries and cranberries, the buzzier bumble bees are better pollinators than honey bees, and some species are produced commercially for their use in pollination.

So, I've been troubled by reports that some native bumble bee species are in decline, and that commercially reared bumble bees, reared on the East Coast and then imported to the West to buzz pollinate hothouse tomatoes, could be the cause.

And now the Xerces Society for Invertebrate Conservation and bumble bee scientist Dr. Robbin Thorp have petitioned the U.S. Fish and Wildlife Service requesting Endangered Species Act protection for Franklin's bumble bee.

"This mostly black bumble bee was readily found throughout its range in southern Oregon and northern California in the early 1990s," stated the Xerces Society in a press release. "Twelve years of surveys conducted by Dr. Robbin Thorp clearly show that this species has declined steadily. The decline has been so severe that only a single Franklin's bumble bee was observed in 2006 and none since."

"Over the last 12 years I have watched the populations of this bumble bee decline precipitously," said Thorp, who is Professor Emeritus at UC Davis "My hope is this species can recover before it is too late."

The Xerces press release notes that the cause of the catastrophic decline of Franklin's bumble bee is hypothesized to be an escaped exotic disease that may have spread from commercial bumble bee colonies to wild bumble bee populations.

"Research in Dr. Sydney Cameron's lab at the University of Illinois is underway to test this hypothesis," the press release notes. "Other threats that may be harming Franklin's bumble bee populations include habitat loss and degradation, climate change, pesticide use, and invasive plant species.

Recognizing the decline of Franklin's bumble bee and numerous other North American bumble bees, the Xerces Society, Thorp, Defenders of Wildlife and the Natural Resources Defense Council recently petitioned the USDA's Animal and Plant Health Inspection Service to protect wild bumble bees from the threat of disease by regulating commercial bumble bees.

Specifically, the petition asked the USDA-APHIS to create rules prohibiting the shipment of commercial bumble bees outside of their native ranges and to regulate the interstate transport of commercial bumble bees within their native ranges by requiring permits that show that bumble bees are certified as disease-free prior to movement.

"It is vital that the U.S. Fish and Wildlife Service Act quickly to protect this bumble bee," said Sarina Jepsen, Endangered Species program director at Xerces. "We hope that an Endangered Species Act listing will encourage the USDA-APHIS to protect wild bumble bees from future threats posed by nonnative, commercial bumble bees."

"The decline in Franklin's bumble bee should serve as an alarm that we are starting to lose important pollinators," said Scott Hoffman Black, Executive Director of The Xerces Society. "We hope that Franklin's bumble bee will remind us to prevent pollinators across the U.S. from sliding toward extinction."

## **Group seeks endangered species protection for bumblebee native to Oregon and California**

**By JEFF BARNARD**

June 23, 2010

GRANTS PASS, Ore. - A conservation group filed a petition Wednesday to add a bumblebee from Southern Oregon and Northern California to the endangered species list.

The Xerces Society for Invertebrate Conservation and University of California at Davis entomologist Robbin Thorp formally petitioned the U.S. Fish and Wildlife Service to protect the insect — called a Franklin's bumblebee — under the Endangered Species Act.

Scott Hoffman Black, executive director of the of the Xerces Society in Portland, said the petition is part of an effort to reverse the decline of bumblebees and other native bees around the world due to habitat loss, pesticides and diseases spilling out of commercial greenhouses.

The group is preparing petitions to protect other bumblebee species as well. The Franklin's bee was chosen for this petition because documentation of its decline is more detailed than for other species. Thorp found 94 Franklin's bumblebees in 1994, but he has seen none since 2006.

Farmers often hire honeybee keepers to pollinate crops, but hives have been decimated by a mysterious honeybee killer known as colony collapse disorder.

So some farmers are turning to bumblebees to pollinate, especially for hothouse crops such as tomatoes, peppers and strawberries, and field crops such as blueberries, cranberries, raspberries, squash and watermelon. Bumblebees pollinate about 15 percent of all crops grown in the nation, worth \$3 billion.

"The decline in Franklin's bumblebee should serve as an alarm that we are starting to lose important pollinators," Black said. "We hope that Franklin's bumblebee will remind us to prevent pollinators across the U.S. from sliding toward extinction."

While many native pollinators have seen declines related to loss of habitat and pesticides, Franklin's bumblebee and some related species have suffered deep and sudden declines that Thorp has theorized may be related to a fungus that was inadvertently transported with bumblebees brought from Europe for commercial use.



Researchers at the University of Illinois are working to see if the fungus known as nosema bombus caused declines in a number of related bumblebees, including the once-common Western bumblebee, the rusty-patched bumblebee, and the yellow-banded bumblebee in the Northeast.

Earlier this year, the Xerces Society and other conservation groups and scientists called on federal agricultural authorities to start regulating shipments of commercially domesticated bumblebees to protect wild bumblebees from diseases threatening their survival.

A 2007 National Academy of Sciences report blamed the decline of pollinators around the world on a combination of habitat loss, pesticides, pollution and diseases spilling out of greenhouses using commercial bumblebees.

## As butterflies struggle, Oregon Zoo lends a hand

Published: Thursday, July 22, 2010

Katy Muldoon, The Oregonian



OREGON ZOO  
Oregon silverspot butterfly

[Oregon silverspot butterflies](#), a threatened species whose numbers have dramatically declined, are getting a boost this summer from the [Oregon Zoo](#), which is releasing thousands of captive-reared larvae into prime coastal habitat.

The zoo released 128 larvae Thursday at Rock Creek in Tillamook County. Releases will occur almost weekly through September; altogether, about 2,000 zoo-raised larvae will be deposited in the wild.

Oregon silverspots (*Speyeria zerene hippolyta*) are elegant orange and brown butterflies with metallic silver spots on their undersides. They inhabit a few swaths of grassland along the Northwest coast.

The Oregon Zoo partners with state and federal wildlife agencies, the [Nature Conservancy](#), the [Xerces Society for Invertebrate Conservation](#), [Lewis & Clark College](#) and Seattle's [Woodland Park Zoo](#) to grow the silverspot population and protect the butterflies' fragile habitat.

Each year, females are collected from Mount Hebo, brought to Portland and induced to lay eggs at the Oregon Zoo's butterfly conservation facility. They hatch into larvae, or tiny caterpillars, then hibernate in refrigerators through winter.

In spring and summer, the zoo fattens them up on the larval food of choice, early blue violets ([Viola adunca](#)), before releasing them to the wild.

The zoo's horticulture department raises thousands of the violets, including some that are planted at release sites.

"The last three years we really got the husbandry down and managed to eliminate mortality at every step in the process," said David Shepherdson, deputy conservation division manager.

Oregon silverspots have lost ground, according to the Portland-based Xerces Society for Invertebrate Conservation, because of development, recreation uses such as off-roading and cultural shifts that increasingly call for wildfire suppression; without wildfires, forests have replaced the open-meadow habitat the butterflies require.

Butterfly populations are in trouble across North America; 23 species are listed as threatened or endangered under the [Endangered Species Act](#).

That's a problem says Mary Jo Andersen, Oregon Zoo butterfly conservationist, because butterflies are pollinators. "Their survival," she said, "protects entire ecosystems."

# World Ark Magazine

Summer 2010

## Beauty and the Bees

By Sarah Schmidt | *World Ark* contributor



On the Omeg family's Oregon cherry orchard, a 10-foot perimeter of goldenrod, catmint and blanket flower surrounds the 350 acres of trees. The flowers run between the rows, too, and in one section of the orchard, four 30-foot diameter circular patches sport a host of native prairie grasses that produce flowers of their own. It's a lovely display, but Mike Omeg, the fifth-generation family member who now runs the orchard, didn't work untold hours over the past three years just to make his farm prettier. The flowers host several species of bumblebee, orchard mason bees, and sweat bees, as well as monarch and swallowtail butterflies, all of which are, well, busy as bees, as they fly from blossom to blossom doing what they're uniquely qualified for—pollinating food crops.

Four years after scientists first noticed that a mysterious insect plague known as colony collapse disorder was wiping out honeybees around the globe, the exact cause has yet to be determined. In the meantime, many small and midsize farms aren't waiting to hear the solution to the whodunit. Instead they're enlisting more bees to pollinate their crops by luring them in with food, water and custom-made habitat, thanks in part to incentives in the latest U.S. farm bill. Though just a handful of farms have begun to put such methods to the test, their success could be an important component to averting a pollination crisis—and increasing food security worldwide.

The dramatic drop in the world bee population isn't just about honey. In fact, about one-third of all food crops worldwide depend on insect pollination. Everything from almonds to apples to cucumbers to soybeans—\$15 billion worth in the United States alone, according to the latest Department of Agriculture estimates—are at risk. And while scientists are still working intently to pinpoint the causes of the mysterious syndrome, annual honeybee losses continue to hover around an alarming 30 percent. “We have just enough bees right now, but we’re near the tipping point,” said Marla Spivak, entomologist and professor of apiculture at the University of Minnesota. “We rely on pollination for so many crops—the impact could be severe.”

## VANISHING HABITAT

Ever since people first began to cultivate food crops, bees and butterflies have been pollinating many of them. And until very recently, the job was done efficiently and free of charge by whatever pollinating insects were native to the area.



Mike Omeg's cherry trees burst into bloom at his orchard in Oregon.

“When our landscape was more diverse, pollinators had plenty of varied habitat,” explained Eric Mader, national pollination coordinator of the Xerces Society, a nonprofit devoted to invertebrate conservation. In the past, a wider variety of wildflowers, trees, and grasses bloomed at different times of year and provided a steady stream of pollen and nectar for wild bees. Farms also provided food and shelter, since most rotated food and cover crops like clover. But the landscape of most industrialized countries—and, increasingly, developing ones—has changed drastically over the past 50 years.

Small family farms with several different crops have largely given way to large, single-crop fields, and pesticide use has increased dramatically. At the same time, undeveloped natural areas that might have harbored wild bees are shrinking or disappearing. Also, there’s the double whammy of pesticides. Insecticides aimed at wiping out harmful insects can often do the same to bees. Even small exposures can put severe stress on their immune systems, leaving them vulnerable to diseases. “And then you have the herbicides that are killing the weeds, but turns out that bees need weeds for food,” said May Berenbaum, entomologist at the University of Illinois.



The beekeeping business has also been changing. Before World War II, there were about half a million colonies of managed honeybees in the United States. They were raised not only for their honey, but also for wax, which was widely used for everything from candles to the waterproof coating on raincoats for the U.S. military. Though they were fed and housed by beekeepers, they also helped themselves to the nectar and pollen from surrounding plants. “Back then, a beekeeper might pay a farmer a small rental fee to keep them on his land, or maybe just let them loose in a natural area,” said Kim Flottum, editor of the trade journal *Bee Culture* and a beekeeper himself.

But in the 1950s, the United States started to import cane sugar. Petroleum products began to replace beeswax. Changes in trade policies caused the price of imported Chinese honey to drop to competitive levels. As a result, demand for U.S. honey fell dramatically and now supports only about half as many managed colonies. At the same time, the number of acres devoted to pollination-dependant crops doubled in the United States. “So now we have about half the bees and twice the work,” Mader said. And of course this is on top of the decline in wild bees.

As a result, farmers must now pay beekeepers to deliver colonies to their fields for pollination services during the crucial window when their crops are in bloom. Such services are in high demand—instead of a beekeeper paying a farmer, U.S. growers are now paying up to \$130 per colony for honeybee rental for some crops, a fourfold increase in the past few years, Flottum said. In Western Europe and most of the developing world, native pollinator declines have also led farmers to rely on honeybee rentals.

## **STRANGE, SCARY PHENOMENON**

It wasn’t until 2006 that two things brought the plight of bees to light—the emergence of colony collapse disorder (CCD) and a report from the National Research Council on the decline of North American wild and domestic pollinators.



On a central California farm bees pollinate apple blossoms.

The council’s report was one of the first sources to document major losses of domesticated bees and reveal evidence of dramatic declines of wild ones. It warned of

impending agricultural consequences. That same year, beekeepers across the U.S. began to see a strange, scary phenomenon in their hives. Entire colonies of adult bees would vanish without a trace, leaving the queen and young brood behind. “There have always been lots of things that kill bees—mites or disease, for example. But then you usually see dead bees. With true CCD, they’d just disappear,” Flottum said. That year, and most years since, the Apiary Inspectors of America’s annual census has been documenting losses of around 30 percent each year, where 15 percent used to be the norm.

Meanwhile, other countries also began to see dramatic declines in both honeybees and wild pollinators—some of which fit the colony collapse disorder pattern and some of which had other hallmarks. “We’ve seen a lot of cyclical declines over the years, but not like this. We call it CCD sometimes just because we don’t know what else to call it, but the point is, around the world, bees are in trouble,” said Gabriella Chavarria, a conservation biologist with the Natural Resources Defense Council.

Beekeepers in the United Kingdom and Europe have been losing about 30 percent of their colonies annually for the last several years, and while less data is available in the developing world, anecdotal evidence points to problems. In Argentina and Chile, the beekeeping business is on the verge of collapse due to colony losses. In China, the problem is so severe that practically all of the bees in the country’s apple- and pear-growing regions have been wiped out. As a result, Chinese workers must pollinate by hand, climbing ladders and dipping Q-tip-like tools made of bamboo shoots and chicken feathers into every blossom, according to a report from the U.N.’s Food and Agriculture Organization. In Brazil, too, where large, mono-crop farms are becoming increasingly common, passion fruit crops are now pollinated by hand.

## **MORE THAN ONE CAUSE**

In North America, entomologists are still zeroing in on the exact causes behind colony collapse disorder, but almost everyone agrees that a perfect storm of factors is responsible.



A bumble bee visits a hyssop flower.  
About one-third of all food crops  
worldwide depend on insect  
pollination.

“Not only do you have habitat degradation, but you have globalization, which allows imported bees to bring diseases in more readily, and then of course [you have] pesticides,” said Berenbaum, whose research pinpointed one of the specific viruses involved. But no matter what’s behind colony collapse disorder, the important lesson to be learned may be that our current environment is simply leaving bees too vulnerable. “It’s like this,” explained Flottum. “If you’re healthy and you walk into an elevator and someone sneezes, you probably won’t get sick. But if you haven’t been eating well, you’ve been stressed, overworked, in crowded conditions for weeks or months, breathing in chemicals, and you walk into that same elevator and someone sneezes, well, you probably will.” Most experts agree that the key to avoiding the next pollination crisis will be to make the world a better place for bees in general.

That’s where strategies such as Oregon orchardist Mike Omeg’s pollinator habitat idea come in. “We can’t put the genie back in the bottle, but we can integrate some of the best practices from the past into what we’ve learned about the future,” said Claire Kremen, a conservation biologist at the University of California, Berkeley. Kremen is one of a small cadre of pollination experts who have researched ways to bolster native bees.

Recently, the Xerces Society, using studies from Kremen and other pollination specialists, developed a program to teach farmers how to incorporate patches of bee and butterfly habitat into cropland and the surrounding areas. Xerces enlisted a range of different fruit and vegetable growers—cherry farmers like Omeg in Oregon, apple producers in Kentucky, sunflower and tomato growers in California, organic vegetable farmers in Wisconsin—to participate. Some states and universities have launched similar

local programs. All together, 10,000 acres of U.S. farmland are on board via Xerces, and the results of the project's findings could point the way for many more.

The idea is simple: rehabilitate a small portion of farmland so that it closely resembles the wild natural areas that once hosted bees and other beneficial insects. Yet the implementation can be tricky. Omeg, for example, who has a master's degree in entomology, had tried years ago to create a similar habitat plan of his own to little avail.

## HELP FOR FARMERS

Motivated by both colony collapse disorder and the 2006 National Research Council findings, the Xerces Society culled existing research on pollinators and produced detailed guidelines for farmers in several different states,



Pollinator plants surrounding crops help increase farm yields. In some countries, the crisis is so severe farmers must pollinate crops by hand.

which the group has promoted since 2007. The plan picked up momentum last year after a portion of funding from the 2008 U.S. Farm Bill helped reimburse farmers for startup costs. Mader and other scientists from the group also visit farms to make specific recommendations based on climate, geography and existing growth.

“Eric [Mader] came out on a cold day last winter and walked around the farm with me. Then we sat around the kitchen table and came up with a plan,” said Deirdre Birmingham, who farms 60 acres of organic cider apples in Wisconsin. With Mader’s help, she decided to plant spruce trees and barberry shrubs as a windbreak, both of which provide habitat for bees. “This was something I was going to have to do anyway, so now I’m just getting more bang for my buck, and it doesn’t cut into my acreage at all,” Birmingham said. She also planted a small prairie of Indian grass and little bluestem, as well as wildflowers like purple coneflower, evening primrose, goldenrod, and brown-eyed Susans. The prairie attracts mason bees and other wild bees and provides nectar and pollen for the four hives of honeybees Birmingham and her husband raise.

Another major benefit is that such habitat also attracts beneficial insects that are natural predators to pests. “I haven’t had to treat for cabbage worms in five years,” said Harriet Behar, an organic vegetable farmer also in Wisconsin. Behar’s 300-acre farm includes a 10-acre meadow that she is working to rehabilitate with help from the Xerces Society and a state agency devoted to sustainable farming. She’s noticed better yields in the areas near the meadow and has seen plenty of new wild bees and beneficial insects buzzing around on her farm.

She also uses other tactics, like rotating her food crops with clover, to make her farm bee-friendly.



Mike Omeg (at right in cap), hosts a training workshop on bee pollination at his Oregon orchard. He's been working for three years to make his farm bee friendly.

“When you have a diverse ecosystem like this, you might get problem insects for a short time, but then you have an army of beneficials ready to attack and eat them,” explained Behar, who attributed her lack of cabbage worms to the parasitic wasps living in the meadow. And though organic farms may have the most interest in chemical-free pest control, conventional farms also stand to benefit, too. “A lot of the farmers interested in doing this are organic or otherwise embracing sustainable agriculture, but we’re also just attracting those paying a lot to rent honeybees,” Mader said.

Of course the success of the program will come down to the bottom line—and that’s yet to be determined. Kremen’s research shows that farms with 30 percent of land devoted to natural habitat won’t need to rent bees. But anecdotally, farmers report noticeable benefits with a lot less land set aside. Xerces will gather data from participating farms over the next several growing seasons and present cost-benefit guidelines soon after.

Some farmers are eager to invest immediately. “Honestly, I haven’t priced it out yet, but once it’s established, there aren’t a lot of ongoing costs,” Birmingham said of her two-year-old prairie.

Proponents stress that this approach is likely only a part of what’s needed to restore the world’s pollinators to safe levels—but it may be that it’s the part that’s been missing so far. “Ultimately, what we need to do is think about how to change farming itself, and we’ll need a range of strategies to do it,” Kremen said. Other approaches have also found some success: Improved nutrition and more aggressive parasite and disease management have also done some good. In Europe, aggressive pesticide management has been the primary strategy, with Germany and France banning certain pesticides and Spain and the United Kingdom expected to follow.

A positive side effect of colony collapse disorder is the increase in international discussion on the best ways to improve the environment to counter the global pollination crisis, Flottum said. “Research support had really dwindled over the years,” he said. But headlines about the disorder motivated scientists to investigate causes and solutions. And farmers are beginning to see, from a bee’s perspective, the beauty in a diverse and colorful landscape. “All of this attention can only be good for everyone.”

*Sarah Schmidt is a freelance writer based in Brooklyn, N.Y. Her work has appeared in The New York Times, New York Magazine, OnEarth and Plenty.*



# World Ark Magazine

Summer 2010

## Bee of Help

Create a bee-friendly garden. Bees need a steady stream of blossoms to provide pollen and nectar, so plant a variety of plants that bloom at different times. Native wildflowers are especially good since they've coevolved with the local pollinators. Both the Xerces Society ([www.xerces.org](http://www.xerces.org)) and the Pollinator Partnership ([www.pollinator.org](http://www.pollinator.org)) provide lists based on your region. Bees will also need a place to live. The Xerces Society has detailed information on how to provide nesting spots.



Think before you spray. Pesticides used for lawns and gardens can harm bees in the same way agricultural chemicals do. “The general public sprays massive amounts of pesticides on the lawn because they think they need to control mosquitoes, and usually it’s not necessary,” says Gabriela Chavarria of the Natural Resources Defense Council. At the very least, spray after dusk, when bees are least active, and try to avoid broad-spectrum pesticides.

Hit the farmers market. Here you’re likely to find growers that use pollinator habitat, integrated pest management or organic methods, all of which are better for bees than conventional farming. While you’re there, be sure to look for a local honey producer. Supporting domestic beekeepers can help them stay in business while they battle colony collapse disorder. Local beekeepers also limit the need to import honey, which has been linked to the spread of bee diseases and parasites.

Become a beekeeper. Raising bees as a hobby can help strengthen the pollinator population. Check out [www.beesource.com](http://www.beesource.com) for resources or pick up Kim Flottum’s beginner’s guide, *The Backyard Beekeeper*.

— Sarah Schmidt

# Los Angeles Times

## Anger flutters over 'Butterfly Town USA'

Pacific Grove residents demand the city make up for last year's pruning that reduced the eucalyptus branches in a monarch sanctuary. What if the butterflies don't return, they ask.



Monarch expert Monte Sanford holds a model in Monarch Grove Sanctuary, where many eucalyptus limbs were cut last fall. (Jay L. Clendenin, Los Angeles Times / August 18, 2010)

By Steve Chawkins, Los Angeles Times  
August 29, 2010

Reporting from Pacific Grove, Calif. — In Pacific Grove, you don't rile butterflies or the people who love them.

Monarch butterflies are as much a part of Pacific Grove as movies are of Hollywood. The city of 15,000 calls itself "Butterfly Town USA." A municipal ordinance imposes a fine of \$1,000 for butterfly molestation. In a rite of passage known to all Pacific Grove parents, kindergarteners are decked out for the annual Butterfly Parade with black-and-orange wings — a tradition since 1939.

So last fall, when a city contractor did what many see as an overly zealous pruning job in the

town's famous Monarch Grove Sanctuary, residents were angry. And when a butterfly census found only 793 migrating monarchs – down from more than 17,800 at the same time the year before — tourists stayed away. Business for the season plummeted by more than 25%.

At a City Council meeting last week, Mayor Carmelita Garcia apologized for the city's mismanagement of the tree cutting, calling it "a horrible mistake." In the audience, people who had come to hear about emergency sanctuary repair wore toy butterfly antennae that bobbed up and down as the mayor spoke.

With the first monarchs due in about a month, volunteers have been scrambling for potted trees that can serve as makeshift butterfly shelter throughout the 2 1/2-acre sanctuary. "We're hoping and praying," said Moe Ammar, president of the Chamber of Commerce that serves the picturesque, sometimes fogbound town of Victorian homes.

"People who follow the monarchs come from all over the world," Ammar said. "When we get calls asking if the butterflies have arrived, we have to be honest."

Officials said the aim of the pruning was to get rid of old limbs that were ready to fall. But in retrospect, they admit they could have been more selective. "For whatever reason," said Deputy City Manager Jim Becklenberg, "we didn't consult with the habitat experts."

But the city also says it had good reasons for its safety concerns. Limbs from the area's many diseased pines fall from time to time. In 2004, a toppling branch killed an 85-year-old woman who was strolling with her grandchildren. The city, which had identified the tree as dangerous, paid \$1 million to settle the family's lawsuit.

As anger over last fall's pruning job grew, the public works director was fired. City officials declined to say why.

A patch of woods near the windswept tip of the Monterey Peninsula, the city-owned refuge is empty now. Starting with small scouting parties in September, waves of monarchs fly in from their inland breeding grounds and generally stay into February. They traditionally cluster in great bunches, mostly on eucalyptus limbs, moving from spot to spot in the sanctuary depending on the sun and the wind.

But many of those limbs — some as high as 50 feet off the ground — were chopped, along with branches of Monterey pines that filtered the sun and buffered the wind. "They didn't trim the grove — they *logged* it," said one outraged local.

"It's remarkably sad," said Bob Pacelli, a Pacific Grove filmmaker who has documented the butterflies for about 20 years. "You start looking at one part of the destruction and follow it around, and just see more."

In desperation, Pacelli came up with a plan: Find boxed trees — preferably blue gum eucalyptus — around 20 feet high and place them at strategic spots to help shelter the incoming monarchs.

But the city has been slow to respond, Pacelli said. One official, Pacelli said, wrongly accused him of stepping on a butterfly, a violation of city code. No charges were filed.

Pacelli and a band of ardent volunteers recruited Monte Sanford, a Reno-based environmental scientist.

"It's almost unreal that the iconic butterfly town — one of the most famous places for butterflies in the world — did that to their resource," Sanford said.

Just how much the severe lopping discouraged the monarchs is an open question.

For reasons still unclear — climate change and development are possible culprits — the winter migration to the California coast has dropped dramatically since 1997, according to the Xerces Society, a conservation group that runs a Thanksgiving week census. Last year was bad statewide, with a decline of about 55%. Pacific Grove, like a couple of other Monterey County spots, saw a drop of about 90%.

Stuart Weiss, a conservation ecologist and consultant for the city, said many factors may have contributed to last year's decline. Three years of drought in the Central Valley may have withered the milkweed that breeding butterflies thrive on. Severe storms may also have played a part.

Weiss this week started mapping every tree in the grove, assessing different locations for moisture, sun and wind. Creating a long-range plan, he said he'll advise the city to plant another row of eucalyptus trees and develop a more thoughtful, less reactive management approach.

"You have to think decades in advance about replacement of critical trees," Weiss said. "I want to build some resiliency into the habitat so that eventually, the loss of a few branches won't deal it a fatal blow."

Meanwhile, donations for two dozen potted trees are rolling in — the mayor herself wrote a check — and, next week, the City Council is to consider the plan.

"Something's got to happen," Pacelli said. "If it doesn't, there will be a bunch of old ladies chaining themselves to the trees out there."



## **Laura Christman: North state bumblebee goes missing**

By Laura Christman

Posted September 27, 2010



Robbin Thorp/UC Davis

Franklin's bumblebee hasn't been found in its home range of Southern Oregon and Northern California since 2006.

Robbin Thorp is on a lonely search for a single bee. He's looked low and high, hoping to spot Franklin's bumblebee. The last time he saw one was August 2006 on Mt. Ashland in Oregon. The bee might be extinct. Thorp, a bumblebee authority and emeritus entomology professor at the University of California at Davis, remains hopeful that it isn't. That's why he keeps looking.

Franklin's bumblebee once buzzed around Siskiyou and Trinity counties. Its range stretches about 190 miles north to south and 70 miles east to west, from Southern Oregon into Northern California. That's the smallest range of any North American bumble bee, but if you happen to be the one looking for a bee, it's a lot of territory to cover.

About once a month in the summer, Thorp leaves Davis and heads north on a bee hunt. He doesn't just bumble along. Thorp has a plan. He follows the flowers.

"I walk around and look at the flowers. That is where the bees are foraging," he told me.

He begins his bee hunts at low elevations and then works his way up as higher-elevation plants bloom later in the summer.

If he were to see a Franklin's bumble bee, Thorp says he'd know it right away. The bee has a round face and is black with distinctive yellow markings on the head and thorax.

"It is recognizable," Thorp said. "It has a very different color pattern."

Thorp has been monitoring the bee since 1998, according to an article written by Kathy Keatley Garvey, communications specialist with the UC Davis entomology department. The first year's count was 100, the article says. That dropped to three in 2003, one in 2006 and none since.

The situation looks grim. But why should we give a rip? Franklin's bumblebee isn't going to create jobs, cure colds or bring peace to the Middle East. It's just a bee. Whether Thorp finds the bee, our lives will go right along.

That's a lousy way of looking at it, however. The idea of "looking" is part of the problem. We seem to view nature as something to sit back and watch, like a television show that plays out in front of us. We forget that we're part of the picture — that we're all in this together.

"Every species is special and every species is important," Thorp told me.

Even a little bumblebee.

"If you start removing elements, the systems begin to fall apart," Thorp said.

Native bumblebees are key pollinators for a diversity of native plants. Wild creatures depend on those plants for food and shelter. There's been a lot of bad news about bees recently. Pesticides and habitat loss threaten bees. Honeybees have been hit hard by mites and Colony Collapse Disorder.



For those of us who happen to like food, bad things happening to pollinators is not a jolly deal.

Thorp thinks the rapid decline of Franklin's bumblebee is due to a disease that could have been introduced when native bumblebee colonies were taken to Europe. The bees were reared there and then brought back to the United States (bumblebees are used commercially to pollinate crops).

In June, Thorp and the Xerces Society for Invertebrate Conservation petitioned the U.S. Fish and Wildlife Service to have Franklin's bumblebee protected as an endangered species. Thorp said it could take a year or longer before a decision is made.

But if the bee hasn't been seen in four years, isn't it too late? Perhaps not.

If it is a disease that's to blame, it's reasonable to think that some bees weren't affected or were able to fight it off, Thorp said

"Typically what you would expect, is the disease sweeps through and a few resistant individuals in the population begin to reproduce and recover. That's the basis for the future," he explained.

There could be Franklin's bumblebees out there, but so few that they aren't being seen. It would take awhile for their numbers to build to the point that they start getting noticed.

So Thorp plans to keep looking. When the flowers unfurl next summer, he'll be back in pursuit of the missing bumblebee.

"It's a hunting game, and each year I go with the hope and expectation that they are out there somewhere, but just under the radar," he said.

## Married to Walmart: What Was I Thinking?



By David Mas Masumoto



My organic raisins are on Walmart shelves, with the farmer-owned cooperative Sun Maid on the label. What contradiction have I created?

Ten years ago, Walmart wanted organic raisins. It had already become a major player in the food world, and by the 2000's it was launching an organic section in some of its stores. Bringing the option of organic raisins to the typical Walmart shopper was probably something very new. This I liked: middle-class organics. People on tighter budgets deserve organic options.

So Walmart decides to contract with Sun Maid for a steady supply of organic raisins. Sun Maid says yes, realizes it needs more organic farmers, and has to educate its sales team about organics. Sun Maid is a farmer-owned cooperative—it's huge, controlling as much as 40 percent of the domestic raisin supply. The coop model empowers hundreds of farmers, many with small farms and run by old farmers in their sixties and seventies. My only complaint: Sun Maid doesn't realize that being a cooperative is a positive selling point—it's part of a very cool story behind the typical faceless raisin. Young people would like to know that.

So, years later: am I married, divorced, or sinning with Sun Maid and Walmart?

Thus my marriage with Sun Maid: I became its resident organic farming expert. And I began a new affair—an unlikely threesome between partners who have organics in common. My own farm had been organic since the 1980s. Although our peaches always sold well, our organic raisins were often without a viable home because sales were hit or miss. Were our sweet, innocent organic raisins being courted by Walmart, and vice versa? Was Walmart, the slick city suitor, trying to sweep us naive country folks off our feet then suck the life out of us? Or was I an idealistic organic farmer, believing I could help hundreds of acres transition to organic, reduce pesticide use and protect the health of farmers and farm workers?

Walmart doesn't exactly court. It has sharp business acumen, and had already deeply penetrated the food industry, going from zero to becoming a major player in different commodity sectors. (An example: stone fruit. After starting in the 1990s, in a few years it controlled an estimated 15 percent of all U.S. sales of peaches, plums, and nectarines.)

I spoke at a Sun Maid workshop with farmers to talk about going organic. Farmers control the board of directors, and are very conscious of being a cooperative: our raisins are pooled, and together we get a better price. The other farmers were skeptical at first, but I was seen as one of them, too. My advice: organics makes you manage a vineyard differently. It's not about substituting organic sprays for conventional. You take care of life, of your soil, and of yourself. And you get a price premium.

With the Sun Maid sales team, I shared my personal story about how I farm organically and what it means. I asked the farmers I talked to three questions to prompt their thinking about the sustainable tenets of organic farming. Would they rather be filthy rich like Bill Gates and give away billions (economic viability with my own philanthropic bias), or save the rain forests in Brazil (environmentally responsible), or fund health care for all the farm workers in the raisins industry (social justice)? The vast majority, of course, chose the Bill Gates scenario—though I'm not sure they heard the part about giving away your wealth.

At one annual Sun Maid luncheon—which draws over a thousand farmers who met to hear both good and bad news, bitch about the weather, and share a spirit of camaraderie—I sat next to a 70-year-old widow who had worked side by side with her husband for decades. She is hanging on to their small vineyard, likes giving away red Sun

Maid boxes of raisins as gifts, and asked me if she could take home the untouched basket of rolls after the lunch. She listened to me and asked questions about transitioning to organic. A good sign.

So, years later: am I married, divorced, or sinning with Sun Maid and Walmart? Some of my organic friends will not forgive me when I mention Walmart and my raisins. Walmart still buys some Sun Maid organic raisins. It's not a huge amount—and the company continues to dominate the food marketplace. (And now it just donated billions to fight hunger. Go figure.) Sun Maid itself was too big to become dependent on Walmart. Organic sales continue to grow, albeit slowly. More growers are now certified organic—most, probably, for the organic premium. But at the most recent annual lunch, I heard more talk about reducing pesticides.

And on our farm, we still make organic raisins that I feed to our family. When you eat what you grow, how can there be a contradiction?

# In Defense of Farming

Sunday, Sep. 26, 2010

By David Mas Masumoto

We've all heard it: The Valley needs to diversify the economy and stop being so dependent on agriculture. We need better-paying jobs, get people out of the fields, and stop the exploitation. The Valley must develop other resources and create another identity; we need to be something more than cows and critters, vines and cheap vino.

I hear the message: We'd be better off without farms and farmers.

I am defensive. We in the Valley already have a powerful economic identity called agriculture. Yet people seem to want to discard it, ignore it, and forget it.

Agriculture in our Valley is a multibillion dollar industry. When compared with the flash of the film industry or the sizzle of high technology, we don't stand a chance. We aren't sexy enough.

Valley agriculture is rarely seen as a dynamic force that combines human capital with the latest technology and cutting edge innovation. We're dull, dumb hayseeds still stuck with old-fashioned traditions.

At best, we squander natural resources like water and pollute the air with our practices. At worst, some will claim the environmental degradation caused by farms can't be off-set -- there is no common ground for compromise.

Clean up the Valley's air by cleaning out farming. End California's water problems by disposing farmers. Stop the oppression of poor, unskilled immigrant and undocumented workers by destroying agriculture.

Many will condemn the practices of big ag operations and trivialize the efforts of small family farms. The public sees images of poverty and we farmers are classified as oppressors of the oppressed, not as employers and employees.

Lost in such a class debate is the ethnic and cultural diversity of our rural communities. Historically, our Valley farms have been the point of entry for immigrants. But no one pays attention to the bottom rung as individuals and groups work their way up to things better.

I take this personally. When younger, I grew confused and even questioned the value of my profession. In the past, I have been shamed into silence. It's been a long time since I've heard outsiders taking public pride in farmers and our agrarian foundations.

Over the past few decades, brutal economic forces have humbled us. Few get filthy rich in farming today, empires are rarely built from working the land. A farmer's wealth is now reduced to the value of his or her water or the potential off-sets of pollution.

Few see food as part of the information and technological revolution. Our biggest fans may be those who play a computer "FarmVille game" and enjoy a virtual connection to caring for neighbors' crops, bringing in harvests and tending the land.

Yet we farmers may be our own worst enemies. Many have felt isolated and hurt. We've been ignored and abused, losing political capital. We begin to distrust our city neighbors, lash out at anything that sounds like it came from San Francisco, and demonize environmentalists. We manifest the same absolute thinking as those who condemn us.

So what is our agricultural identity? Do we sit back and get angry, protest over lack of water, yell louder in order to be heard. Yes. But I also hope we ask: What do we want to be known for?

We now live in a fragmented state: There doesn't seem to be a "one" California but instead many regions, each with their special interests, political leanings and cultural realities. There's an opportunity today for us to be no longer overshadowed by other regions if we define ourselves.

What does that mean for farming in our Valley? Can we construct a new collective identity based on our shared agrarian roots? Instead of trying to be something else, why can't we put agriculture on the top of the list and accept that reality?