



Why I Support the FTCLDF and Its Focus on Restoring Our Constitutional Rights

by David Gumpert – July 12, 2010

When I was in seventh grade, I had a class on American government. It could easily have turned out to be a dinky civics class, except the teacher was so talented, and passionate, about the U.S. Constitution, that I couldn't help but become completely engaged. The excitement of that class, which introduced me to the genius of the Constitution, the Bill of Rights, and the entire American system of government, eventually led me to major in political science at the University of Chicago.

Unfortunately, my admiration of the American system of governance has been tempered significantly as the post-World-War-II period has unfolded, and the Constitution has been undermined in big and small ways. We see the degradation of the Constitution played out ever more frequently in the governmental crackdown on raw milk, with the arbitrary use of search warrants, the interference into private contracts covering food distribution, and the use of the so-called "commerce clause" to restrict milk transport.

The Farm-to-Consumer Legal Defense Fund has become a voice in the wilderness, seeking to push judges to take seriously once again the limitations spelled out in the Constitution on such matters. In the case of Meadowsweet Dairy, it has fought an open-ended search warrant used in arbitrary searches of Barb and Steve Smith's dairy.

Finally, after two years, FTCLDF lawyer Gary Cox convinced a judge earlier this year to rule that the search warrant had expired, and that the New York Department of Agriculture and Markets must obtain time-constrained warrants should it seek further searches of Meadowsweet. A small victory, yes, but an important one in restoring the integrity of the U.S. Constitution's Fourth Amendment.

The FTCLDF's most important initiative to support our Constitutional rights has come in the form of its federal suit against the top officials of the U.S. Food and Drug Administration and the Department of Health and Human Services to convince a judge to declare invalid the existing prohibition on raw milk shipments across state lines. The suit's filing prompted the FDA to respond with a lengthy motion to dismiss, in which it argued Americans have no inherent or constitutionally sanctioned right to consume the foods of their choice.

Of course, there is no way of predicting how the suit might turn out. America's judges have generally become ever-less supportive of Constitutional guarantees. But the suit promises to, at a minimum, highlight the emerging issue of food rights, and the need to restore fundamental guarantees of individual rights promised by the U.S. Constitution.

There are few more noble journeys currently ongoing, and as such, the FTCLDF deserves all the financial support we can provide.

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HYPERLINKS for PDF version:

Meadowsweet – "Case Updates – Meadowsweet Dairy", 6 May 2010
= <http://www.farmtoconsumer.org/meadowsweet%20dairy-docs.htm>

respond – Pete Kennedy's "FDA's Response to FTCLDF Suit over Interstate Raw Milk Ban", 6 May 2010
= <http://www.farmtoconsumer.org/litigation-FDA-status.htm>