

**Columbia Foundation**  
**Articles and Reports**  
July 2012

Arts and Culture

ALONZO KING'S LINES BALLET

\$40,000 awarded in August 2010 for two new world-premiere ballets, a collaboration with architect Christopher Haas (*Triangle of the Squinches*) and a new work set to Sephardic music (*Resin*)

1. [Isadora Duncan Dance Awards, March 27, 2012](#)

*2012 Isadora Duncan Dance Award Winners Announced*

Christopher Haas wins a 2012 Isadora Duncan Dance Award for Outstanding Achievement in Visual Design for his set design for *Triangle of the Squinches*. Alonzo King's LINES Ballet wins two other Isadora Duncan Dance Awards for the production *Sheherazade*.

ASIAN ART MUSEUM

\$255,000 awarded since 2003, including \$50,000 in July 2011 for *Phantoms of Asia*, the first major exhibition of Asian contemporary art from May 18 to September 2, 2012, which explores the question "What is Asia?" through the lens of supernatural, non-material, and spiritual sensibilities in art of the Asian region

2. [San Francisco Chronicle, May 13, 2012](#)

*Asian Art Museum's 'Phantoms of Asia' connects*

*Phantoms of Asia* features over 60 pieces of contemporary art playing off and connecting with the Asian Art Museum's prized historical objects. According to the writer, *Phantoms of Asia*, the museum's first large-scale exhibition of contemporary art is an "an expansive and ambitious show." Allison Harding, the Asian Art Museum's assistant curator of contemporary art says, "We're trying to create a dialogue between art of the past and art of the present, and look at the way in which artists today are exploring many of the same concerns of artists throughout time. Where do we come from? Where are we going? How is the universe structured? What is the nature of the universe, and what is my place in that unknowable expanse?"

3. [Youtube.com by Asian Art Museum, May 2012](#)

*Phantoms of Asia: Contemporary Awakens the Past*

[Links to a series of 22 videos] about the exhibition *Phantoms of Asia: Contemporary Awakens the Past* on view at the Asian Art Museum from May 18 through September 2, 2012.

CONTEMPORARY JEWISH MUSEUM

\$300,000 awarded since 2007, including \$50,000 in July 2011 for *Trees for Life: A New Vision for Art, Ecology, and Community*, a contemporary-artist exhibition that highlights how artists and Jewish environmental groups are examining and celebrating the tree in today's culture

4. [San Francisco Chronicle, March 17, 2012](#)

*Contemporary Jewish Museum branches out with trees*

Tu B'Shevat, a minor Jewish holiday meaning the New Year for the Trees, is the inspiration for the museum's multimedia exhibition, *Trees for Life: A New Vision for Art*, which includes about 75 pieces, mostly paintings, sculptures, photographs, and videos. The exhibition examines the role of the tree in

Jewish tradition. Dara Solomon, a curator at the Contemporary Jewish Museum in San Francisco, says ““The holiday was the leaping-off point for us. It has grown in significance in the last few years, especially in the Bay Area. People are engaging with their Jewish roots – no pun.”

#### DOOR DOG PRODUCTIONS

\$70,000 awarded since FY 2011, including \$20,000 in August 2010 to commission five internationally renowned traditional-music masters to compose pieces that the youth orchestra will premiere in November 2011, and \$50,000 in July 2011 for *The Opera Project*

#### 5. [San Francisco World Music Festival 2011](#)

*Pictures by Jim Block, courtesy of Door Dog Productions*

[Series of photographs from Door Dog’s 2011 San Francisco World Music Festival]

#### HACKNEY EMPIRE

\$37,227 awarded from the Columbia Foundation Fund of the London Community Foundation in July 2011 for *Isango Ensemble Residency 2012* to bring the Isango Ensemble, a South African theatre company, to London to perform at the Hackney Empire Theatre for a minimum of 18 performances over three weeks beginning May 7, 2012

#### 6. [The Stage \(London\), May 21, 2012](#)

*La Bohème*

Review of *La Bohème* by Isango Ensemble; the writer says, “The infectiously energetic group, which won an Oliver Award for its 2008 West End transfer of *The Magic Flute*, this time presents a treatment of Puccini’s *La Bohème*. The principal cast display impressive voices – the lovers’ quartet at the end of Act III is a delight. The most memorable moments are when the company goes ‘off-piste’, letting its hair down with joyous dancing and chanting. Everyone sings and plays from memory throughout, imbuing the performance with remarkable directness.”

#### KRONOS QUARTET

\$100,000 awarded since 2009, including \$50,000 in July 2011 for *Kronos: Made in America*

#### 7. [The Guardian \(London\), January 19, 2012](#)

*The Kronos Quartet: the sky's the limit*

The Kronos Quartet has a month-long residency at the Barbican in London in early 2012, “a project that is voraciously ambitious in its musical range.” Kronos opens with a performance of *Made in America*. The writer says, “Kronos have achieved more in getting the string quartet as a medium, and contemporary music as a creative force, into the global popular consciousness than pretty well any other ensemble.” David Harrington, the founder of Kronos, says, “I just have an incredible sense of wonder and fun exploring the world of music. It's amazing that this configuration of instruments – two violins, a viola and a cello – that began in central Europe around 1750 has now radiated throughout the world.” [The piece links to several Kronos performances on Youtube.com.]

#### THE OPERA GROUP

\$206,555 awarded since 2007, including \$40,837 from the Columbia Foundation Fund of the London Community Foundation in July 2011 for *Babur in London*

#### 8. [The Independent \(London\), May 31, 2012](#)

*Song of the suicide bomber: How 'Babur in London' negotiated a cultural minefield*

Preview of *Babur in London*; the writer says, “The opera signals a growing readiness for artists to handle the incendiary theme of contemporary terrorism in their work.” John Fulljames, director of *Babur in London* and former artistic director of The Opera Group, says, “The headline on the tin inevitably has

something sensational about it...and in dealing with a subject like this, we were anxious [about audience response] but in the end, we talked in detail about what the piece was, and what became clear when we premiered it in Switzerland was that it was seen as a beautiful, thoughtful, delicate piece of work, with nothing sensational about it." Fulljames passionately believes that opera should be part of the contemporary world, and so should not avoid grappling with current-day themes. He continues, "I think opera needs to be part of the cultural landscape. The conversation around it should be the same conversation we are having in our cities. If we only make opera about martians who live on the moon, then it's deeply unsatisfactory. What opera offers is an emotional space to have these conversations. For example, dementia is very easy to understand as a science, but it's much harder to understand the emotions. The subject matter here is intellectually – and emotionally – challenging for the cast and audience."

9. [Vimeo.com by The Opera Group, May 2012](#)

*Babur in London Trailer*

[Links to video trailer for *Babur in London*]

THE PHOTOGRAPHERS' GALLERY

\$26,953 awarded from the Columbia Foundation Fund of the London Community Foundation in July 2011 for the *Raqs Media Collective exhibition*

10. [ArtLyst \(London\), May 17, 2012](#)

*Shiny New Photographers' Gallery Opens to the Public*

The Photographers' Gallery reopens after renovation on May 19, 2012. The launch exhibitions are Edward Burtynsky's decade long project 'Oil' and the New Delhi based Raqs Media Collective.

PRS FOR MUSIC FOUNDATION

\$40,837 awarded in July 2011 from the Columbia Foundation Fund of the London Community Foundation for a festival of new British music during the Olympic Celebrations of arts and culture in July 2012, based on the *New Music 20 x 12* commissions: 20 new works, each lasting 12 minutes

11. [Financial Times \(London\), April 14, 2012](#)

*Sound tracks*

Since the launch of *New Music 20x12*, a UK-wide program for the London 2012 Cultural Olympiad, 20 composers have accepted commissions to write something on a sport-related theme. Many of these pieces are to be premiered in April, May and June, and most will be performed at London's Southbank Centre over a single weekend in July. Joe Cutler's *Ping!* for string quartet, four table tennis players and film, is "among the most ambitious" with "choreography as important as sound." Choreography is also crucial to Gavin Higgins's *What Wild Ecstasy*, a piece to which Rambert Dance Company [a Columbia Foundation grantee] performs the ballet *Prélude à l'après-midi d'un faune* in May at Sadler's Wells in London. Vanessa Reed, executive director PRS for Music Foundation, says, "We wanted to make the selection in terms of musical quality but also to find innovative ways of presentation."

12. [Financial Times \(London\), May 16, 2012](#)

*Rambert Dance Company, Sadler's Wells, London*

4-out-of-5 star review for "a wide-ranging and admirably well-danced programme from a company known for its boldness"; the writer says, "*What Wild Ecstasy* has a fine and rumbustious score by Gavin Higgins and insanely modish clothes by Michael Howells (whose set is three pendant, gigantic and incredibly scary models of hornets). The dance has tremendous energy, and finds not inconsiderable fun in a Night Out somewhere much warmer than the U.K.'s current Ice-Hell. It is saucy and knowing and enjoyable, and splendidly danced."

### ROYAL OPERA HOUSE

\$774,483 awarded since 1984, including a two-year \$136,616 grant in August 2010 for a new opera commission by George Benjamin and Martin Crimp that takes as its starting point a short piece of 13th-century Provençal prose to be retold in a contemporary voice to explore themes including limits of power, female identity, and art in society

#### 13. [The Guardian \(London\), May 10, 2012](#)

*George Benjamin: a life in music*

George Benjamin's 2006 opera *Into the Little Hill* has been staged around the world. He has just finished another opera in collaboration with the writer Martin Crimp. London's Southbank Centre holds a major celebration of his "music and passions". The writer says, "As he approaches middle age Benjamin seems finally to have found a musical voice he is comfortable with." [Profile of George Benjamin, composer of *Into the Little Hill* and *Written on Skin*, operas supported by Columbia Foundation.]

#### 14. [The Guardian \(London\), May 16, 2012](#)

*Written on Skin – review*

4-out-of-5 star review of *Written on Skin*; the writer says, "Crimp's finely chiselled text gives the story a contemporary perspective..." and "What drives the opera's three parts (with the briefest of pauses between them)...is Benjamin's score, which is more impassioned, more sensuously beautiful and, at times, more fiercely dramatic than anything he has written before."

### ROYAL SHAKESPEARE COMPANY (RSC)

\$141,491 awarded since 2008, including \$41,491 from the Columbia Foundation Fund of the London Community Foundation in July 2011 for a six-month Mark Ravenhill residency with the RSC

#### 15. [Forbes, April 27, 2012](#)

*A New Sonnet Written FOR Shakespeare*

The World Shakespeare Festival, part of the London 2012 Festival in late July 2012, is the largest of its kind, involving more than 70 partners coming together to celebrate Shakespeare, with more than 70 productions, as well as events, exhibitions and broadcasts, with performances in London and other United Kingdom locations. Playwright and RSC writer-in-residence Mark Ravenhill has penned a new sonnet to commemorate Shakespeare's 448<sup>th</sup> birthday and the opening of the festival. Michael Boyd, artistic director for RSC, says, "Shakespeare reminds us what it is to be human. Let's celebrate his influence on all our lives and join Mark Ravenhill in celebrating his birthday and this incredible Festival." [The article links to video of Mark Ravenhill reciting the sonnet.]

### SAN FRANCISCO SYMPHONY

\$457,500 awarded since 1952, including \$50,000 in July 2011 for the *American Mavericks Festival*

#### 16. [San Francisco Classical Voice, March 8, 2012](#)

*Mavericks Festival Starts With a Triumph*

Review of opening night at the *American Mavericks Festival*; the writer says, "If the performances — brash and often breathtaking — were any indication, Bay Area music lovers are in for an exciting 10 days. As Thomas summoned the music in gorgeous waves, the spirit of the original *Mavericks* filled the hall once again..." The conductor of the San Francisco Symphony, Michael Tilson Thomas, organized the first American Mavericks Festival twelve years ago, a new music festival dedicated to some of his favorite musical iconoclasts.

17. [San Jose Mercury News, March 9, 2012](#)

*Review: Tilson Thomas favorites were featured in first San Francisco Symphony Mavericks concert Review of the American Mavericks Festival*; the writer says, “After weeks of build-up, the American Mavericks Festival opened...at Davies Symphony Hall. It delivered what Michael Tilson Thomas has been promising: to connect the dots through a century's worth of music that somehow defines an American sound – in-your- face, yet poetic, an audacious sort of vision.”

18. [San Jose Mercury News, March 11, 2012](#)

*Review: At S.F. Symphony Mavericks Festival, Cowell's Piano Concerto eclipsed Cage's elaborately staged 'Song Books'*

Review of the *American Mavericks Festival*; the writer says that the performance of composer Henry Cowell's *Piano Concerto* “sizzled,” while the performance of John Cage’s *Song Books* “felt hackneyed, in an avant-garde-ish sort of way.”

19. [San Francisco Chronicle, March 13, 2012](#)

*American Mavericks review: 'Barstow' a highlight*

Review of *Barstow*, a piece performed as part of the *American Mavericks Festival* at Davies Symphony Hall in San Francisco; the writer says, “the masterpiece here was "Barstow," a sort of song cycle based on pieces of graffiti left by hitchhikers in the middle of the Californian nowhere. It was funny, moving, inventive and insanely theatrical, and the ensemble Partch – led with quiet flair by the vocalist and multi-instrumentalist John Schneider – gave it an unforgettable performance.”

20. [San Francisco Chronicle, March 20, 2012](#)

*American Mavericks review: Meredith Monk*

Review of Meredith Monk’s *Realm Variations*, a new work premiering as part of the *American Mavericks Festival* at Davies Symphony Hall in San Francisco; the writer says” Monk took the opportunity to craft a knowing and deeply felt meditation on the interplay between instruments and voices. Scored for six singers and seven instrumentalists, the piece plays a little with contrasts of range: Monk divides her forces into low-pitched, medium and high-pitched groups, reserving the starkest opposition for that between the piccolo and contrabass clarinet. But the real splendor of the piece is the way Monk takes her familiar musical materials – tender fragments of melody, gentle modal harmonies and woven textures of trance-like radiance – and reconceives them in an original guise. *Realm Variations* offers the spectacle of a great creative artist opening up a whole new world of expressive resources.

21. [The New York Times, March 29, 2012](#)

*Parachuting to Land of Post-its and Cage*

Review of the *American Mavericks Festival*; the writer says, “For this series, part of the orchestra’s centennial celebrations, Mr. Thomas, who has been music director of the San Francisco Symphony since 1995, could have shown off his players in works by Mahler and Beethoven. Instead he adventurously explored the heritage of flinty individualism that runs through American music.”

22. [The New York Times, April 1, 2012](#)

*Unleashing Playful Music*

Review of the *American Mavericks Festival*; the writer says, “these thought-provoking, richly entertaining shows...provided that bracing sense of fresh creation.”

TENDERLOIN ECONOMIC DEVELOPMENT PROJECT

\$50,000 awarded in July 2011 for planning and organizing for the development of the *Mid-Market Arts District* to revitalize and transform this central area of San Francisco

23. [\(The\) HuffingtonPost.com, May 10, 2012](#)

*Summer Of Art: San Francisco Central Market Neighborhood To Host Weekly Lunchtime Performances*  
The Central Market Economic Strategy is an effort to revitalize San Francisco's long-struggling Mid-Market neighborhood. To bolster the effort, Mayor Lee announces the Summer Arts Series at UN Plaza. According to the Central Market Partnership, the lineup will include music, theater, dance and performance art from groups like Intersection for the Arts, Cutting Ball Theater, and Flyaway Productions and Dancers.

## Human Rights

### CALIFORNIA INSTITUTE FOR RURAL STUDIES

\$250,000 awarded since 2004, including \$100,000 in March 2008 for the development of a ten-to-twenty-minute still-image, graphic/text-and-audio-based presentation on California farm labor, in collaboration with photographer Rick Nahmias

#### 24. [Grist.org, May 10, 2012](#)

##### *Proposed law would keep California farmworkers from overheating*

According to the article, California's 400,000 farmworkers are at risk for dehydration and heat exhaustion as many do not have close access to water or shade. The Farm Worker Safety Act of 2012 would hold growers and labor contractors jointly liable if workers are not provided adequate shade and water. Gail Wadsworth, executive director of the California Institute for Rural Studies hopes the law will work, but thinks that enforcement of existing legislation is primary. Wadsworth believes the poor conditions are emblematic of a much larger problem: the fact that farmworkers have little power under the law and in our society generally; they are treated so often "as tools rather than as people."

### CENTRO DE LOS DERECHOS DEL MIGRANTE (CDM)

\$50,000 awarded in March 2009 for this transnational center's work in indigenous areas of Oaxaca and Guerrero Mexico to educate and protect the rights of migrant labor coming to California to work. The Center uses education, community organizing, and legal representation in its work with communities of migrant laborers, in order to protect their rights (as laborers in the U.S.) and to provide legal recourse for those whose rights have been violated by U.S. employers.

#### 25. [The New York Times, February 10, 2012](#)

##### *Labor Department Issues New Rules for Guest Workers*

The Labor Department issues new rules reshaping a program for foreign migrants in work other than agriculture, which officials said would strengthen protections for those workers and also spur recruitment of Americans for such jobs. Advocates for guest workers say the changes make it more difficult for businesses to exploit vulnerable foreign migrants. Employers will be required to pay a guest worker's transportation costs from the home country after the migrant completes half of the contract period. Employers will also have to pay for the trip home when the worker finishes the job or is dismissed early, as well as all visa fees. For the first time, employers will be required to pay foreign workers for three-quarters of the period of a contract, even if there is no work for the migrants to perform. The rules bar foreign recruiters from charging fees to workers who will come to the United States under the H-2B program. The Labor Department is seeking to eliminate foreign recruiters who saddle migrants with debts before they arrive in the United States, which workers struggle to pay off on their wages in the U.S. [The article links to the Labor Department's new rules, which cite the report, [Picked Apart: The Hidden Struggles Of Migrant Worker Women In The Maryland Crab Industry](#), by Centro de los Derechos del Migrante as part of the basis for greater protections for workers in the H-2B program.]

## OUR CHILDREN'S TRUST

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

### 26. [Mother Nature Network, April 2, 2012](#)

*Kids to U.S. court: Who owns the air?*

A lawsuit filed in U.S. District Court by teen and twenty-something plaintiffs, and lead by Our Children's Trust, calls on federal agencies to protect the atmosphere as a public resource, including from excess carbon dioxide, methane and other greenhouse gases. It's part of a broad campaign to fight global warming via the public trust doctrine, and it's mirrored by similar lawsuits or administrative actions the coalition has filed in all 50 states. Julia Olson, executive director of Our Children's Trust, says, "The two political branches of government are failing, so we're going to the third branch of government and saying 'hold people accountable for what they're doing.'" [The article links to videos about how climate change is affecting kids and young adults around the U.S. by Witness, a partner in the effort. The article also links to climate change data by expert and NASA climate scientist James Hansen.]

### 27. [The Atlantic, May 9, 2012](#)

*An Inconvenient Lawsuit: Teenagers Take Global Warming to the Courts*

Teen Alec Loorz is the lead plaintiff in the suit against the federal government, charging it with failing in its duty to protect the atmosphere now and for future generations. Loorz says, "I think a lot of young people realize that this is an urgent time, and that we're not going to solve this problem just by riding our bikes more." The National Association of Manufacturers has intervened in the case, seeking to have the suit dismissed, arguing that the plaintiffs have not proven they have a legal right to sue. The plaintiffs contend that they have standing to sue under the public trust doctrine, a legal theory that in past years has helped protect waterways and wildlife. The doctrine has never before been applied to the atmosphere. Defense attorneys have argued that the plaintiffs are essentially looking to the court to make foreign-policy decisions. To this, the plaintiff's attorneys counter that other nations' supposed inaction on climate change should not be used as an excuse for the United States to do nothing. "That is like saying poverty exists everywhere, other countries have poverty, so it is ok for us to permit poverty," says attorney Phil Gregory. The idea itself came from Julia Olson, an attorney based in Eugene, Oregon, and founder of Our Children's Trust. Climate scientist James Hansen, the director of the U.S. NASA Goddard Space Institute, first brought Loorz and Olson together. In support of the children's suit, Hansen has drawn up recommendations as to how the U.S. government can meet the greenhouse-gas reduction goals, through cuts in fossil-fuel-powered electricity and reforestation. Hansen says, "My talents are mainly in the sciences, but it just became so clear that no one is doing anything to prevent what is becoming scientifically a very clear picture. I didn't want my grandchildren to say that "Opa" knew what was happening but didn't do anything about it. The judicial branch is much less influenced by special interests such as the fossil fuel industry." The federal suit, which was first filed in California and then relocated to Washington, D.C., was initially coordinated with a dozen similar lawsuits against individual states. Four of those suits have been dismissed, while eight are still active.

### 28. [Free Speech Radio, May 11, 2012](#)

*Youth lawsuit to demand climate change action faces industry challenge in US court*

The U.S. federal-court judge is expected to make a decision on whether the suit can move forward in the coming weeks. Lead plaintiff Alec Loorz says, "It's difficult for young people because all the plaintiffs in this case are young people, most under 18. We can't vote, there's no way we can compete with the corporate lobbyists, so this is actually one of the main ways that we can exercise our rights. Our government has the legal responsibility to protect the atmosphere as a public trust and to protect it for

future generations and for present generations. And we're basically saying our current government has failed at that. They've failed to protect our atmosphere." [Linked is embedded audio of the radio report.]

29. [Our Children's Trust, May 31, 2012](#)

*Federal Lawsuit – Legal Update*

The federal lawsuit is dismissed with prejudice. Julia Olson, executive director of Our Children's Trust, says, "We are obviously disappointed. Let me first say we are so proud of the youth of our nation for standing up and pursuing the only remedy that allows them a future life and planet they have a right to inherit. Regarding the decision, we respectfully disagree with the court as to the scope and effect of the federal Public Trust Doctrine. However, we agree with Judge Wilkins that 'this case is about the fundamental nature of our government and our constitutional system.' That system mandates protection of our fundamental right to a healthy atmosphere, on which humanity depends. We continue to believe we are legally correct and we will be continuing our efforts on behalf of our nation's youth."

30. [Grist.org, July 10, 2012](#)

*Texas judge rules that the atmosphere is protected under the public trust doctrine*

An historic decision is made in a climate-change lawsuit brought by youth and Our Children's Trust in Texas. District Court Judge Gisela Triana rules that all natural resources, including the air, are protected under the Public Trust Doctrine and the state constitution of Texas. It has been long-established that open bodies of water are held in trust for the public, and therefore must be managed for protection in perpetuity by the government. This decision establishes that the atmosphere is also a public trust, and therefore falls under protection for all. Judge Triana declares, "The Court will find that the Commission's [Texas Commission on Environmental Quality] conclusion, that the public trust doctrine is exclusively limited to the conservation of water, is legally invalid. The doctrine includes all natural resources of the State." Our Children's Trust says in a statement, "The case relies upon the long established principle of the public trust doctrine, which requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival." [The article links to the Our Children's full statement.]

## **Prevention of child sexual abuse**

### SAN FRANCISCO CHILD ABUSE PREVENTION CENTER

\$80,000 awarded in February 2012 for the *Child Safety Awareness: Every Child, Every School Project*

31. [ABC 7 News San Francisco, April 13, 2012](#)

*New program arms kids against abuse*

With funding support from Columbia Foundation, the San Francisco Child Abuse Prevention Center launches a new program to prevent child sexual abuse. [This links to a video news segment from ABC 7 in San Francisco, featuring an interview with Columbia Foundation board member Alice Russell-Shapiro.]

## **Public financing of campaigns**

### MAPLIGHT

\$230,000 awarded since 2008, including \$40,000 in February 2012 to track campaign donations and the subsequent votes by elected officials on issues of interest to campaign donors, and publish it on their website

32. [The Guardian \(London\), January 11, 2012](#)

*Oil lobby's financial pressure on Obama over Keystone XL pipeline revealed*

MapLight, a group that tracks the influence of money in politics, publishes an analysis of oil industry contributions to members of Congress supporting the Keystone XL pipeline. MapLight found only two of

the 118 members of the House of Representatives, who list oil and gas industry among their top 10 campaign contributors, opposed fast-tracking the pipeline. Only 10 of the 195 members of the House of Representatives who list the oil and gas industry among their top 20 contributors opposed the bill. According to MapLight, the oil and gas industry has given nearly \$12m in direct contributions to members of Congress in the last two years in total. [The article links to the study and lists the 17 House members of Congress that have received the most money from oil and gas lobbyists. All voted 'yes' to expedite the Keystone XL project.]

33. [ABC 7 News San Francisco, March 19, 2012](#)

*MapLight launching new online voter guide*

MapLight's new online voter guide includes the top contributions and contributors to proposition campaigns for California's June 2012 ballot. [Linked is a video report. MapLight's guide is linked from the video report.]

34. [Los Angeles Times, April 26, 2012](#)

*Proposition 29 and the contributions of political campaigns*

According to MapLight's online voter guide for California's ballot in June 2012, the biggest contributors to Proposition 29 (which would levy a tax on cigarettes with the proceeds going to cancer research) are the American Cancer Society and the foundation started by bicyclist and cancer survivor Lance Armstrong with the two giving about \$1.5 million each, while the forces against the tax have hugely outspent them – almost \$24 million contributed to the No on 29 campaign (almost all of it from Big Tobacco). According to the Centers for Disease Control and Prevention, smoking costs the state about \$9 billion a year in added costs “with almost \$3 billion of that picked up by taxpayers to provide treatment via Medi-Cal. An additional \$8 billion is lost in productivity, and the costs per pack of cigarettes easily outstrips the actual price the smokers pay.”

35. [Bloomberg, May 22, 2012](#)

*California Tobacco Tax Pits Lance Armstrong Versus Altria*

Lance Armstrong, the cycling champion and cancer survivor, is putting \$1.5 million behind a ballot measure to add \$1 a pack to California's cigarette tax, even as the tobacco industry has put up most of \$40.7 million aimed at stopping it. Armstrong says, “I can think of a lot better uses for \$40 million, like saving lives from cancer and other lethal diseases caused by tobacco.” Dan Newman [executive director] of MapLight that the amount of cash flowing into the opposition effort isn't unusual. Newman continues, “When there's a financial interest in the success or failure of the initiative, the corporation can afford to spend as much as it needs because of the financial stakes involved.”

36. [CNN, June 5, 2012](#)

*Cigarette showdown as Californians vote on tax*

According to figures from MapLight, the opposition to Prop 29 in California has been fueled by a huge influx of cash from big tobacco. About \$47 million has been raised in these efforts – including TV advertising – to defeat Prop 29, including \$27.5 million from Philip Morris and \$11 million from R.J. Reynolds. About \$12 million has been raised in support of the bill, including \$8.5 million from the American Cancer Society and \$1.5 million from the Lance Armstrong Foundation, known as Livestrong.

37. [Reuters, June 6, 2012](#)

*California voters reject raising tobacco tax*

California voters narrowly reject Prop 29, a ballot measure that would have added a \$1 tax to a pack of cigarettes in the state's June 2012 election, an outcome observers attributed to a \$47 million ad blitz by the tobacco industry. According to MapLight, the two sides raised over \$59 million for the campaign, with proponents raising over \$12 million of that.

## PIPER FUND

\$265,000 awarded since 2009, including \$40,000 in February 2012 for a funder collaborative that awards grants on a state-by-state basis to expand the reach of campaign-finance-reform efforts at the state and local level

### 38. [Governor Cuomo's 2012 State of New York State address, January 4, 2012](#)

#### *Implement Campaign Finance Reform*

In the New York State of the State address, Governor Andrew Cuomo, says, “I’m going to be sending you a bill on campaign finance reform that puts public financing, matched contributions, lower limits and increased enforcement at the Board of Elections. Let’s have elections that New Yorkers can be proud of also. Let’s have campaign finance reform and let’s do it this year.” [This piece is the text of the speech from which he made these remarks. Piper Fund grantees, including the Working Families Organization, Citizen Action of New York, Center for Working Families, Common Cause New York and the Brennan Center for Justice, with Public Campaign providing support as well, have moved the issue forward through their advocacy for public financing.]

### 39. [Times Union \(Albany, N.Y.\), January 5, 2012](#)

#### *Governor, who raised \$34.8M, seeks change*

Even though Governor Cuomo raised \$34.8 million for his successful 2010 run for office, he spoke of the need for campaign finance reform in his State of the State address on January 4, 2012. Susan Lerner, executive director of Common Cause New York [a Piper Fund grantee], says, “We’ve never seen this kind of up-front support from a governor before.”

### 40. [BNA Money & Politics Report, January 6, 2012](#)

#### *Cuomo Plan for N.Y. Campaign Laws Applauded as Model by Reform Groups*

Public financing advocates praise New York Governor Cuomo for proposing comprehensive campaign finance reform, lobbying reform, and creation of a redistricting commission in his State of the State speech on January 4. A coalition of nine New York-based groups said they will mobilize their organizations to generate grass roots support for the campaign-finance plan. Michael Waldman, executive director of the Brennan Center for Justice at the New York University School of Law [a Piper Fund and Columbia Foundation grantee], says, “It could make New York a national example of how to revitalize our democracy at all levels. Meaningful campaign reform would curb corruption and boost accountability. It is the single most important next step to transform Albany. We welcome the Governor’s leadership on this issue and are looking forward to helping him make these reforms a reality.”

### 41. [The Buffalo News, April 6, 2012](#)

#### *Making case for public funding of political campaigns*

Demonstrators protest outside the Erie County Board of Elections in downtown Buffalo to call for publicly funded political campaigns in New York State. Jim Anderson, vice president of Citizen Action of New York [a Piper Fund grantee], says that a shift toward public financing of campaigns “allows the little guy to have as much weight and influence on their legislators as the big money corporations.” Susan Lerner, executive director of Common Cause New York [a Piper Fund grantee], adds, “Our current system undermines the very essence of democracy and advantages big money donors over the needs of average voters. Public policy shouldn’t be set by the highest bidder.”

### 42. [The Washington Post, April 22, 2012](#)

#### *How to beat Citizens United*

The writer says, “We are about to have the worst presidential campaign money can buy. The Supreme Court’s dreadful Citizens United decision and a somnolent Federal Election Commission will allow hundreds of millions of dollars from a small number of very wealthy people and interests to inundate our

airwaves with often vicious advertisements for which no candidate will be accountable. One would like to think that the court will eventually admit the folly of its 2010 ruling and reverse it. But we can't wait that long. And out of this dreary landscape, hope is blossoming in the state of New York. There's irony here, since New York is where a lot of the big national money is coming from. No matter. The state is considering a campaign finance law that would repair some of the Citizens United damage, and in a way the Supreme Court wouldn't be able to touch. The idea is that to offset the power of large donors, citizens without deep pockets should be encouraged to flood the system with small contributions that the government would match. Gov. Andrew Cuomo (D) has pledged to a state overhaul of this sort, based on the one already in force for New York City elections." [Linked from this op-ed is a study by Campaign Finance Institute, citing the work of Piper Fund grantees Public Campaign and Common Cause, among others "suggests that multiple-matching funds can stimulate participation by small donors in a manner that is healthy for democracy."]

#### PUBLIC CAMPAIGN

\$520,000 awarded since 2003, including February 2012 to provide strategic consulting and leadership to advance understanding of and support for public finance of political campaigns

#### 43. [The New York Times, April 11, 2012](#)

##### *Wealthy Group Seeks to Reform Election Giving in New York*

A coalition called New York Leadership for Accountable Government is pushing to enact a public financing system for elections in New York State. The group is notable for its diversity and several wealthy members. The group says New York, which they call a symbol of institutionalized corruption, could become a national model for the effort to free elections from the grip of big money. The campaign will start next week with mailings to the constituents of four state senators, led by Public Campaign. For years, government watchdog groups have pressed unsuccessfully for public financing of elections. Leaders of the coalition say the Citizens United ruling and the role of super PACs in the presidential race have made campaign finance a more broadly understood and urgent issue. Advocates of public financing say the system frees politicians to spend more time focusing on the issues and interacting with constituents, rather than dialing for contributions from special interests. They also believe it encourages competition for electoral offices. Frederick A. O. Schwarz Jr., chief counsel at the Brennan Center for Justice [a Columbia Foundation and Piper Fund grantee], says public financing is "a double victory. You have lower amounts of money that can be given, and No. 2, ordinary people become engaged in political campaigns and candidates change their approach to campaigning."

## **Marriage equality**

#### CIVIL MARRIAGE COLLABORATIVE

\$990,000 awarded since 2004, including \$40,000 in February 2012 for a collaborative-grantmaking program supported by institutional donors that awards grants to strategic state-based efforts to strengthen a broad and diverse grassroots constituency to achieve civil-marriage equality on a state-by-state basis

#### 44. [Bloomberg, January 27, 2012](#)

##### *Maine Gay-Rights Groups Submit Names for Marriage Referendum*

Just three years after voters rejected a same-sex marriage referendum in Maine, a coalition of marriage-equality advocates led by Equality Maine [a Civil Marriage Collaborative grantee] submitted almost twice the names needed to get a new referendum to legalize same-sex marriage on November's ballot. Betsy Smith, the Equality Maine's executive director, says, "The number of signatures we gathered and the thoughtful conversations we've been having with voters tell us that Mainers are eager to speak on this question again,. Our polling shows a 54 percent majority of support for same-sex marriage in Maine. Many Mainers have changed their minds and want a chance to bring equality and fairness to our state."

45. [The Oregonian, February 8, 2012](#)

*Washington gay marriage law could be boon for state's wedding, tourism industries*

Washington is poised to legalize same-sex marriage. A gay marriage bill, Senate Bill 6239, passed a House vote 55 to 43 Wednesday, a week after the Senate passed the measure. Now it awaits a signature from Gov. Chris Gregoire, who has expressed her firm support. Once she signs it, Washington will become the seventh state to allow same-sex marriage. The bill's passage likely means lots of new business for Washington's wedding and tourism industries. The Williams Institute, a UCLA think tank that specializes in sexual-orientation and gender-identity law, estimates that it could inject \$88 million into the economy. The movement to legalize gay marriage in Washington and other states adds momentum to legalize same-sex marriage in Oregon. Basic Rights Oregon [a Civil Marriage Collaborative grantee] plans to introduce an initiative in 2014 to repeal a constitutional amendment that stipulates that marriage be between a man and woman only. Jeana Frazzini, the executive director, says that public opinion in Oregon has not shown enough support to legalize gay marriage in the state yet, but after waging an aggressive educational campaign over the next two years, public opinion will shift. Frazzini says, "The key thing here is it's not a wait-and-see approach. I think that the progress on the marriage bill in Washington state is really exciting. It certainly adds energy to the work that we're already doing here in Oregon."

46. [The New York Times, February 17, 2012](#)

*Christie Keeps His Promise to Veto Gay Marriage Bill*

New Jersey Governor Chris Christie vetoes a same-sex marriage bill. Christie also affirmed his call for the New Jersey Legislature to put a referendum on same-sex marriage on the ballot in November. Same-sex marriage advocates say the governor is pandering to conservatives outside the state. Steven Goldstein, chairman of Garden State Equality [a Civil Marriage Collaborative grantee], says, called the veto "a brutally antigay act, pure and simple."

47. [Associated Press, February 17, 2012](#)

*N.J. Gov. Christie vetoes gay marriage bill*

In vetoing the same-sex marriage bill and returning it to the New Jersey Legislature, Governor Christie reaffirmed his view that voters should decide whether to change the definition of marriage in New Jersey. Steven Goldstein, chairman of Garden State Equality [a Civil Marriage Collaborative grantee], says Christie's national political ambitions guide his action. Goldstein said in a statement before Christie's veto, "He won't veto the bill because he's anti-gay. He'll veto the bill because the 2016 South Carolina presidential primary electorate is anti-gay."

48. [Reuters, February 24, 2012](#)

*Maine gets enough support for gay marriage referendum*

Maine Secretary of State Charles Summers announces that same-sex marriage advocates have officially gathered enough signatures to get a same-sex marriage referendum on the November ballot. Maine's legislature passed a law legalizing same-sex marriage in 2009 that was overturned the same year in a statewide referendum, 53 percent to 47 percent. Supporters say polls show they would now win a statewide vote by as much as 10 percent. David Farmer, a spokesman with Equality Maine [a Civil Marriage Collaborative grantee], says, "It's going to be challenging. We've been working hard since 2009. We've spoken to 40,000 people one-on-one to change their minds and we believe those efforts will pay off."

49. [Gloucester County Times, February 26, 2012](#)

*Advocates of N.J. gay marriage bill say Christie's veto isn't the end*

According to marriage-equality advocates, New Jersey Governor Chris Christie's veto of the same-sex marriage bill came as no surprise. Steve Goldstein, CEO of Garden State Equality [a Civil Marriage Collaborative grantee], says, "It's why I chose not to waste a breath in pleading with the governor not to

veto and have put Garden State Equality immediately to work to achieve an override. The great news is, we have until the end of the legislative session, in January 2014, to do it.” According to the article, an override would require 54 votes in the Assembly and 27 in the Senate, with Republican votes being key in both chambers to succeed. The bill initially passed with 42 votes in the Assembly and 24 in the Senate.

50. [The Oregonian, May 9, 2012](#)

*Obama's support may energize same-sex marriage drive in Oregon*

President Obama declares his support for same-sex marriage. Marriage-equality advocates in Oregon hope his support will energize young voters and help propel same-sex marriage to a ballot initiative in 2014. Basic Rights Oregon [a Civil Marriage Collaborative grantee] has been working for more than three years with occasional television advertising, meetings with churches and civic groups, tables at summer fairs and farmers' markets and neighborhood canvassing, to galvanize support for marriage equality in the state. Jeana Frazzini, executive director of Basic Rights Oregon, says that Obama "is certainly the most high-profiled changed mind, but he's not alone." Frazzini says his announcement "reaffirms the path we are on in Oregon. He has come to this position in a publicly thoughtful and conflicted process. It is so familiar in terms of what we see in our own communities."

51. [Associated Press, May 9, 2012](#)

*Gay marriage opponents closer to qualifying R-74*

Opponents of gay marriage say they have more than half of the signatures they need to qualify a proposed referendum seeking to overturn a law legalizing gay marriage in Washington state. Same-sex marriage advocates Washington United for Marriage expect that their opponents will outspend them and succeed in getting the referendum on the ballot. However, following President Obama's announcement that he supports marriage equality, Washington advocates for marriage equality still expect to win. Rod Hearne, the executive director of Equal Rights Washington [a Civil Marriage Collaborative grantee], says that he received a call from Obama's outreach person on gay-rights issues to inform him of the president's stance after his remarks were broadcast. Hearne said that the president's announcement may not change people's minds, but that the conversations that ensue because of it may. Hearne continues, "Simply the fact that it starts those conversations already has a huge benefit."

52. [Associated Press, May 31, 2012](#)

*Court: Heart of gay marriage law unconstitutional*

A federal appeals court declares that the Defense of Marriage Act unconstitutionally denies federal benefits to married same-sex couples, "a groundbreaking ruling all but certain to wind up before the U.S. Supreme Court." In its unanimous decision, the three-judge panel of the 1st U.S. Circuit Court of Appeals in Boston said the 1996 law that defines marriage as a union between a man and a woman deprives gay couples of the rights and privileges granted to heterosexual couples. Gay & Lesbian Advocates & Defenders, the Boston-based legal group [and Civil Marriage Collaborative grantee] that brought one of the lawsuits on behalf of seven gay married couples and three widowers, said the law takes one group of legally married people and treats them as "a different class" by making them ineligible for benefits given to other married couples. Lee Swislow, GLAD's executive director, says, "We've been working on this issue for so many years, and for the court to acknowledge that yes, same-sex couples are legally married, just as any other couple, is fantastic and extraordinary."

EQUALITY CALIFORNIA

\$195,000 awarded since 2007, including \$40,000 in February 2012 for *The Breakthrough Conversation*, a public-education campaign working to overcome negative psychological, cultural, and emotional triggers relating to LGBT people and children, which impede the fight for equality

53. [New York Daily News, May 9, 2012](#)

*California may ban gay therapy aimed at turning people straight*

California lawmakers consider a first-of-its-kind ban on psychotherapy aimed at making gay people straight. AB1172, sponsored by Equality California, would prohibit so-called reparative therapy for minors and force adults who chose to undergo the treatment to sign a release form that states that the counseling is ineffective and possibly dangerous.

FREEDOM TO MARRY (FTM)

\$715,000 awarded since 2002, including \$40,000 in February 2012 for continuing support of this national-strategy center on marriage equality

54. [The Washington Post, December 8, 2011](#)

*The good politics of gay marriage*

In a memorandum to Democratic consultants and campaign managers, gay-rights advocates argue that Obama should back same-sex marriage, contending it could be a “political boon,” based on analysis by Joel Benenson, Obama’s pollster, and Jan van Lohuizen, who served that role for George W. Bush. The writers of the memo, Evan Wolfson, president of Freedom to Marry, and Democratic strategist Doug Hattaway, say, “What was once used as a wedge by Republicans to turn out conservatives and put Democrats on the defensive may now have the opposite effect, as growing numbers of voters across the board support the freedom to marry. Younger voters, who are critical to Democratic victories in 2012, are highly motivated by candidates who show their support for ending discrimination in the nation’s marriage laws.”

55. [Metro \(New Jersey\), January 9, 2012](#)

*New Jersey Democrats vow to pass gay marriage*

Democratic New Jersey elected officials promise to introduce a bill to legalize gay marriage as the first new measure of the new year. Marc Solomon, national campaign director at Freedom to Marry, says, “What New Jersey’s legislative leaders are telling us is that the Garden State values its gay and lesbian citizens fully.”

56. [Bloomberg, January 12, 2012](#)

*Gay Mainers Look for Chance to Be First to Win Marriage Rights From Voters*

According to the article, a Gallup poll conducted in May 2011 shows that 53% of Americans think that same-sex marriage should be legal. Marriage-equality advocates in Maine are working to get a referendum on the November 2012 ballot. If they do get a measure on the November ballot and it passes, Maine would be the first U.S. state where gays win the right to wed directly from the public. Passage of the law in New York marked the first time such a measure has been approved in a state where Republicans control either legislative chamber. Evan Wolfson, president of Freedom to Marry, says that it “provided a powerful example of the momentum and growing and broadening support across the political spectrum. No question that we are bringing the experience we’ve had, in victories and defeats, including in New York, and that makes us confident that we’re on the right track in Maine.”

57. [Los Angeles Times, February 7, 2012](#)

*Proposition 8 backers seek funds for gay marriage fight*

The 9th Circuit Court of Appeals declares California’s same-sex marriage ban as unconstitutional. According to same-sex marriage opponents, their “resources are dangerously low.” Nevertheless, Freedom to Marry founder Evan Wolfson is appealing to the gay marriage supporters to “double down” on the campaign to ensure the U.S. Supreme Court is moved to affirm the decision that Proposition 8 is unconstitutional. Wolfson says, “This is a huge win for freedom to marry supporters in California and continues the growing momentum for the freedom to marry nationwide. With this case and others possibly making their way to the U.S. Supreme Court, we must create the climate that empowers judges and politicians to do the right thing, maximizing our chances of winning.” [The article links to the ruling by the federal court.]

58. [\(The\) HuffingtonPost.com, February 9, 2012](#)

*After the Prop 8 Victory, What's Next?*

Following the ruling of the 9<sup>th</sup> Circuit Court of Appeals, Evan Wolfson writes, “Together we are winning the freedom to marry nationwide, and, if we redouble and refuel our movement on all three tracks of the Roadmap to Victory, together we will have a lot of celebrating to do.” [The piece, written by Evan Wolfson, president of Freedom to Marry, encourages people to get involved and links to various ways to do so on Freedom to Marry’s website.]

59. [CNN, February 14, 2012](#)

*Washington, New Jersey move toward same-sex marriage*

Washington Governor Gregoire signs same-sex marriage into state law and the New Jersey state Senate votes in favor of a similar bill. Opponents of the Washington law are preparing to put a referendum on the ballot and New Jersey Governor Christie says that same-sex marriage should go to the voters. Statewide votes are not the way to handle the issue, according to Thalia Zepatos, director of public engagement for Freedom to Marry. She continues, “The question I like to pose to people is: Would you like the entire state to vote on whether you could marry your husband or wife?”

60. [Bloomberg, February 14, 2012](#)

*Washington Legalizes Gay Marriage, Extending Patchwork of States*

Governor Christine Gregoire signs a bill legalizing same-sex marriage in Washington, making it the seventh state to grant the right to marry to same-sex couples. Gregoire says the bill-signing marks “a milestone for equal rights.” However, according to Freedom to Marry, same-sex couples who marry in Washington will still not have their marriages recognized in 40 states and by the federal government. Evan Wolfson, president of Freedom to Marry, says, “We are one country, not 50 separate kingdoms, and we all deserve equal protection under the law. Same-sex couples should not have to play ‘now you’re married, now you’re not’ depending on which state they are in.”

61. [Los Angeles Times, March 21, 2012](#)

*New Hampshire House rejects repeal of gay marriage law*

The New Hampshire House of Representatives rejects a bill to repeal the state’s two-year-old law allowing same-sex marriage. Marc Solomon, campaign director at Freedom to Marry, says “We are grateful to Gov. John Lynch for his principled defense of the freedom to marry law, and to the many lawmakers – both Republican and Democrat – who listened carefully to their constituents and recognized that New Hampshire is stronger when all committed couples can share in the freedom to marry.”

62. [Hardball with Chris Matthews on MSNBC, May 10, 2012](#)

*How long will it take to grant equality?*

[Linked video, featuring an interview with Evan Wolfson] explores the state of the movement for marriage equality

63. [Viewpoint with Eliot Spitzer on Current TV, May 15, 2012](#)

*Evan Wolfson on same-sex marriage: ‘The time has come for the country to treat people fairly’*

[In linked video interview] Evan Wolfson, the founder and president of Freedom to Marry, shares his perspective on President Obama’s support for marriage equality, offering his theory as to why acceptance of same-sex marriage is gaining momentum nationwide. Wolfson says, “People have stopped talking about it as an abstraction and started talking, as the president did, about real people and real values of fairness.” Wolfson says (regarding President Obama’s recent statement in support of marriage equality), “What the president is doing is what he’s supposed to do – showing moral leadership and explaining to the American people why the time has come for the country to treat people fairly.”

64. [CNN, May 31, 2012](#)

*Federal court strikes down key part of federal law banning same-sex marriage*

The 1st Circuit U.S. Court of Appeals rules that the a key part of the Defense of Marriage Act, which bans federal recognition of same-sex marriage, is unconstitutional. Evan Wolfson, president of Freedom to Marry, says, "As more loving same-sex couples commit their lives to one another in marriage, the harms of this unjust law become more clear. From service members, risking their lives to protect ours, being denied the ability to protect their own families through military medical insurance or survivor benefits, to senior citizens having to move out of their homes after their partners of many decades pass on because they cannot access Social Security protections afforded any other legally married couple."

**Reduction of recidivism and the number of those imprisoned in California**

PRISON UNIVERSITY PROJECT

\$100,000 awarded in February 2012 to provide rigorous higher education including an Associate degree to men incarcerated at San Quentin, to create a replicable model for other state prisons, and to stimulate public awareness and dialogue about the state of criminal justice in the United States

65. [To the Best of Our Knowledge on NPR, June 3, 2012](#)

*Re-Thinking Education*

Jody Lewen is the executive director of the Prison University Project, a degree-granting program for the inmates at San Quentin State Prison in California, who believes in "the transformative power of knowledge and education" and thinks the most important feature of higher education should be accessibility. [Linked is an embedded radio interview of Jody Lewen, executive director of Prison University Project.]

66. [The New York Times, June 5, 2012](#)

*Prison Is Too Violent for Young Offenders*

Gary Scott writes, "Like many states, California allows youth offenders as young as 14 to be transferred from the juvenile system to adult courts. From there, most of the teenagers who are tried as adults and sentenced to life in adult institutions are placed in Level 4 maximum-security prisons that are extremely violent. If rehabilitation is the goal for teenagers who are tried and sentenced as adults, then prison is not the answer." [The op-ed is written by Gary Scott, a student in Prison University Project's education program in San Quentin Prison.]

**Food and Farming**

CALIFORNIA CLIMATE AND AGRICULTURE NETWORK (CALCAN)

\$185,000 awarded since 2009, including \$50,000 in April 2012 to advance policies that recognize and provide financial rewards for sustainable agricultural practices that mitigate and adapt to climate change

67. [Brentwood Press, April 19, 2012](#)

*Guest Comment: Becoming sustainable in policy and practice*

Becky and Al Courchesne, owners of Frog Hollow Farm, describe the various sustainable-agriculture practices used on their farm "to ensure that our business, family, community and natural resources are not only sustained over the long term but actually get stronger and healthier" including efforts to mitigate climate change. They write, "We have implemented sustainable practices throughout our operation; we could do a lot more with some support. And with the right policies and incentives, many more California farms and ranches could make similar contributions and offer multiple benefits to their communities. Frog Hollow Farm will continue to do its part. Meanwhile, California's brand-new cap-and-trade program –

one component of the larger AB 32 program – will go into effect this year. It will create new opportunities and revenue to support activities that reduce greenhouse gas emissions. It gives the state a powerful tool to move sustainability from individual projects such as ours into the mainstream. That sounds like a sustainable future we all can and should support.” [This op-ed is written by CalCAN advisors Becky and Al Courchesne.]

68. [The Daily Journal \(San Mateo, Calif.\), April 21, 2012](#)

*Op-ed: Agriculture’s Climate Protection Solutions*

The writers say, “When we think about ways to slow down climate change and avert the worst impacts of rising temperatures, what usually comes to mind are things like electric cars, weatherizing homes and putting up solar panels. But there are other significant climate solutions to be realized from one of the most important economic sectors in California – agriculture. Farms and ranches offer unique opportunities to store, or ‘sequester’ carbon dioxide in soil, trees and other woody plants. Research shows that some of the most promising ‘climate-friendly’ farming practices include reducing synthetic nitrogen fertilizer use, managing soil to increase organic matter, pasture-based livestock management that decreases erosion and avoids overgrazing, and integrating perennial crops, forests and hedgerows into the farmscape. Many climate-friendly farming practices have the added benefits of improving air and water quality, reducing reliance on fossil fuel-based inputs and increasing wildlife habitat and biodiversity. These advantages serve as a buffer against the extremes of climate change that could hamper agricultural production and impact food security. Preserving farmland near urban areas can also limit the significant greenhouse gas emissions associated with transportation and sprawl development. That’s where innovative state investments can make all the difference between a progressive agricultural economy or one that fails to meet the challenges of a changing climate.” In 2012, California’s cap and trade program goes into effect. Sustainable agriculture has been included as an eligible allocation for cap and trade funds. [This op-ed is co-written by David Gates, a Farmer Advisory Council member for CalCAN.]

69. [CivilEats.org, April 23, 2012](#)

*Farm Bill 101: Pick a Food Fight!*

Renata Brillinger writes, “Part history text, part socio-political commentary and part call to action, Food Fight: The Citizen’s Guide to the Next Food and Farm Bill offers something for everyone from the seasoned agriculture advocate to the newcomer on the food systems scene. The newly re-issued book by Dan Imhoff comes just as the federal debate over the 2012 Farm Bill is heating up.” She continues that her favorite quote by Imhoff in the book is, “I confess, I am a reluctant policy wonk. But these are the issues of our times. If Americans don’t weigh in on the Farm Bill, the agribusiness lobbyists will be more than happy to draft the next one for us as they have done for at least 30 years.” [This book review is written by Renata Brillinger, executive director of CalCAN.]

CENTER FOR FOOD SAFETY (CFS)

\$540,000 awarded since 2003, including \$75,000 in April 2012 for the *California Food and Agriculture Initiative* to halt the further commercialization of genetically engineered (GE) crops until their safety and effectiveness for sustainable agriculture can be demonstrated

70. [Associated Press, January 24, 2012](#)

*Bill Gates Calls For More Agriculture Research To Fight Hunger*

According to the article, Bill Gates claims that “countries can embrace modern seed technology and genetic modification or their citizens will starve.” The Bill and Melinda Gates Foundation has spent \$2 billion over the past five years “to fight poverty and hunger in Africa and Asia”, particularly by promoting the use of biotechnology. Bill Freese, a science policy analyst for the Washington-based Center for Food Safety, says that everyone wants to see things get better for hungry people, but genetically modified plants are more likely to make their developers rich than feed the poor. The seed is

too expensive and has a high failure rate. Better ways to increase yields would be increasing the fertility of soil by adding organic matter or combining plants growing in the same field to combat pests.

71. [The New York Times, February 7, 2012](#)

*Modified Crops Tap a Wellspring of Protest*

According to the article, GMO (genetically modified organism) crops have become the center of debate across the country, and consumer resistance to genetically modified crops is high. A recent poll conducted by Reuters and National Public Radio found that 93% of people want food that has been genetically engineered, or has genetically engineered ingredients, to be labeled. Farmers pack a courtroom in New York, and share stories of contamination of their organic or conventional crops by GMOs. Many of the farmers in the courtroom are plaintiffs in a class-action lawsuit filed last year by the Organic Seed Growers and Trade Association against Monsanto. The plaintiffs [including the Center for Food Safety], none of whom use Monsanto seeds, say that they are afraid that the company will take legal action against them if its patented products appear in their fields. In California, a referendum is likely to be on the November 2012 ballot to force labeling of GMO products.

72. [\(The\) HuffingtonPost.com, February 22, 2012](#)

*"Agent Orange" Corn: Biotech Only Winner in Chemical Arms Race as Herbicide Resistant Crops Fail*

Andrew Kimbrell writes that U.S. Department of Agriculture (USDA) is deciding whether or not to approve an application by Dow Chemical for its genetically engineered (GE) corn variety that is resistant to the highly toxic herbicide 2,4-D, one of the main ingredients in Agent Orange. If approved, the Center for Food Safety has vowed to challenge USDA's decision in court, as this novel GE crop provides "no public benefit and will only cause serious harm to human health, the environment, and threaten American farms." Kimbrell says that this is a clear indication that first-generation glyphosate-resistant crops are failing. Kimbrell writes, "If approved, millions of acres of Agent Orange corn could be planted as early as next year, raising concern for its adverse health impacts. 2,4-D was one of the main ingredients in Agent Orange, the chemical defoliant used by the U.S. in the Vietnam War. Agent Orange was contaminated with dioxins, a group of highly toxic chemical compounds, which are responsible for a host of serious medical conditions – from diabetes to cancer to birth defects – in Vietnam veterans as well as Vietnamese and their children. Industry's own tests show that 2,4-D is still contaminated with dioxins. Many studies show that 2,4 D exposure is associated with various forms of cancer, Parkinson's Disease, nerve damage, hormone disruption and birth defects, according to Dr. Amy Dean, an internal medicine physician and President-Elect of the American Academy of Environmental Medicine." [This piece is written by Andrew Kimbrell, executive director of the Center for Food Safety.]

73. [USA Today, April 17, 2012](#)

*Farmers must spend more on herbicides as effectiveness fades*

Glyphosate, a much-used herbicide, which for years has helped farmers throughout the United States increase profits, is losing its effectiveness and forcing producers to spend more and use more chemicals to control the weeds that threaten yields. The problem is Roundup, a herbicide introduced in the 1970s, and its partner, Roundup Ready crop seeds, genetically modified to withstand Roundup's active ingredient, glyphosate. Roundup Ready soybeans were the first of the brand to be introduced in 1996. But now, weeds that Roundup once controlled are becoming resistant to glyphosate. The almost exclusive use of glyphosate led to resistant populations of weeds, such as pigweed and ryegrass. Glyphosate-resistant weeds have been identified in Australia, South America and China, according to the International Survey of Herbicide-Resistant Weeds. To combat resistant weeds, farmers are turning to older methods of weed control – more chemicals and more tillage, which leads to increased rates of soil erosion. Bill Freese, science policy analyst at the Center for Food Safety, says the use of more chemicals has real public health implications. Freese says, "It increases the chances they will get into our food and water." Weed resistance to herbicides is not new. But, Freese says, it's happening at a much quicker rate. "Because of

the use of a single chemical (glyphosate), it's speeding up evolution.” Herbicide-resistant crops are “taking us in the wrong direction. It's just not sustainable.”

74. [Reuters, April 18, 2012](#)

*Farm group seeks U.S. halt on "dangerous" crop chemicals*

A coalition of more than 2,000 U.S. farmers and food companies said Wednesday it is taking legal action to force government regulators to analyze potential problems with proposed biotech crops and the weed-killing chemicals to be sprayed over them (2,4-D and 2,4-D-tolerant crops for Dow and dicamba and dicamba-tolerant crops for Monsanto). The Save Our Crops Coalition, which represents more than 2,000 farmers and groups such as the Indiana Vegetable Growers Association, the Ohio Produce Growers and Marketers Association, and major food processors Seneca and Red Gold, comprises many grower groups that use and support biotechnology. John Bode, a lawyer for the Save Our Crops Coalition and former assistant Secretary of Agriculture in the Reagan administration, says, “These are the most dangerous chemicals out there.” Steve Smith, director of agriculture at Red Gold, the world's largest canned-tomato processor, and a leader of the Save Our Crops Coalition, says, “The danger that 2,4-D and dicamba pose is a real threat to crops...nearly every food crop.” A separate petition started by the Center for Food Safety says that 2,4-D, will “likely harm people and their children, including farmers, and the environment” and says USDA has not properly assessed the impacts of Dow's plan for a new 2,4-D based crop system.

75. [Grist.org, April 26, 2012](#)

*Meet a pesticide even conventional vegetable farmers fear*

Dow Agrosiences new 2,4-D-tolerant corn is being considered for approval by the USDA, but is facing a burgeoning resistance. 2,4-D is a powerful herbicide that was an ingredient in Agent Orange, the Vietnam War defoliant. According to Tom Laskawy, 2,4-D has been linked to cancer, neurotoxicity, kidney and liver problems, reproductive effects, and shows endocrine-disrupting potential. According to the Center for Food Safety, 365,000 people have already submitted comments to the USDA in opposition to the crop's approval. An additional 143 farm, environmental, health, fisheries groups and companies will submit a letter to USDA Secretary Tom Vilsack expressing their opposition to the GMO seeds. Laskawy says the new crop is part of biotech's new strategy to deal with the rise of superweeds across the U.S. [The piece is written by Tom Laskawy, co-founder and executive director of the Food and Environment Reporting Network (FERN), a Columbia Foundation grantee.]

76. [San Francisco Chronicle, April 30, 2012](#)

*Genetically modified crops' results raise concern*

According to the article, the use of GMO crops has resulted in “Trojan corn,” superweeds and the disappearance of monarch butterflies. In the Midwest and South, where there are more than 170 million acres of genetically engineered corn, soybeans and cotton, results include vast increases in herbicide use that have created superweeds now infesting millions of acres of cropland, while decimating other plants, such as milkweeds that sustain the monarch butterflies. Farmers and food manufacturers are also concerned that a new corn made for ethanol (Trojan corn) could damage an array of packaged food on supermarket shelves. 22 types of superweeds now cover at least 13 million acres in 26 states. The crops, engineered to tolerate glyphosate, commonly known by its Monsanto trademark Roundup, has led to a 400-million-pound net increase in herbicide applications throughout corn-, soybean-, and cotton-growing regions. Scientists at Iowa State University have definitively tied heavy use of glyphosate to an 81 percent decline in the monarch butterfly population. “Trojan corn,” the new GMO corn made for ethanol, is meant to break down its own starch to sugar and to speed the process of making ethanol to fuel cars. But corn for food is threatened as cross-pollination can turn it to mush. Some farm groups have joined environmentalists in an attempt to slow down approvals of GMOs, as a newly engineered corn, resistant to another potent herbicide, 2,4-D-tolerant corn [Agent Orange corn], stands on the brink of approval. Andrew Kimbrell, executive director of the Center for Food Safety, a nonprofit group that has waged a

litigation battle against biotechnology companies, says the new crops are part of “a chemical arms race, where biotechnology met Charles Darwin.”

77. [SustainableBusiness.com, May 1, 2012](#)

*GMO Labeling Gets on California Ballot as Agent Orange Corn Nears Approval*

Volunteers deliver the signatures needed to put a proposition on California's ballot that requires mandatory labeling of GMO foods. If the California Right to Know proposition passes this November, the state will join over 40 countries including all of Europe, Japan and even China that have mandatory GMO labeling laws. A coalition of nearly 400 businesses and organizations have filed a legal petition with the FDA to require mandatory labeling of GMOs in the U.S. Last month, the Just Label It campaign delivered over one million comments in support of labeling to the FDA. Despite this, USDA is nearing regulatory approval of Dow's GMO corn (dubbed Agent Orange Corn), which is resistant to the hazardous herbicide 2,4-D, ostensibly to deal with the rise of superweeds caused by Monsanto's Roundup herbicide used in concert with its partner Roundup Ready (GMO) crops. Roundup-Ready GMO seeds now comprise 90% of soy, 95% of cotton and 75% of corn crops in the U.S. Agent Orange corn could be planted as soon as 2013. According to the article, “it's well known that 2,4-D causes cancer, hormone disruption, genetic mutations, neurotoxicity, Parkinson's Disease, and birth defects.” However, the Environmental Protection Agency (EPA) chose not to ban or limit its use, paving the way for USDA approval. Instead of relying on independent research, EPA relied on contradictory evidence submitted by the herbicide's manufacturer, Dow Chemical. USDA received comments from 140 farm, environmental, health, fisheries groups and more than 365,000 citizens urging them to reject the new GMO corn, and a coalition of more than 2,000 U.S. farmers and food companies is taking legal action against the USDA to force it to analyze the environmental ramifications of using this toxic herbicide. Andrew Kimbrell, executive director of the Center for Food Safety, says, “American agriculture stands at a crossroads. One path leads to more intensive use of toxic pesticides, litigious disputes in farm country over drift-related crop injury, less crop diversity, increasingly intractable weeds, and sharply rising farmer production costs. This is the path American agriculture will take with approval of Dow's 2,4-D resistant corn, soybeans and the host of other new herbicide-resistant crops in the pipeline. Another path is possible, but embarking upon it will take enlightened leadership from USDA.”

78. [Chicago Tribune, May 3, 2012](#)

*Labeling to go before voters*

A proposal that would require labels on foods containing genetically modified ingredients is on track to go before California voters. California Right to Know delivers nearly 1 million signatures to state officials, well in excess of the roughly half-million required for a statewide referendum. If the signatures are verified, the measure will go before voters November 6. Earlier this year, the Washington-based Center for Food Safety submitted a petition with 1.1 million signatures to the U.S. Food and Drug Administration (FDA), calling for mandatory nationwide labeling. The agency is reviewing the petition and has so far counted 900,000 signatures, according to Gary Hirshberg, chairman of Stonyfield Farms, and co-founder of the national Just Label It! Campaign.

79. [FoodSafetyNews.com, May 7, 2012](#)

*Breakthrough Offers Promise of Improved GMO Testing*

In what has been called “a major breakthrough”, scientists at Lumora Ltd. in the United Kingdom have developed a method of GMO detection and monitoring. Jaydee Hanson, senior policy analyst for the Center for Food Safety, says that the GMO-detection technology is an example of efforts to make gene detection easier and cheaper. Hanson says, “The good news for us who are tracking food safety is that this technology will help quickly identify if food contains GMOs as well as track pathogens like Salmonella quickly. This is one of many technologies scientists are working on.” Hanson continues that it would be good for farmers to have a cheap reliable way to test products for GMOs, and it would allow testing by more agents, which would provide statistically valid results showing that a crop is not a GMO

product or that it's GMO-free. It will also be a tool food processors can use, says Hanson, although the "ideal technology" probably needs to be even simpler and cheaper than this new technology developed by Lumora, "but if they get this right, it could be used by the big food processors."

80. [FoodQualityNews.com, May 9, 2012](#)

*FDA nanotechnology draft guidance represents 'marginal progress' – petition group*

In response to the FDA draft guidance on the use of nanotechnology in food and food-contact substances, the Center for Food Safety, Friends of the Earth, the Institute for Agriculture and Trade Policy, and the International Center for Technology Assessment have called for the introduction of further regulations to cover the food sector's use of the technology. The FDA document pinpoints factors that should be considered when trying to determine whether changes in manufacturing process, such as the intentional reduction in particle size to the nanoscale, can effect the safety of food. The Center for Food Safety has urged the FDA to issue more than just voluntary guidance on the issue. Center for Food Safety attorney George Kimbrell says, "As these new responses show, the agency is no longer ignoring the scientific consensus that these nanomaterials have the capacity to be fundamentally different, and can create new and novel risks, necessitating new testing. Unfortunately, the agency has thus far only taken a voluntary rather than mandatory regulatory approach, despite the failure of voluntary approaches to elicit industry cooperation to regulate nanomaterials. Much more than voluntary guidance is needed, and we will remain vigilant in our efforts to drag the agency towards responsible regulation."

81. [Bloomberg, June 19, 2012](#)

*Monsanto Crop Bans by Courts Would Be Reversed in Bill*

A House of Representatives committee votes to let farmers grow genetically modified crops developed by Monsanto and its competitors during legal appeals of the approval process. USDA would be required to permit modified crops to be planted and sold into the food supply after the agency's approvals have been invalidated by a court, under a provision in the fiscal 2013 agriculture spending bill approved by the House Appropriations committee. The one-paragraph provision in the 90-page bill would circumvent legal obstacles that have slowed commercialization of engineered crops, sometimes for years, benefiting Monsanto, the world's largest seed company. Planting would be permitted until USDA completes any analysis required by a judge. The Center for Food Safety, which has sued over USDA approvals of biotech crops, called the bill's language a "Monsanto profit assurance provision" that interferes with judicial oversight of agency decisions and has the potential to disrupt the global grain trade. According to Andrew Kimbrell, executive director of the Center for Food Safety, the bill would "empower a single corporation and a few of its industry friends to move beyond the control of the U.S. courts, USDA and public review to make their own rules and profit from slippery back door politics."

82. [Farm Futures, July 3, 2012](#)

*Biotech Appropriations Provision Receives Criticism*

Thirty-eight food and consumer groups issued a letter to House Committee on Appropriations Chairman Rep. Hal Rogers (R-Ky.) and ranking member Rep. Norm Dicks (D-Wash.) calling for elimination of the "Farmer Assurance Provision" (Sec. 733) in the FY 2013 Agriculture Appropriations bill last month. The groups, including the Center for Food Safety, Food Democracy Now, and the Farm and Ranch Freedom Alliance, say the provision would be unconstitutional, undermining USDA's oversight on genetically engineered crops and setting limitations on judicial review. [The bill text is linked from the article.]

83. [Mother Jones, July 3, 2012](#)

*Congress' Big Gift to Monsanto*

According to a 2010 analysis from Food & Water Watch, the ag-biotech industry spent \$547.5 million on lobbying between 1999 and 2009. It employed more than 100 lobbying firms in 2010 alone, in addition to their own in-house lobbying teams. According to OpenSecrets.org, Monsanto spent \$1.4 million on

lobbying in the first three months of 2012, after spending \$6.3 million total in 2011. In the 2013 appropriations bill for agriculture, the House agriculture appropriations subcommittee inserted a pro-industry provision that that has nothing to do with agriculture appropriations. The provision would allow farmers to plant GM crops even during legal appeals of the USDA's approval process, and even if a federal court orders that the crops not be planted. Tom Philpott writes, "The provision addresses one of the ag-biotech industry's most persistent complaints: that the USDA approval process keeps rubber-stamping its novel products, but an anti-GMO group called the Center for Food Safety keeps launching, and winning, lawsuits charging that the USDA didn't properly assess the environmental impact of the novel crops, thus delaying their release into farm fields." [The piece is written by Tom Philpott, the former food editor for *Grist*, a Columbia Foundation grantee for the *California Dreamin'* series, focusing on food and farming in California.]

84. [Dow Jones News Newswires, July 10, 2012](#)

*Environmental, Grain Groups Object to Farm Bill Changes on Seed Regulation*

Provisions in a pending U.S. House farm bill would accelerate the review process for genetically modified crops. The Center for Food Safety says the provisions would lead to new crops being approved before they have been fully assessed. The legislation would block USDA from using certain federal laws, such as the National Environmental Policy Act, as a basis for rejecting a proposed seed variety. The proposal also would impose a one-year deadline for the USDA to assess new biotech seeds, after which they would be automatically approved. Seed companies have argued that opponents of genetically modified seeds have been needlessly delaying new crops with legal challenges, which threatens to discourage additional investment in the sector. The environmental and consumer groups argue in a letter to ranking members of the U.S. House Agriculture Committee that the new rules would "make a mockery" of the USDA's crop reviews. George Kimbrell, senior attorney at the Center for Food Safety, says, "They've been losing in court, and they're trying to change the rules."

FOOD AND ENVIRONMENT REPORTING NETWORK (FERN)

\$20,000 in May 2011 to fund, aggregate, and distribute investigative and in-depth reporting in the critical areas of food, agriculture, and environmental health by linking journalists, new media, and major media outlets while working to train journalists in investigative techniques

85. [MSNBC.com, January 25, 2012](#)

*Dispute over drug in feed limiting US meat exports*

In the U.S., the drug ractopamine hydrochloride is fed to pigs and other animals until slaughter to boost growth. While USDA has found traces of ractopamine in American beef and pork, they have not exceeded levels the FDA has determined are safe. The European Union, China, Taiwan and many others have banned its use, citing concerns about its effect on human health, limiting U.S. meat exports to key markets. According to the U.S. Meat Export Federation, U.S. exports of beef and pork are on track to hit \$5 billion each for the first time. Pork exports to China quadrupled from 2005 to 2010 to \$463 million, but are still only 2 to 3 percent of the market. According to reports received by FDA, ractopamine is fed to an estimated 60 to 80 percent of pigs in the United States, and it has resulted in more reports of sickened or dead pigs than any other livestock drug on the market. Traces of the drug have led China and Taiwan to reject some U.S. meat shipments. The EU requires U.S. exporters to certify their meat is ractopamine-free, and China requires a similar assurance for pork. The FDA ruled that ractopamine was safe and approved it for pigs in 1999, for cattle in 2003 and turkeys in 2008. As with many drugs, the approval process relied on safety studies conducted by the drug-maker – studies that lie at the heart of the current trade dispute. [The article is written by Helena Bottemiller for the Food and Environment Reporting Network.]

86. [The Leonard Lopate Show, WNYC, January 26, 2012](#)

*Underreported: Controversial Livestock Hormone*

[Linked is an embedded radio interview of Helena Bottemiller regarding her investigation of ractopamine in U.S. meat exports for the Food and Environment Reporting Network.]

87. [MSNBC.com, March 13, 2012](#)

*Farming communities facing crisis over nitrate pollution, study says*

According to a study by researchers at UC Davis, nitrate contamination in groundwater from fertilizer and animal manure is severe and getting worse for hundreds of thousands of residents in California's farming communities. Researchers found that nearly 10 percent of the 2.6 million people living in the Tulare Lake Basin and Salinas Valley could be drinking nitrate-contaminated water. If nothing is done to quell the problem, those at risk for both health and financial problems could number nearly 80 percent by 2050. High nitrate levels in drinking water are known to cause skin rashes, hair loss, birth defects, and a fatal blood disorder in infants. Also, a National Institutes of Health study linked increased risk of thyroid cancer with high nitrate levels in public water supplies. According to the article, nitrate-contaminated water is a well-documented fact in many of California's farming communities. The agricultural industry, however, has maintained that it is not solely responsible because nitrates come from many sources. According to the UC Davis report, however, 96 percent of nitrate contamination comes from agriculture, while only 4 percent can be traced to water treatment plants, septic systems, food processing, landscaping, and other sources. According to the study, more than 1.3 million people in the two areas currently face increased costs, as residents seek alternative sources of water and providers pass on the costs of treatment to ratepayers. The five counties in the study are among the top 10 agricultural-producing counties in the U.S. – covering about 40 percent of California's irrigated cropland and more than half of its dairy herds, and representing \$13.7 billion of California's economy. [The piece is written by Stett Holbrook for the Food and Environment Reporting Network. UC Davis Agricultural Sustainability Institute (ASI), a Columbia Foundation grantee, commissioned the UC Davis nitrate study with a grant from the Packard Foundation.]

88. [The Washington Post, April 16, 2012](#)

*If the food's in plastic, what's in the food?*

In a recent study published in the journal *Environmental Health Perspectives*, researchers put five San Francisco families on a three-day diet of food that had not been in contact with plastic. When they compared urine samples before and after the diet, the scientists found that the participants' levels of bisphenol A (BPA), which is used to harden polycarbonate plastic, fell by two-thirds, on average, while those of the phthalate DEHP, which imparts flexibility to plastics, dropped by more than half. According to the writer, the findings confirm that plastic food packaging is "a major source of these potentially harmful chemicals, which most Americans harbor in their bodies." The government has long known that tiny amounts of chemicals used to make plastics can sometimes migrate into food. FDA regulates these migrants as "indirect food additives" and has approved more than 3,000 such chemicals for use in food-contact applications since 1958. Meanwhile, however, scientists are beginning to piece together data about the ubiquity of chemicals in the food supply and the cumulative impact of chemicals at minute doses. What they are finding has some health advocates worried. Janet Nudelman, program and policy director at the Breast Cancer Fund, says that this is "a huge issue, and no [regulator] is paying attention. It doesn't make sense to regulate the safety of food and then put the food in an unsafe package." Researchers have found estrogen-mimicking chemicals, hormone disruptors, endocrine disruptors, and chemicals that interfere with testosterone, cause male reproductive disorders, thyroid dysfunction, and behavioral changes. [The piece is written by Susan Freinkel for the Food and Environment Reporting Network.]

89. [MSNBC.com, June 18, 2012](#)

*Crop insurance a boon to farmers – and insurers, too*

Farm-bill subsidies, totaling \$5 billion per year, have been criticized for years by environmentalists and taxpayer organizations alike, as these direct payments go to mostly to large farms that grow commodity

crops like corn and soybeans. According to the article, they accounted for about 10 percent of the farm sector's \$109 billion in income last year, with more than half going to farmers making more than \$100,000 a year. The Senate version of the new farm bill, touted as reform by legislators, features an increase in support crop insurance instead of direct-payment subsidies. Now that direct payments are on the way out, farm-state legislators and industry groups say an expanded crop insurance program is needed to protect farmers from risk in an inherently volatile industry. Without it, they might not produce commodity crops such as corn, soybeans, wheat, and cotton at the levels, and prices, the nation has enjoyed. But critics say the fast-growing crop insurance program will cost as much as or more than the direct payments that it would replace because the government covers nearly 60 percent of farmers' premiums and subsidizes the costs of private insurance companies, including those based overseas, to write the coverage for farmers. If insurers suffer a loss, the government will backstop the losses, much as a big reinsurance company assumes the risks of individual insurers. It also assumes most of the risk for policies placed in a special assigned risk fund. According to the article, crop insurance will cost approximately \$9 billion per year. [The piece is written by Stett Holbrook for the Food and Environment Reporting Network.]

90. [Good Morning America on ABC News, July 11, 2012](#)

*Superbug Infection 'Won't Go Away'*

The [linked video] report begins, "Bladder infections affect 60 percent of all American women, with a rising number resistant to antibiotic treatment. Now researchers looking into the mysterious cause of this drug resistance have found evidence that it's coming from poultry treated with antibiotics, according to a joint investigation by the Food and Environment Reporting Network and ABC News."

91. [ABC News, July 11, 2012](#)

*REPORT: Superbug Dangers in Chicken Linked to 8 Million At-Risk Women*

According to the article, researchers say that more than 8 million women are at risk of difficult-to-treat bladder infections because superbugs – resistant to antibiotics and growing in chickens – are being transmitted to humans in the form of E. coli. Ameer Manges, epidemiologist at McGill University in Montreal, says they are finding the same or related E. coli in human infections and in retail chicken meat. Maryn McKenna, reporter for the Food & Environment Reporting Network, working on a joint investigation with ABC News, says, "What this new research shows is, we may in fact know where it's coming from. It may be coming from antibiotics used in agriculture." [The article links to a short video report related to the article.]

PRODUCT POLICY INSTITUTE

A three-year \$150,000 grant awarded in May 2007 for the *California Community Extended Producer Responsibility Campaign*

92. [The New York Times, March 23, 2012](#)

*Companies Pick Up Used Packaging, and Recycling's Cost*

A growing number of large food and beverage companies in the U.S. are assuming the costs of recycling their packaging after consumers are finished with it, a responsibility long imposed on packaged goods companies in Europe and more recently in parts of Asia, Latin America and Canada. Several factors are converging to make what is known as "extended producer responsibility" more attractive and, perhaps, more commonplace in the United States. Jim Hanna, director of environmental impact at the Starbucks Corporation, says, "Local governments are literally going broke and so are looking for ways to shift the costs of recycling off onto someone, and companies that make the packaging are logical candidates. More environmentally conscious consumers are demanding that companies share their values, too. There are financial benefits to doing this. It lowers operating costs, and we also save money because it helps us retain good people every year and builds brand reputation at no cost to the marketing budget. It makes business sense. Companies are becoming more aware that resources are limited and what they've

traditionally thrown away — wow, it has value.” It is now cheaper to recycle an aluminum can into a new can than it is to make one from virgin material. According to the director of recycling at Alcoa, this also saves 95 percent of the energy. It is also cheaper to recycle plastic bottles than manufacturing new ones. Bill Sheehan, executive director of the Product Policy Institute, an organization working to build support for extended producer responsibility, says, “Walmart is doing some pretty good things environmentally all on their own, and because of their size, they’re able to have a broad effect on what suppliers do.”

93. [Forbes, April 27, 2012](#)

*How Corporate America Might Just Save Recycling*

Extended Producer Responsibility (EPR) legislation in states is gaining ground. EPR legislation would set requirements for companies to collect and recycle a certain percentage of the packaging waste they generate, but would leave how they go about doing it up to the companies themselves. Companies like it because it gives them some control, and environmentalists like that it could drastically improve U.S. recycling rates. A recent report from the Blue-Green Alliance found that increasing recycling rates in the United States to 75 percent for all municipal solid waste would create 1.5 million jobs. For consumers, who, at the end of the day, are the ones that actually pay for recycling, EPR promises a more effective, efficient system, one that delivers better value for taxpayer dollars. While the cost of EPR would be built into the cost of consumer products, the legislation would eliminate the fee consumers currently pay for city- or county-provided recycling. All of which is not to say that EPR is without its detractors. Some municipal governments, among others, worry about handing control of recycling systems over to industry, and some industries are loathe to see any sort of government regulation of packaging, even if it is legislation that leaves implementation up to industry. For instance, Coca-Cola recently pushed for an EPR law in Vermont that would have gotten rid of a popular bottle bill. Matt Prindville, associate director of the Product Policy Institute, says, “It wasn’t really the best way to go about things because it made the discussion combative, and it made it seem like the only interest beverage companies have in this is getting rid of bottle bills. Actually, container deposits and producer responsibility are not mutually exclusive, you could easily have both.” In reference to EPR, Prindville says, “It’s one of the most effective policy tools out there for addressing waste and pollution of various kinds. There have been a variety of EPR laws passed throughout the country, governing everything from paint to batteries to specific toxic ingredients like mercury. But what we’re realizing is that EPR shouldn’t just be applied to one particular type of product. It needs to be applied to the entire waste stream.”

ROOTS OF CHANGE FUND (ROC FUND)

\$1,750,000 since 2002, including \$150,000 awarded in April 2012 for the development of a statewide food-policy council and a media-messaging campaign to recognize and accelerate the emergence of new mainstream sustainable food-and-farming systems in California by the year 2030

94. [Forum with Michael Krasny on KQED, January 13, 2012](#)

*The Changing Face of Farming*

In this radio report, experts discuss official estimates that say the average farmer in California is nearly 60 years old, with nearly 20 percent older than 70, and suggest that without an influx of younger and more ethnically diverse farmers, the state's \$37 billion industry will suffer. [Linked is an embedded radio report, featuring Craig McNamara, a former ROC Fund Stewardship Council member.]

95. [San Francisco Chronicle, January 29, 2012](#)

*California's Real Rural tells hidden stories*

Real Rural: Stories and Photographs from the Rest of California is the work of writer and photographer Lisa Hamilton in collaboration with the Creative Work Fund, Roots of Change, and the Bill Lane Center for the American West. Hamilton traveled over 1,000 miles throughout California to take photographs and document the stories of rural Californians. Hamilton says, “With this project, my original intention

was to explore the health of rural communities, to discuss why some places survive while others wither and disappear, all for an urban audience. But as I explained the work to people around me in non-rural California, I realized I hadn't factored in two important pieces: First, people in our cities generally don't know much about 'the rest of California,' have barely ventured off Interstate 5. Second, they don't really care. That's why, somewhere along the road, I revised my intention. With these stories, I would simply reintroduce rural California to the rest of us. The result is not a comprehensive survey – that would be a life's work or more. Nor is it a portfolio of outliers and unusual looking people, as is often the case with portraits of unfamiliar places. Those whose stories held me captive were people you might walk past in the supermarket and not notice at all. What seized me was their passion, that each of them believed in something deeply enough to scrap, struggle and sacrifice for it. This commitment, in all its forms, is perhaps the most important story for the rest of California to hear and see. That's because it reflects another, larger experience shared by rural people from Surprise Valley to Mecca: Most messages in our world today tell rural people to leave where they are in search of something better. If they want to stay there and thrive, they have to fight for it. Or, as in Sebastian's case, if they want to thrive enough to leave, they have to fight for that, too. There is no reason rural California matters more than the rest of the state, but likewise there is no reason it matters less. What voices like those of Guadalupe, Charley and Sebastian tell us is that 'the rest of California' should not be dismissed, ignored or forgotten. Partly, that is because the stories there are unique, born of the distinctive experience of rural life; but it is also because, on a higher level, those stories are universal – and, to our surprise, nearly indistinguishable from our own.”

96. [Forum with Michael Krasny on KQED, January 31, 2012](#)

*The Real Rural California Project*

In a radio interview about her new project titled Real Rural, writer and photographer Lisa Hamilton says the lack of direct contact between urban and rural Californians makes it feel as though California is made up of two wholly separate states. Hamilton and her partners [including the ROC Fund] introduce California's unseen rural populations to their urban neighbors through photography, interviews, and audio conversations. [Linked is an embedded radio report.]

97. [CivilEats.org, April 10, 2012](#)

*A Fair Deal for California's Farm Workers*

The Agricultural Justice Project (AJP) has developed a set of fair-labor guidelines under the Food Justice Certified label, which was born out of dissatisfaction with the U.S. National Organic Program's failure to address workers' dignity and rights. While more than 70 Canadian farms are Food Justice Certified, only eight in the United States have received certification. There is now a burgeoning effort to bring the label to California, with Santa Cruz County-based strawberry grower Swanton Berry Farm among those leading the way. Swanton is considered a model of fair agricultural labor practices. It is the first organic farm to sign a contract with the United Farm Workers of America, the nation's largest farm labor union. At the farm, workers are guaranteed a decent pay scale as well as benefits such as health insurance, a retirement plan, and paid time off, plus access to affordable housing. The farm helps workers avoid repetitive strain injuries (the most common type of injuries in agriculture) by offering a variety of work. In addition, Swanton makes an effort to involve workers in business decisions. Swanton was also the first farm to offer its employees the opportunity to own stock in the company. AJP and Swanton have participated in outreach to regional farms and organizations to build awareness about the program. [Jim Cochran, the founder and president of Swanton Berry Farm, was a founding member of the Stewardship Council of the ROC Fund.]

98. [Rural California Report, April 30, 2012](#)

*The Central Valley: Rising Like a Phoenix?*

Edith Jessup writes, “The poverty of the Central Valley of California and the abundance of the region's agriculture is a conundrum. Even though there has been a decrease in community-based access to healthy

food, and a rise in chronic disease in the heartland of the state of California, and the nation, we are beginning to see people and agriculture coming together for the good of both. The exciting change arising in the Central Valley, honoring our agricultural roots and reinventing our regional economy, has been led by the smart growth investments of Smart Valley Places, with support from the U.S. Department of Housing and Urban Development (HUD), the Environmental Protection Agency (EPA) and the U.S. Department of Transportation. These buds of change are blossoming into a new triple-bottom-line Central Valley economy that honors the environment, equity and economics. Environmentalists, supporters of the organic movement, and advocates for social justice, are not the only ones talking the regional food system talk anymore. The Fresno Business Council, the California Partnership for the San Joaquin Valley and regional cities are choosing smart growth and healthy communities and realizing that the Central Valley, a place with the capacity to feed the nation, can also feed our region. Institutions (such as schools, hospitals and city and county governments) are looking at their ability to access healthier, affordable local food, and the ability for local purchasing to drive their economies home. This new food regionalism has been a long-term process. Organizations like the Central California Regional Obesity Prevention Program (CCROPP), the eight County Public Health Departments in the Central Valley, and the statewide food movement organized through Roots of Change, have spearheaded bringing healthy people and healthy farms to the forefront of intentional community policy and systemic changes.” [The piece is written by Edith Jessup, a ROC Fund Stewardship Council member.]

99. [San Francisco Chronicle, May 28, 2012](#)

*Senate farm bill a small step forward for California*

The Senate takes up a new farm bill that will set the nation's farm policy for the next five years. According to the article, it will cost almost \$1 trillion over the next decade. The bill will likely cause California, the nation's largest farm producer and a strong voice in both environmental and health policy, to cede billions of dollars to entrenched commodity interests in the Midwest and South. While the Senate bill preserves hard-fought gains in the last farm bill in 2008 for California, including research for organics and produce, farmers' markets and more fruit and vegetable purchases for school lunches and other federal food programs, California Democrats are weighing into the debate earlier and more forcefully than in the past. Still, the great bulk of federal support for farms remains focused on such commodities as corn, soybeans, wheat and cotton in the Midwest, just as farm bills have since 1933. Despite its productivity, California historically has played a small part in farm bills, yielding control of the powerful House and Senate Agriculture Committees to the Midwest and South. Michael Dimock, president of Roots of Change (“a San Francisco philanthropy intended to move the farm economy to more localized production of fresh food”), says that Congress lags years behind California in moving toward healthier food and farming and that Senate Agriculture Committee Chairwoman Debbie Stabenow, D-Mich., the first committee chair to hail from a produce-growing state, “has done the best she can given the realities in Congress right now. But there are people in my world who are going to fight like hell to make it painful for Congress, and they should. Dimock continues, “The bill does not restructure the food system for the 21st century. The underlying problem in the food economy is that industrialization destroys diversity. That leads to ecological impacts, human health impacts and economic impacts.” The Senate bill, “as it stands, has only very small portions that focus on that.”

100. [Los Angeles Times, June 8, 2012](#)

*America needs a farm bill that works – It's time to reform agriculture, and make Americans healthier.*

Michael Dimock and Dan Imhoff write, “In 1933, when President Franklin D. Roosevelt signed the very first farm bill, formally called the Agricultural Adjustment Act, he told the nation that ‘an unprecedented condition calls for the trial of new means to rescue agriculture.’ That legislation, passed as the country struggled to emerge from the Depression, was visionary in the way it employed agricultural policy to address significant national issues, including rural poverty and hunger. It may not seem obvious while standing in the aisles of a modern grocery store, but the country today faces another food and farming crisis. Forty-six million people – that is, 1 out of 7 Americans – signed up for food stamps in 2012.

Despite some of the highest commodity prices in history, the nation's rural regions are falling deeper into poverty. After 80 years, the time has come to rescue agriculture from the farm bill – and to improve the health of Americans in the bargain.” Dimock and Imhoff offer four fundamental changes to the farm bill: supporting food, not feed; focusing on safeguarding the land; adding labor to the equation; and increasing research. More specifically, crop subsidies and federal insurance should be aimed at the foods humans should eat. Currently, the bulk of subsidies go to commodity crops used to feed livestock or to produce ethanol or overly processed foods. A shift in what is subsidized should be accompanied by changes to the Supplemental Nutrition Assistance Program (SNAP) to include incentives for Americans to buy fruit and vegetables, avoiding diet-related disease. In addition, government investments in agriculture should promote conservation and good stewardship. Also, there is nothing in farm bill explicitly addressing farmworker rights, and labor and immigration policy must be addressed, since an estimated half of the nation's agricultural workers are undocumented immigrants. The farm bill is insufficient for agriculture and food research as well, and it should be expanded with an emphasis on helping food producers and businesses “discover and implement solutions to climate change, water scarcity, species degradation, hunger and obesity.” The writers say, “If the public won't pay for research that serves us all, large corporations will pay for research that serves only them. At that point, we are in danger of losing control of our food system. Today's concentrated ownership of seed patents justifies this concern.” [The piece is written by Michael Dimock, president of Roots of Change, and Dan Imhoff, author of Food Fight: The Citizen's Guide to the Next Food and Farm Bill.]

101. [San Francisco Chronicle, June 18, 2012](#)

*Farm bill splits produce growers, food activists*

During the farm-bill discussions of five years ago, California farmers were an ally of the sustainable food movement in the effort to get Congress to stop subsidizing corn and start promoting specialty crops, including fresh fruits, vegetables, and nuts. This year, California growers are not encouraging major changes in the focus or direction of farm policy because the bill preserves their key programs. Bay Area food activists fighting for fundamental change on their own. The fight is over the new farm bill before the Senate and the allocation of nearly \$1 trillion over the next decade to set national nutrition policy and determine environmental policy on the 40 percent of the country, including a quarter of California, that is farmed. 70 leading food activists, including UC Berkeley's Michael Pollan and Berkeley restaurateur Alice Waters, sign a letter saying the \$969 billion bill that the Senate Agriculture Committee touts as a major, money-saving reform still “falls far short” of turning the farm bill into a food bill. According to the activists, improving the bill requires shifting taxpayer support from large corn, soybean, and other commodities to fresh food and conservation. Michael Dimock, president of Roots of Change, “a San Francisco group pushing to make California agriculture more sustainable”, says, “The food movement realizes that there's not going to be the huge structural change in the farm bill that's needed, so they're playing the long game. Western Growers and the commodity groups are playing the short game, securing their interests in the current bill.”

#### SAN FRANCISCO PLANNING AND URBAN RESEARCH ASSOCIATION (SPUR)

\$163,000 awarded since 1977, including \$35,000 in April 2012 for the new *Food Systems and Urban Agriculture Program* to expand San Francisco's support for the sustainability of the urban food system and regional foodshed, and to secure policy change at both the urban and regional level through research, public engagement, and advocacy

102. [San Francisco Chronicle, April 23, 2012](#)

*SPUR, David Chiu push SF urban gardens*

Although the city changed zoning rules last year to allow gardeners to grow and sell food, its approach to urban farming could be simpler and reap greater benefits, SPUR says in a report. Legislation that attempts to streamline the process will be introduced to the Board of Supervisors. Eli Zigas, “who oversaw the analysis as food systems and urban agriculture program manager for the smart-growth think

tank”, says, “There are more people who want space to grow food than there is space to grow that food.” [San Francisco leaders revised zoning laws in 2011 to allow the cultivation and sale of produce in all neighborhoods, in keeping with a 2009 urban-farming directive, issued by former Mayor Gavin Newsom, requiring (among other things) that city departments convert unused lots, median strips and rooftops into gardens. The ROC Fund conceived of and convened the San Francisco Urban-Rural Roundtable, a group of 40 urban and rural leaders charged with forming a market-development and food-access plan for the city and its rural neighbors, and to further develop the concept of regional foodsheds. Hosted by the ROC Fund, the process included a series of workgroups, which included participation from city staff and mayor, resulting in a series of recommendations upon which Newsom based his directive.]

103. [The San Francisco Examiner, April 23, 2012](#)

*Helping communities make S.F. bloom*

According to a report released by SPUR, there are about 75 underutilized San Francisco properties, each an acre or less in size, which could be used for urban agriculture. City agencies all own land that could be used for urban agriculture, but the process for approval differs from agency to agency. In new legislation proposed by Board of Supervisors President David Chiu, the process of creating urban gardens on underutilized San Francisco property could be streamlined. Chiu’s legislation is the result of the SPUR report, which highlighted the need for more organization within San Francisco government. Eli Zigas, SPUR food program and urban agriculture manager, says, “Depending on who you talk to, you might hear a different thing on how to get started. This legislation would dedicate a staff person to coordinate it, which was one of our recommendations.” Urban-garden backers say some neighborhood initiatives have taken up to two years to get projects started because of approvals needed before work can begin. Zigas says, “Those who have time and are tenacious will succeed.”

104. [Grist.org, April 30, 2012](#)

*San Francisco’s urban ag-spansion*

Most of the San Francisco’s community gardens have waiting lists of two years or more, according to Public Harvest, a new report by SPUR. The writer says, “The most comprehensive report of its kind in recent years, it paints a sweeping portrait of the current urban agriculture landscape and presents a bold agenda to help San Francisco meet the demands of a burgeoning movement.” According to SPUR’s findings, San Francisco’s urban agriculture program is average compared to other large cities. With an annual operating budget of \$800,000, or about \$6,600 per site, San Francisco spends more than New York but far less than Seattle, which invests \$11,900 per site. San Francisco Supervisor David Chiu has proposed new legislation that would create a strategic plan and program to streamline the management of urban-agricultural projects. The proposed ordinance includes a six-month audit of city-owned building rooftops that could be used for urban agriculture, the creation of a “one-stop shop” for individuals and organizations looking to engage in agricultural activities, and the establishment of garden-resource centers that would provide residents with compost, seeds, and tools. By 2014, Chiu aims to develop at least 10 new urban agricultural projects on public land and reduce waiting lists for plot-based gardens to one year. Zigas emphasizes the minimal cost of such a program for the returns it offers to the city of San Francisco, such as greening the urban landscape and reducing stormwater runoff, which in turn reduce public spending on landscaping and sewage treatment. He also notes the benefits of urban agriculture for San Francisco residents and the food system at large, connecting city dwellers with the “miracles” and challenges of growing food. “I think many gardeners in San Francisco have a great appreciation for a fresh tomato because they know how hard it is to grow a tomato. There are a lot of people in the city who learn about food and how it’s produced through that process.” [Eli Zigas is Food Systems and Urban Agriculture Program Manager for SPUR.]

### TEDDY BEAR FILMS

\$25,000 awarded since 2010, including \$15,000 in February 2012 for the documentary film *Bitter Seeds*, a feature documentary film by Micha Peled, which explores the connection between genetically modified seeds and the crisis of farmers in developing countries, particularly in India where there is an epidemic of farmer suicides

105. [Filmmaker: The Magazine of Independent Film, February 9, 2012](#)

*Bitter Seeds: An Interview with Director Micha X. Peled*

Micha Peled, director of *Bitter Seeds*, says in an interview, “There are ways that this story can raise awareness among American voters. For example, this coming year, there are two statewide ballot initiative campaigns to label food that has genetically modified organisms (GMOs) in it. I believe that a lot more American consumers would turn away from GMOs if they only knew that one product has it and another one doesn’t. If you decided that you don’t want to eat that stuff, then it’s easier to convince you that a farmer on the other side of the world shouldn’t be forced to use that in the first place. In this case, these happen to be cotton farmers, but this is affecting farmers in India who are growing anything else. We have to make sure that it starts with what the farmers grow. They should have other options.”

106. [Grist.org, May 8, 2012](#)

*Bitter Seeds* documentary reveals tragic toll of GMOs in India

Review of *Bitter Seeds*; the writer says, “*Bitter Seeds* exposes the havoc Monsanto has wreaked on rural farming communities in India, and serves as a fierce rebuttal to the claim that genetically modified seeds can save the developing world. Proponents hail GMO crops as a triumph of science over nature that could provide a solution to world hunger. But this film reveals a society of farmers whose way of life, and very lives, are threatened. If GMOs have any benefits, it would be hard to convince me that they outweigh the human costs portrayed in *Bitter Seeds*.” [The review links to a trailer for *Bitter Seeds*.]

### TWIN PINES COOPERATIVE FOUNDATION

\$30,000 awarded in May 2011 for *One Farm at a Time*, a project that gives co-op shoppers the opportunity to partner with small farms to raise funds and awareness needed to ensure the sustainability of local family farms for future generations

107. [Youtube.com by Co-op Stronger Together, May 8, 2012](#)

*One Farm at a Time*

Trips to the Sacramento Natural Foods Co-op and Davis Food Co-op in California introduce celebrity chef Kevin Gillespie to the *One Farm at a Time* program. [The linked embedded video is part of a series celebrating 2012 International Year of Cooperatives and is hosted by celebrity chef Kevin Gillespie.]

### UNIVERSITY OF CALIFORNIA DAVIS AGRICULTURAL SUSTAINABILITY INSTITUTE (ASI)

\$175,000 awarded since 2008, including \$75,000 in April 2012 for continuing support, 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

108. [The Chronicle of Higher Education, April 8, 2012](#)

*A Future Full of Badges*

The writer says, “In the heart of the Central Valley, UC Davis has grown in a hundred years from being the ‘university farm’ to becoming one of the world’s most important research universities. Now it’s part of a process that may fundamentally redefine the credentials that validate higher learning. Throughout the 20th century, scientists at UC Davis, a land-grant institution, helped significantly increase crop yields while leading research on plant genetics, water conservation, and pest control. When the present century began, Davis leaders knew the times called for not just production but conservation and renewal. So they

created a new, interdisciplinary major in sustainable agriculture and food systems.” Instead of being built around major requirements and grades in standard three-credit courses, Davis has created a badge system, which is based on the sustainable-agriculture program’s core competencies, including systems thinking. The system is designed to organize evidence of both formal and informal learning from within traditional higher education and without, and was done so with great care and purpose, based on what experts, employers, professors, and students believe is most important for the world we live in today.

## Other

### NEW ECONOMICS INSTITUTE (NEI)

\$35,000 awarded in April 2010 for the New Economics Institute (NEI), a joint project of the E. F. Schumacher Society (which has transitioned to become the NEI) and the New Economic Foundation (nef) of London to bring critical but isolated strands of knowledge together to integrate sustainability principles into the economics mainstream in the U.S., and to promote the transition from our current economic system to one that is sustainable, just and responsible to community and ecologies of place

109. [AlterNet.org, May 22, 2012](#)

#### *The Rise of the New Economy Movement*

Gar Alperovitz writes, “Just beneath the surface of traditional media attention, something vital has been gathering force and is about to explode into public consciousness. The ‘New Economy Movement’ is a far-ranging coming together of organizations, projects, activists, theorists and ordinary citizens committed to rebuilding the American political-economic system from the ground up. The broad goal is democratized ownership of the economy for the “99 percent” in an ecologically sustainable and participatory community-building fashion. The name of the game is practical work in the here and now—and a hands-on process that is also informed by big picture theory and in-depth knowledge. And driving the movement’s steady build up, day by day, year by year, is the growing economic and social pain millions of Americans now experience in their own lives—and a sense that something fundamental is wrong. The New Economy Movement speaks to this reality, and just possibly, despite all the obstacles—as with the civil rights, feminist, environmental and so many other earlier historic movements—it, too, will overcome. If so, the integrity of its goals and the practicality of its developmental work may allow it to help establish foundations for the next great progressive era of American history. It is already adding positive vision and practical change to everyday life.” [The article mentions and links to the work of the New Economics Institute as well as a range of other organizations and efforts. The piece is written by Gar Alperovitz, a board member of New Economics Institute.]

### PACIFIC NEWS SERVICE

\$33,500 awarded since 1981, including \$3,500 in September 1995 to hire Michael A. Kroll as a stringer for Pacific News Service for a month's work in Europe on the issue of the death penalty in the United States

110. [San Francisco Chronicle, April 17, 2012](#)

#### *Robert Alton Harris' execution to be commemorated*

Michael Kroll, a friend of Death Row inmate Robert Alton Harris (who was executed 20 years ago), has written a play as part of several events to mark the death. In a series of events called "Requiem for the Death Penalty," the organization Death Penalty Focus as well as other co-sponsors, including the ACLU of Northern California, are showing a documentary on Harris' execution, *Procedure 769*, and holding a reading of Kroll's new play, *Just Like a Dog*, a fictional story about the reconciliation between the brother of a murderer and the victim’s mother. Kroll graduated from UC Berkeley in 1965, and got a job with the ACLU's New Orleans office. On his first day there, he found hundreds of letters, each more upsetting

than the last. Despite a de facto national moratorium on the death penalty, thousands of inmates remained on Death Row. They had written to the ACLU, desperate for an explanation. Kroll, who later became the founding director of the Death Penalty Information Center in Washington, D.C., says, “I was outraged that my country could execute people in such a protracted, moribund way.” In 1983, as a writer for the Pacific News Service, Kroll met Harris at San Quentin Prison in California. They became friends and would discuss life inside the prison’s walls. Once in a while, they would talk about his life before prison. Kroll says Harris was a remorseful man who always took full responsibility for his crimes. In 1989, Kroll resigned from his job to serve as a mitigation expert for Harris. Kroll was tasked with discovering clues that might signal to an appeals court that Harris deserved life in prison, not death, but Kroll’s research ultimately failed to stop the execution. Until 2001, Kroll served as a mitigation expert for men facing death sentences. Despite his best efforts, most execution orders would never be overturned. Today, as he prepares to commemorate the anniversary of Harris’ death, Kroll continues to visit inmates, but he vows to never again witness an execution. Kroll says, “I was traumatized. I still suffer from PTSD. I lost a friend.”

## Advisors

### MAS MASUMOTO

111. [The Sacramento Bee, March 18, 2012](#)

*California Authors series: Rites of spring*

Mas Masumoto writes, “I think a lot about what is and what is to be. At the same time, plowing the earth is an ancient rite, a renewal of the past, a ritual others have done for centuries and hopefully will do for many more. Like many, I’m reborn every spring.” [The piece is written by Mas Masumoto, a Columbia Foundation food and farming program advisor.]

# Isadora Duncan Dance Awards

## 2012 Isadora Duncan Dance Award Winners Announced

By Raquel Lopez |

**San Francisco, California, March 27, 2012** – The winners of the 2012 Isadora Duncan Dance Awards were announced at a ceremony featuring luminaries from the local, national and international dance communities.

Hosting the ceremony was the celebrated choreographer Val Caniparoli and Denise Pate, Cultural Funding Coordinator for the City of Oakland’s Cultural Funding Program.

Among those presenting awards were Edward Villella, Founding Artistic Director of the Miami City Ballet and former New York City Ballet dancer; choreographer Scott Wells, Artistic Director of Scott Wells & Dancers; KT Nelson, choreographer and Co-Artistic Director of ODC; former San Francisco Ballet ballerina Joanna Berman; choreographer Sara Shelton Mann, founding Artistic Director of Contraband; Rudi Soriano, choreographer and Artistic Director of Likha Pilipino Folk Ensemble; filmmaker and cinematographer Austin Forbord; Carlos Carvajal and CK Ladzekpo, Artistic Directors of the San Francisco Ethnic Dance Festival; Rob Bailis, former Theater Director of ODC; Mercy Sidbury, founding member of the Oberlin Dance Collective and performer with the Margaret Jenkins Dance Company; composer and musician Joan Jenrenaud; flamenco guitarist Kenny Parker, and flamenco singer/dancer Kina Mendez, niece of legendary flamenco singer “La Paquera.”

The following is the list of Izzie Award winners by category

### **Outstanding Achievement in Performance – Company**

- The Dancers of *Terra Incognita, Revisited*, (Celine Alwyn, Kayin Ecklin, Daniel Howerton, Alex Jenkins, Peiling Kao, Nick Korkos, Malinda LaVelle, Mo Miner, Adam Peterson, Aline Wachsmith), choreography by Alex Ketley, Kara Davis, Katie Faulkner and Manuelito Biag, performed for the West Wave Festival at Z Space.

### **Outstanding Achievement in Performance – Ensemble**

- Katie Faulkner and Brandon “Private” Freeman, *Until We Know For Sure*, choreography by Katie Faulkner, performed at the A.W.A.R.D. Show at ODC Theater.

### **Outstanding Achievement in Performance – Individual**

- Sofiane Sylve, *Symphony in C*, “2nd Movement,” choreography by George Balanchine, performed by the San Francisco Ballet at the Stern Grove Festival.

### **Outstanding Achievement in Choreography**

- Alex Ketley, Kara Davis, Katie Faulkner, Manuelito Biag, *Terra Incognita, Revisited*, performed for the West Wave Festival at Z Space.

### **Outstanding Achievement in Music/Sound/Text**

- Zakir Hussain, music for *Sheherazade*, choreography by Alonzo King, performed by Alonzo King LINES Ballet at the Novellus Theater, Yerba Buena Center for the Arts

### **Outstanding Achievement in Visual Design**

- Axel Morgenthaler, Lighting Design; Robert Rosenwasser, Set and Costume Design; Colleen Quen, Costume Design, *Sheherazade*, choreography by Alonzo King, performed by Alonzo King LINES Ballet at the Novellus Theater, Yerba Buena Center for the Arts
- Christopher Haas, Set Design, *Triangle of the Squinches*, choreography by Alonzo King, performed by Alonzo King LINES Ballet at the Novellus Theater, Yerba Buena Center for the Arts
- Enrico Labayen, Costumes and Visual Design, *En-Gulfed*, choreography by Enrico Labayen, performed by Labayen Dance/SF at Dance Mission Theater

### **Outstanding Achievement in Restaging / Revival / Reconstruction**

- Antoine Vereecken, restaging of *Chroma* by Wayne McGregor (2006), performed by the San Francisco Ballet at the War Memorial Opera House

### **Special Award Honorees**

- **Lorena Feijoo, Maria Kochetkova, Yuan Yuan Tan, Sarah Van Patten, & Vanessa Zahorian** – “The Many Faces of Giselle” - for 5 stellar interpretations of the title role in the quintessential romantic ballet *Giselle*, performed by the San Francisco Ballet at the War Memorial Opera House
- **Nina Menendez and The Bay Area Flamenco Partnership** – for the 2010 Festival Flamenco Gitano which presented two multi-generational families of flamenco artists from the Spanish gypsy community of Andalucia in performances displaying how the music and dance traditions of flamenco are passed down through several generations
- **Patty-Ann Farrell** – for her lighting designs for the 33<sup>rd</sup> San Francisco Ethnic Dance Festival at the Novellus Theater, Yerba Buena Center for the Arts

### **Sustained Achievement Honorees**

- **Deborah DuBow and Words on Dance** – for 18 years of presenting celebrated dance artists with the opportunity to speak about their careers and share their passion for dance with the larger dance community

- **Cathleen McCarthy and Joan Lazarus and West Wave Dance** – for 20 years of presenting groundbreaking dance in the San Francisco Bay Area
- **Dr. James Garrick and The Center for Sports Medicine at Saint Francis Memorial Hospital** – for the Saint Francis Dance Medicine practice, created to meet the unique needs of stage performers

## Asian Art Museum's 'Phantoms of Asia' connects

Jesse Hamlin  
Sunday, May 13, 2012



Choi Jeong Hwa's "Breathing Flower" is on display in the Civic Center Plaza across from the Asian Art Museum as part of the "Phantoms of Asia" exhibition.

That giant red lotus that sprang up in San Francisco's Civic Center Plaza on Saturday - a 24-foot-tall "Breathing Flower" of kinetic fabric in the form of the ancient Asian symbol of spiritual illumination and renewal - is the most visible artwork in an exhibition that explores the invisible energies and forces summoned by artists in 200 B.C. - and just last week.

Created by the Korean artist Choi Jeong Hwa, the monumental lotus stands across the street from the Asian Art Museum, where 60 other contemporary pieces play off and connect with the museum's prized historical objects in "Phantoms of Asia: Contemporary Awakens the Past," an expansive and ambitious show that opens Friday.

Ancient Chinese and Indian devotional sculptures, created by anonymous artisans to access the divine, and 19th century Tibetan thangka paintings depicting the cosmos share space with contemporary works such as the sublime-seeking minimalist abstract paintings and light boxes of Tibetan-born artist Palden Weinreb. A section of the show about death and the afterlife brings together the 17th century Korean scroll painting "A King of Hell" - which portrays the underworld and the cyclical Buddhist view of death and reincarnation - and a seriocomic video by Thai artist Araya Radsjarmrearnsook called "The Class." It shows the artist talking about death to a group of shrouded corpses.

"We're trying to create a dialogue between art of the past and art of the present, and look at the way in which artists today are exploring many of the same concerns of artists throughout time,"

says Allison Harding, the Asian Art Museum's assistant curator of contemporary art. "Where do we come from? Where are we going? How is the universe structured? What is the nature of the universe, and what is my place in that unknowable expanse?"

The museum chose to delve into those big questions in its first large-scale exhibition of contemporary art. Over the years, the museum, whose vast and priceless pan-Asian collection spans 6,000 years, has put on many fine solo shows by living artists. With "Phantoms of Asia," which features the works of 31 prominent artists from Japan, Indonesia, Iran, China, the Philippines, India and elsewhere, the museum is trumpeting its intention to focus seriously on contemporary art - and connect it to the impulses and traditions that inspired the treasures in its permanent collection.

## **Open-ended idea**

Harding and her colleagues tapped Mami Kataoka, the chief curator at Tokyo's Mori Art Museum, to curate "Phantoms of Asia." She was chosen over 24 other international curators who submitted proposals. Unlike others who suggested merely juxtaposing old and new pieces and talking about stylistic affinities and influences, Kataoka "created a more open-ended idea, setting up a condition for new resonances to occur, not only between the contemporary and traditional art, but between different objects in and of themselves," Harding says.

Kataoka is a contemporary art expert who'd never been to the Asian Art Museum until she took on this project. She became fascinated by the objects in the museum's collection. Looking through its database of images, she had several pieces brought out of storage and put on view, including a magnificent Indian cosmological painting, circa 1750-1850. It's alive with Hindu gods, demons, serpents, and a pair of humans linked by black lines to the celestial and earthly realms that encompass them.

## **Macro and micro**

"It's one of the most important pieces I selected for the show. It just blew me away," says Kataoka, who knew many of the contemporary artists she tapped for the show and met others while doing research in India, Thailand and other locales. "I was very much interested in this fundamental understanding of cosmology, and the relationship between the macro and micro, how your body relates to a large cosmos, and how you feel another cosmos inside your body."

Kataoka began to mull these things deeply in 2010, when she put on the show in Tokyo called "Sensing Nature." It explored the perception of nature and space, "some sort of invisible forces, and how we understand nature in Japan and Asia. I really wanted to explore the sensory understanding of the whole cosmology. The spiritual essences."

Although Asian countries are all different, and changing in different ways, she adds, they share certain ways of thinking. "I was really looking for what could be interconnected. ... We think now because of all the science and technology that we understand what the world is. But there are so many things we still don't understand. I wanted to go back to the time of ancient people who shared our desire to understand how the universe functions."

## **Unseen forces**

Kataoka asked the museum's various curators to highlight pieces that dealt with unseen forces, among them ritual vessels, masks, and incense burners with dragons and birds made to communicate with deities. She sought out contemporary artists whose work gives off its own spiritual hum.

One is the esteemed Japanese-born photographer and sculptor Hiroshi Sugimoto, whose "Five-Elements" installation consists of seven small crystal pagodas, sitting on thin wooden plinths. They were inspired by the 13th century Japanese Buddhist stupas whose geometric shapes symbolize the five universals of the cosmos (earth, water, fire, wind, emptiness). Each glass pagoda encases a photograph from the artist's famed "Seascape" series, letting the viewer look at sea and sky through an ancient Buddhist prism.

"The light comes through the crystal pagoda, and you can imagine how ancient people looked at the landscape," Kataoka says.

## **Swirling black drawing**

Walking into the museum's light-filled north court, visitors will see a swirling black drawing that wraps around the columns and climbs skyward along the wall. It's a pulsing space drawing by New York-based Korean artist Sun K. Kwak, who was creating the piece last week. Loosely working from a sketch she made in response to the light, architecture and feeling of the sky-lit space, the artist laid wide strips of black masking tape on the wall, skillfully ripping them back to form the curves and angles of the flaming, flowing shapes she envisioned.

"I'm interested in orchestrating the energies in the space, and transforming it into a new pictorial reality," says Kwak, 45, a diminutive woman wearing blue Korean sneakers, black pants and shirt. The lyrical drawing, which she describes as full of longing and powerful movement, "is dealing with the invisible energy and the ephemeral quality of it."

After the show closes, the drawing will be taken down and thrown away. "For me, it's a life. It's going to be alive in this space for a limited time then disappear. Just like us. But for people who interact with it, it will be embedded in their minds, so it's not really gone. It's emptiness we're talking about, but in a very positive way."

## **'Sweep you away'**

While the drawing still exists physically, "it should sweep you away," says the self-critical Kwak, who will be pleased if 70 percent of what she intended comes across. "Less than that, it's a disaster," she adds with a laugh.

Elsewhere, you enter two small connected rooms - one harmonious, or auspicious, the other not - designed by the American artist Adrian Wong using Korean ceremonial objects from the museum's collection and the advice of local feng shui experts. Up in the Chinese ceramics gallery, surrounded by pieces adorned with mythological creatures and other traditional imagery,

you find a vivid and grotesque painting by Hong Kong-born Canadian artist Howie Tsui. It draws on everything from ancient Chinese mythology and Edo-period ghost paintings to contemporary Japanese anime. Among other fantastical figures, there's a headless guy with a hatchet dancing on a two-headed elephant.

"The artist goes back to all these traditional stories and mythologies and characters and reinterprets and reshapes them his own way," Harding says. "He uses those characters to comment on how in our culture today, storytelling is used more to incite fear, rather than teach moral lessons."

### **Intricately decorated**

Then there are the Han Dynasty bronze mirrors, some dating back to 480 B.C.E. The backsides are intricately decorated with cosmological symbols, deities and constellations. The mirrors reflected not just face of the person holding it, "but also the whole universe," says Kataoka, who found a similar resonance in the work of Filipino artist Poklong Ananding. In his "Anonymity" pictures, nine of which are in view in light boxes, he photographed people holding mirrors to their faces to reflect a round flash of sunlight that obscures their image

Kataoka has some advice for viewers, who don't need to know the backstory of these pieces to experience them fully.

"What you have to do is take a big breath and try to feel the invisible energy. Then you begin the show."



Allison Harding standing in front of "Hello! Another Me" (acrylic and Japanese paper on panel, 2011-2012) by Hyon Gyon of Korea.

Photo: Jill Schneider / The Chronicle



Thirty-one artists are represented in "Phantoms of Asia: Contemporary Awakens the Past," the Asian Art Museum exhibition curated by Mami Kataoka of Tokyo's Mori Art Museum and Allison Harding.  
Photo: jennifer yin / asian art museum



Sun K. Kwak puts together her artwork made with black masking tape for the "Phantoms of Asia" exhibition.  
Photo: Jill Schneider / The Chronicle



2006.27.38 View 1

"Seated Buddha" (1400-1500) from Thailand.  
Photo: Asian Art Museum

## Contemporary Jewish Museum branches out with trees

By Patricia Yollin, Saturday, March 17, 2012



Tal Shochat's "Afarsemon" ("Persimmon"), from her photographic series of fruit trees that grow in Israel, at the Jewish Museum in S.F.

Photo: Andrea Meislin Gallery / Andrea Meislin Gallery

Dara Solomon, a curator at the Contemporary Jewish Museum in San Francisco, used to ignore trees. Now she sounds like an arborist.

Almost two years ago, she began putting together the current exhibition, "Do Not Destroy: Trees, Art, and Jewish Thought." Gradually, she found herself looking at the world in a new way.

"I started paying much more attention to trees - you know, these trees that dot your life," Solomon said. "I'll notice that one is not doing so well. Or I'll wonder what type of tree it is. And

now I think a lot about urban planning, and how it's decided which trees go where, and which neighborhoods have certain trees."

Tu B'Shevat, a minor Jewish holiday meaning the New Year for the Trees, is the inspiration for the museum's multimedia exhibition, which includes about 75 pieces, mostly paintings, sculptures, photographs and videos.

"The holiday was the leaping-off point for us," Solomon said. "It has grown in significance in the last few years, especially in the Bay Area. People are engaging with their Jewish roots - no pun."

The exhibition examines the role of the tree in Jewish tradition, from the Garden of Eden to the Torah commandment *bal tashchit* (do not destroy) to the Jewish National Fund's campaign urging people to have trees planted in Israel to mark special occasions.

"Do Not Destroy" is eclectic as well as painlessly educational. It notes, for example, that the Torah mentions 11 kinds of trees, with the "grape tree" leading the pack with 43 references.

Walking through the airy galleries with Solomon, one encounters trees in ways that almost defy the imagination.

For instance, "Blackfield," a pygmy forest of stainless-steel plant sculptures, contains about 5,000 tiny pieces on a blanket of sand. They are black and foreboding until a visitor circles the 12-foot-wide field and discovers an explosion of colors on the other side.

"You can look at this forever," Solomon said. "From the front it's sort of ominous. Then you walk around and it comes alive. It's a showstopper."

It took Zadok Ben-David a week to install his field, one of more than 20 works loaned by artists in the first part of the exhibition, which is an international survey of trees in contemporary art.

## **Trees in Israel**

Photographer Tal Shochat cleaned every branch and leaf before shooting five fruit trees that grow in Israel - peach, almond, pomegranate, apple and persimmon - at their peak of ripeness against a black background. Gabriela Albergaria, with the help of the San Francisco Recreation and Park Department, found an ailing pittosporum in Golden Gate Park and assembled the cut parts into a huge mended tree, with screws, braces and thread-wrapped limbs.

In an especially moving work, Jason Lazarus made a 16-minute video showing the top of the tree that Anne Frank gazed at while hiding from the Nazis in Amsterdam during World War II. It includes the sounds she would have heard, such as footsteps, cars, church bells and children playing.

"It's a really poetic piece," Solomon said. "This tree stood witness to history."

The second part of the exhibition, the Dorothy Saxe Invitational, showcases the work of more than 50 artists invited to create pieces, all for sale, incorporating reclaimed wood. The results are ingenious and remarkably varied. There are primitive eating utensils fashioned from pieces of wood found on a Norwegian island; "Fauxliage," a branch using page fragments from "Silent Spring," Rachel Carson's seminal book on pesticides; and a video by an artist who roamed the streets of Paris singing "Tie a Yellow Ribbon Round the Old Oak Tree."

## **Jewish ritual**

The Invitational occurs every few years and focuses on a Jewish ritual, object or concept. "What is so amazing is the range of responses," Solomon said. "Everything from sculpture to a chandelier to a drawing in ash, from roots the artist burned."

"Nomadic Grove," the third component of the exhibition, is situated in Jessie Square in front of the museum, and consists of colorful planters filled with trees. Created by Rebar, a San Francisco art and design studio, the exhibit employs Yoko Ono's idea of a "Wish Tree," allowing people to scribble their desires on cards and attach them to branches.

They ranged from "Peace for all" to "I wish for the 49ers to win the Super Bowl."

**Do Not Destroy: Trees, Art and Jewish Thought:** Inside exhibition through May 28.

"Nomadic Grove" in Jessie Square through Oct. 2. Contemporary Jewish Museum, 736 Mission St., S.F. (415) 655-7800. [thecjm.org](http://thecjm.org).



Jun Nguyen-Hatsushiba's "The Ground, the Root, and the Air: The Passing of the Bodhi Tree," is a video projection looped DVD in the exhibition.

Photo: Lehmann Maupin Gallery / Lehmann Maupin Gallery



Detail of Zadok Ben-David's "Blackfield," a forest of painted stainless steel trees.

Photo: Zadok Ben-David / Rana Begum



Zadok Ben-David's "Blackfield," a stainless steel forest of black that's colorful on the other side.

Photo: Zadok Ben-David / Gene Ogami



Rodney Graham's "Welsh Oaks #2," 1998, from a suite of seven black-and-white photographs.

Photo: Donald Young Gallery / Donald Young Gallery



SFWMF 2011 Ali Akbar College of Music Youth Tabla Ensemble, photo by Jim Block



SFWMF 2011 International World Music Youth Orchestra Rehearsals 1, photo by Jim Block



SFWMF 2011 International World Music Youth Orchestra Rehearsals 2, photo by Jim Block



SFWMF 2011 San Francisco Guzheng Society Youth Ensemble, Ali Akbar College of Music Youth Tabla Ensemble Trinity Center for Music Youth Ensembles photo by Jim Block



SFWMF 2011 Trinity Center for Music Youth Ensemble 1, photo by Jim Block



SFWMF 2011 San Francisco School Orff Ensemble 1 & West African Master Manjou Kone, photo by Jim Block



SFWMF 2011 Tibetan School of TANC 1 & Yogini Jangchup Palmo, photo by Jim Block

# THE STAGE REVIEWS

## La Boheme

Cape Town-based Isango Ensemble returns to London for a three-week season at the Hackney Empire.

Monday 21 May 2012, by Graham Rogers



Mhlekezzi 'Whawha' Mosiea (Lungelo) and Pauline Malefane (Mimi) in La Boheme at Hackney Empire, London Photo: Tristram Kenton

The infectiously energetic group, which won an Oliver Award for its 2008 West End transfer of *The Magic Flute*, this time presents a treatment of Puccini's *La Boheme* - *Abanxaxhi*.

For most Western audiences tuberculosis is merely a dramatic device that allows us to shed an indulgent tear over the heroine's untimely death. But for many Africans it remains all too real. The fact that many of the townships from which the Isango performers hail are amongst the world's highest TB infection areas gives this production - in partnership with The Global Fund to fight AIDS, TB and Malaria - genuine poignancy.

The fin de siecle Parisian setting is relocated to a South African township in 1976, the atmosphere imaginatively evoked with makeshift door-frames on wooden boards. The libretto has been translated colloquially, the lush orchestration freely adapted for a battery of marimbas and steel drums, periodically augmented by folk-style choral singing. This rarely does Puccini's score justice - the texture frequently lacks depth and romantic sweep is compromised - but on its own terms the sound world is often magical.

Musetta's song has a seductive calypso beat, shimmering marimbas provide an ethereal glow for Mimi's final moments, and the a cappella ending is moving.

The principal cast display impressive voices - the lovers' quartet at the end of Act III is a delight. The most memorable moments are when the company goes 'off-piste', letting its hair down with joyous dancing and chanting. Everyone sings and plays from memory throughout, imbuing the performance with remarkable directness.

### **Production information**

**Hackney Empire, London**, Composer: Giacomo Puccini

Director:

Mark Dornford-May

Conductor:

Mandisi Dyantyi

Producer:

Isango Ensemble

Cast:

Pauline Malefane, Mhlekezi 'Whawha', Simphiwe Mayeki, Nobulumko Mngxekeza, Luvo Rasemeni, Katlego Mmusi, Zamide Gantana, Ayanda Eleki, Zoleka Mpotsha

Running time:

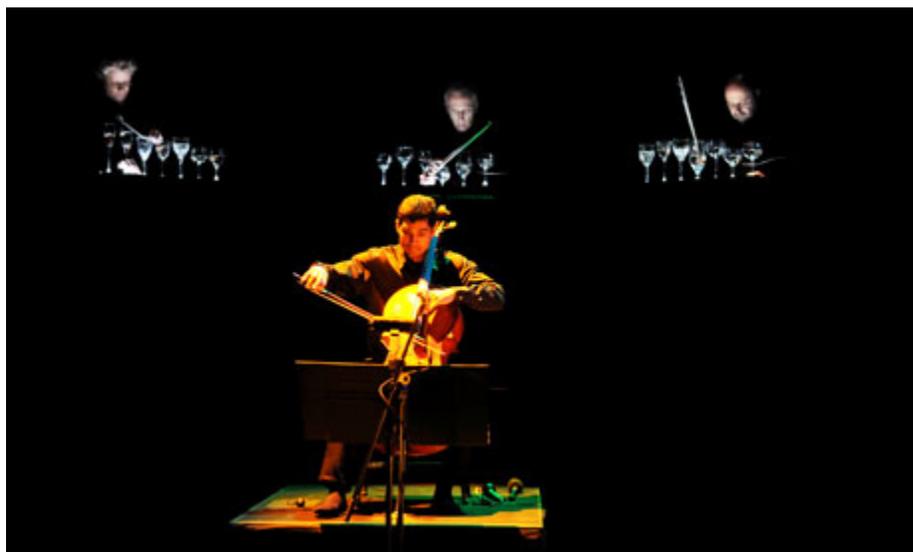
2hrs

## The Kronos Quartet: the sky's the limit

From India to Iraq, Sesame Street to outer space, the Kronos Quartet make music everywhere.

By Tom Service

Thursday 19 January 2012



'Music is a basic human need'...Kronos Quartet. Photograph: Rachel Bleckman

They are the only musicians to have both gone into space and appeared on Sesame Street. All right, the Kronos Quartet didn't actually board a shuttle, but they collaborated with Terry Riley on [Sun Rings](#) – a work for string quartet, chorus and "pre-recorded spacescapes", and they [appeared with Big Bird on Sesame Street](#), complete with lycra trousers and Day-Glo tops, in 1987. "I'll tell you a secret about that," David Harrington says. Harrington, the quartet's leader, founded Kronos in 1973, and is today an ageless-looking sixtysomething. "I promised my kids that I would come back with two of Big Bird's feathers. Let's put it this way: I found one lying on the floor, and the other one – well, I had to pluck it."

Muppet-vandalism aside, Kronos have achieved more in getting the string quartet as a medium, and contemporary music as a creative force, into the global popular consciousness than pretty well any other ensemble. They've covered Nine Inch Nails and [Jimi Hendrix](#), they've collaborated with musicians from India, China and Iraq, and have played, recorded and commissioned the greats of American music including Terry Riley, [Philip Glass](#) and [Steve Reich](#). Their inclusivist ethos comes from Harrington's simple but essential philosophy. "I just have an incredible sense of wonder and fun exploring the world of music. It's amazing that this configuration of instruments – two violins, a viola and a cello – that began in central Europe around 1750 has now radiated throughout the world."

Harrington and the Kronos are bringing their magic to London this month for a [residency based at the Barbican](#). It's a project that is voraciously ambitious in its musical range. After Tuesday's opening programme, Made in America, comes Awakening: A Musical Meditation on the Anniversary of 9/11. "The idea came because we had a date booked in San Francisco [where the quartet is now based] on September 11, 2006," Harrington says. "A concert on that date required something different from us and we spent about eight months thinking about what." Harrington has bold ambitions for what the programme should inspire in its audiences. "I wanted to find out if there might be a way that the reflective energy of music could point us all in a positive direction for the future. Near the end, a large choir of kids join us for [Aulis Sallinen's Winter Was Hard](#), and I just get this huge sense of hope when those young singers join us."

The music Harrington is attracted to is increasingly meditative and reflective. Their final programme, Early Music (early in all its senses, so you'll hear a cover of early [Bob Dylan](#) alongside [Hildegard of Bingen's medieval mysticism](#)), includes the world premiere of Ukrainian composer [Valentin Silvestrov's](#) Third String Quartet. "It's early in the sense that it's the first time he's written for Kronos. I can't think of a more poetic composer writing today."

Harrington will also be leading masterclasses in London, passing on the Kronos ethos to a new generation. I put it to him that his life in music has revealed how so many of the world's cultures are connected by their music, and that he's passing on an approach to the world, to life, not just how to play string quartets. Typically, he's more modest: "We might be helpful in pulling young quartets out of the regimen of thinking there's only one way to do things."

And what about the future? Is Harrington still as fired up by what he hears today as he was in his teens and 20s by George Crumb, Jimi Hendrix, and [Stravinsky](#)? "For sure. The list of music and musicians I'd like to be involved with is getting longer and longer. I wish the days were getting longer, too, and I wish life was getting longer! We're living in a time that's unparalleled in the possibility for interaction with music from so many different places. It's just great to be a musician right now. Music is a basic human need. I don't know any more about it than the next person" – one of the great Harrington understatements, right there – "but it's something that magnetises and inspires us."

**\* Watch videos of the Kronos performing [Ramallah Underground's Tashweesh](#) and [the Alap \(opening section\) from Raga Mishra Bhairavi by Ram Narayan](#).**

## Song of the suicide bomber: How 'Babur in London' negotiated a cultural minefield

The daring new opera featuring British terrorists planning an attack is being staged next month.

By Arifa Akbar, Thursday, 31 May 2012



Cries of pain: Kishani Jayasinghe as Nafisa

"My name is Mo, short for Mohammed,/ I'm a second-generation immigrant cliché: Twenty-eight, disenfranchised, well educated./ My mother is white, but I'm all Paki./ My father owns a corner shop where I work,/ And I owe my allegiance to global Umma./ My nation's the Republic of Islam."

So sings Mo, one of four aspiring suicide bombers in the cast of *Babur in London*, a daring new opera that tackles modern-day terrorism as well as the legacy of ancient Indian history in its libretto. The production is named after Babur, a warrior who founded the Mughal Empire in India in the 16th century, and who was a famously brutal warlord as well as a brilliant poet.

The chamber piece, which begins its UK tour on 12 June after opening in Zurich earlier this year, follows the lives of four radicalised British-Asian characters from a London suburb – Mo, Faiz, Nafisa and Saira – as they meet the ghostly spectre of Babur, debate with him such concepts as

Jihad, war, the afterlife and the Islamic ban on alcohol, and finally carry out their deadly attack. Some characters wear Western dress while others are in traditional Islamic attire including the hijab, and the stage set is a symbolic, debris-strewn landscape of disused water bottles.

Jeet Thayil, the Indian poet and musician, had long wanted to bring the legendary figure of Babur back to life for modern audiences, but it was when he discussed the project with the composer Edward Rushton and director John Fulljames – soon after the Mumbai terror attacks – that they decided to incorporate the theme of suicide bombings into the libretto.

The production team was aware of political sensitivities and the danger of sensationalism so they entered into lengthy discussions with scholars of Islam as well as the counter-terrorism think tank Quilliam Foundation, before they drafted singers and embarked on rehearsals. There will also be a series of accompanying workshops in some cities including London and Bradford which will explore some of the questions that the opera raises, as well as pre- and post-show debates.

The opera signals a growing readiness for artists to handle the incendiary theme of contemporary terrorism in their work. It follows a recent, critically feted debut novel *Ours Are the Streets*, by the British Asian author Sunjeev Sahota, about a would-be suicide bomber who is writing a diary as a final love letter to his wife – a white British convert to Islam – and his child, as he prepares to die in the name of Islamic Jihad. Meanwhile, Chris Morris's film satire *Four Lions*, featuring a group of bungling suicide bombers, won praise from Moazzam Begg, a former detainee at Guantanamo Bay.

Fulljames, director of *Babur* in London, felt this was a legitimate subject for opera to handle, and dismissed the idea that the production might offend sensibilities in Britain, in spite of the London terror attacks which claimed 52 lives in 2005. "The headline on the tin inevitably has something sensational about it... and in dealing with a subject like this, we were anxious [about audience response] but in the end, we talked in detail about what the piece was, and what became clear when we premiered it in Switzerland was that it was seen as a beautiful, thoughtful, delicate piece of work, with nothing sensational about it."

The production is a collaboration between Opera North and The Opera Group (TOG); the latter has been responsible for previous controversial operas featuring dementia and climate change as their main themes – they staged *The Lion's Face* in 2010 which explored the emotional and physical impact of Alzheimer's disease, and a year later, *Seven Angels*, which drew inspiration from Milton's *Paradise Lost* to reflect on environmental dangers.

Fulljames, who is also the former artistic director of TOG, says he passionately believes that opera should be part of the contemporary world, and so should not avoid grappling with current-day themes. "I think opera needs to be part of the cultural landscape. The conversation around it should be the same conversation we are having in our cities. If we only make opera about martians who live on the moon, then it's deeply unsatisfactory."

"What opera offers is an emotional space to have these conversations. For example, dementia is very easy to understand as a science, but it's much harder to understand the emotions. The subject matter here is intellectually – and emotionally – challenging for the cast and audience."

Thayil has spent many years reading around the central historical figure in the opera, including Babur's poetic autobiography, Baburnama, and the Koran, initially read for its poetry – as a piece of literature – and later studied seriously when the idea for the libretto started to crystallise in 2005.

The libretto contains highly wrought moments during which the characters reflect on death and suicide, but also some combative exchanges when the British youths attempt to argue the case for staging a suicide bombing, while Babur – a warrior famed for the immense carnage he wreaked – argues against the practice, saying: "God doesn't countenance the slaughter of innocents."

Later on, he declares that these four modern Jihadists are ignorant of the Holy Book, reflecting on the battles he fought which did not include the death of innocents in the way a suicide attack inevitably would: "Suicide is a sin and murder is a sin./ And in the eyes of God you are sinners."

While the themes are morbid and bloodthirsty, there is a rich and complex poetry to the libretto. Thayil says this reflects Babur's own contradictory spirit. "Poetry and violence are not mutually exclusive, and are in fact married, as a reading of Homer or The Ramayana will prove."



Omar Ebrahim as Babur



Amar Muchhala as Mo

## Shiny New Photographers' Gallery Opens to the Public

17 MAY 2012, Words/Photo by Kerim Aytac, ArtLyst 2012



The building on Ramillies Street, formerly a temporary residence, has now been made fit for purpose with a number of new additions that will, as Gallery Director Brett Rogers stated as one of its main aims, provide 'a cultural oasis in the surrounding urban realm'. Although gallery space has been extended and improved, there is a welcome emphasis on both the education programme and the role of new technologies in the medium to which the institution is dedicated.

Designed by architects O'Donnell + Tuomey, the main additions are a two-story extension on the top of the building, allowing for double the gallery space, and an open plan cafe space on the ground floor. There are now 3 floors of gallery space where there had only been one. Particularly

welcome is the raising of the ceilings, giving what is an economical space an airy feel, complemented by the natural light pouring through the large 'feature' windows. This is particularly effective on the top floor, where a window at the rear provides distinctly photographic, post-industrial view onto this part of London. The top 2 floors will be dedicated to major exhibitions and the third, named the Wolfson Gallery, on the second floor, will show more lateral, emerging or commissioned work. The launch exhibitions are Edward Burtynsky's decade long project 'Oil' and the New Delhi based Raqs Media Collective.

Between the two gallery floors, is the 'Eranda Studio', a level devoted entirely to education. It will host workshops, talks and courses amongst other activities, and is especially vital in re-establishing this institution's role in situating photography as distinct within London's cultural landscape. It had been especially uncomfortable to participate in such activities before the redesign and it is a positive statement of intent to allow so much space to improving the experience. Three smart, permanent features (if a tad gimmicky) are the 'Study Room', 'Touchstone' and a Camera Obscura integrated into the building. 'Touchstone' will be 'a quarterly display of a single, groundbreaking photograph by an established photographer or an artist', according the press release. The display is on a screen situated in front of contemplative bench, and is hoped to encourage visitors to digest images over time.

Moving the cafe to street level makes sense, providing a meeting area or a pretext to visit without visiting. An exciting innovation on this floor is 'The Wall', a large digital display that will be home the gallery's new digital programme. Katrina Sluis, curator of said programme, kicks things off with a celebration/exploration of the animated gif: 'Born in 1987: The Animated Gif'. This programme is an essential addition to the discourse on contemporary photography. The cafe's nice, if a bit corporate, and will be run in partnership with 'Lina Stores', a revered Soho institution.

What people like me missed the most, though, was the bookshop, which had never really fully recovered from the dizzying heights of its Great Newport Street days, and it is really, really good to have it back. It has an excellent selection and looks to be on track to reclaim its throne as the main destination for photo-bibliophiles. Adjoining it in the basement are the Print Sales, aiming to provide an affordable access point for would-be collectors.

It's easy to get nostalgic about the shabby character of the two separate Great Newport Street sites in which the gallery had lived for most of 4 decades, but, looking back, it could get quite cramped. The initial move to Ramillies Street, had proved traumatic, poky and claustrophobic as it was, so this re-launch promises to restore this institution's unique position in the city. Once it beds in, it might seem as if this is the building in which the gallery belongs. Character can then follow.

The newly extended and redesigned Photographers Gallery opens to the public this Saturday the 19th of May.

# FINANCIAL TIMES

## Sound tracks

By Andrew Clark

April 14, 2012



*Gavin Higgins's 'What Wild Ecstasy'*

The invitation to create a new piece of music came in terms that would be off-putting to most composers. “I was asked: ‘Have you any ideas that might resonate with the Olympics?’ I thought: ‘No!’ ”

Sally Beamish’s reaction was understandable. “Sport is not part of my life,” she says. “I’d never thought about it in terms of music.” Sport is corporeal and competitive. Music is creative and collaborative. But since the launch of New Music 20x12, a UK-wide programme for the London 2012 Cultural Olympiad, 20 composers, including Beamish, have accepted commissions to write something on a sport-related theme. Many of these pieces are to be premiered in coming weeks, and most will be performed at London’s Southbank Centre over a single weekend in July.

The more Beamish thought about it, the more she realised that “sport and music do have something in common. They both take you to another place. Music and sport are the two things

that can turn a difficult child around. Both create a whole social life, based on a passion for what you do and a circle of like-minded people.”

But she still had to work out how the two could be linked in a creation of her own devising. “Then an idea popped into my head. I thought: ‘I’d love to do something with Melanie’ ” – newspaper columnist Melanie Reid, a neighbour in Scotland, who was paralysed from the chest down after falling from her horse in 2010.

“I had just read her column,” remembers Beamish, 55, “where she talked about how playing wheelchair rugby had lifted her spirits and of being inspired by the young people on her hospital ward, many of them injured doing sport. I hardly dared to ask her to write something but finally I did and she said ‘yes’.”

The result is *Spinal Chords*, commissioned by the Orchestra of the Age of Enlightenment, with funding from New Music 20x12. The piece was premiered in February, with actor Juliet Stevenson reciting Reid’s spare, robust text. Beamish takes a set of 12 chords, symbolising harmony, and by first deconstructing and then painfully reconnecting them, she makes her audience aware how the musical process mirrors a physical one.

If the “20” in New Music 20x12 stands for the number of pieces commissioned, “12” represents the minutes each is supposed to last. The idea came from husband-and-wife philanthropists David Cohen and Jillian Barker, who gave £20,000 seed funding.

More than 200 applications went before a panel of judges that was chaired by Roger Wright, controller of BBC Radio 3 and director of the BBC Proms, and included composer Judith Weir, producer Joana Seguro and DJ/musician Rita Ray.

“We wanted to make the selection in terms of musical quality but also to find innovative ways of presentation,” says Vanessa Reed, executive director of the co-organising body PRS for Music Foundation.

That part has not disappointed. Graham Fitkin’s *Track to Track*, for ensemble and string orchestra, will be heard by commuters on the seven-minute “Javelin Train” journey from St Pancras Station, in central London, to Stratford, next to the Olympic Park. Oliver Searle’s *Technophobia* has adopted techniques used by Drake Music Scotland to provide music-making opportunities for people with disabilities. Mark-Anthony Turnage’s *Beyond This* involves prisoners from HM Prison Lowdham Grange. But there are also straightforward concert hall pieces, such as a choral work by Aaron Cassidy for contemporary ensemble Exaudi.

Among the most ambitious is Joe Cutler’s *Ping!* for string quartet, four table tennis players and film. Cutler acknowledges that the concept “is not entirely safe, and if something is not safe it’s exciting. It’s good for new music to go outside its normal confines. That’s why these 20x12 commissions are so interesting. Composers love challenges: their work is bound up with problem-solving.”

But why should anyone want to make music out of ping-pong? Cutler, 43, explains that he grew up playing table-tennis and has a brother who is a leading player. His wife, meanwhile, is a member of the Coull Quartet, which has a reputation for openness to new ideas.



Joe Cutler's 'Ping!'

“When the call came for the 20x12 projects, we thought this was the perfect opportunity to bring our interests together,” says Cutler. “There are connections between table-tennis and the string quartet. There’s a two-way dialogue all the time and a ricocheting of sound. Table-tennis players have training drills that create regular rhythms and I thought I could use this as a kind of percussion instrument. The challenge was to make it seem natural, as if it had always existed.”

*Ping!* has emerged as an installation-type event, with choreography as important as sound. Cutler persuaded the Coulls to divide up so that there were two players on each side of the net, “which created the sense of two teams, and the whole thing changed”. He then brought in video artist Tom Dale to create a film “like a referee. People talk about the artistry of football, the beauty of movement, but we don’t consider sport to be an art form. I wanted to take both sides into a different environment and see if they stood up”.

Choreography is even more crucial to Gavin Higgins’s *What Wild Ecstasy*, which Rambert Dance Company premiered at Aberdeen in February and will repeat next month (May 15-19) at Sadler’s Wells in London. His challenge was to provide a contemporary response to Debussy’s *Prélude à l’après-midi d’un faune*, a ballet the company wanted to revive.

But what about the sporting connection? “The sport idea was just a way in [to the creative process],” says Higgins, 29, indicating that New Music 20x12 has not been overly prescriptive. “Mark [Baldwin, artistic director of Rambert Dance Company] had an idea for choreography inspired by Grecian urn paintings depicting Olympian activities. But the starting point [in art] is never where you end up. In the end, our sport-like element is the dance: these guys are athletes.”

*What Wild Ecstasy* turns out to be more of a contrast to the Debussy than a continuation of it. Higgins’s research showed him that a faun is an “aggressive animal – they tried to shag anything around, like a primitive form of sexual selection in the Darwinian sense”. So, unlike Nijinsky’s slow and sensual choreography for Debussy, “we wanted the flip side – something aggressive and Dionysian in its exuberance. We thought of nightclubs, where people have a good time and get a mate. I grew up next to the Forest of Dean, where there used to be illegal raves, with acid

house music booming out of big sound systems through the forest. It's interesting how those early experiences linger – it was the rhythmic drive that gave Mark his way into my music.”

Not every 20x12 commission is for indoor performance and some have little connection to physical activity. David Bruce's *Fire*, for example, is designed for the outdoors, “more an inward-looking piece than a whizz-bang spectacle,” he says. Scored for choir, four horns and fire artist, *Fire* draws inspiration from the Olympic flame – “a connection to divinity and spirituality”.

Like Beamish, Bruce, 41, was initially flummoxed by the Olympic connection. Then his imagination began to work. Drawing on texts by Vikram Seth and by 6th-century poet Yannai, he envisages an audience of up to 300 inside a circle of choristers with sticks of flame creating a space for meditation within chant-like waves of overlapping sound. But will the atmosphere be sufficiently quiet when *Fire* is premiered in Salisbury town square on May 26, with later performances scheduled for other public spaces in Brighton and London?

Bruce sees music and sport as “different aspects of celebrating humanity, a parallel thing. The connection between believing in something and practice – the doing of it – has a great resonance, and in that sense playing music has a spiritual aspect for me. I'm sure sports men and women feel something similar. Whether as athletes or artists, we are trying to transcend our bodies and fulfil our potential.”

*London's Southbank Centre hosts New Music 20x12 commissions, July 13-15*

[www.prsformusicfoundation.com](http://www.prsformusicfoundation.com)

# FINANCIAL TIMES

## Rambert Dance Company, Sadler's Wells, London

**This was a wide-ranging and admirably well-danced programme from a company known for its boldness**

May 16, 2012

By Clement Crisp

The Rambert Dance Company is celebrating a decade of bold developments and brave dancing under the direction of Mark Baldwin. That this London season coincides with the building of a new home for the troupe on the South Bank is a happy portent. So, a programme wide-ranging and admirably well danced.

A first novelty was the local premiere of Itzik Galili's *Sub*, a blastingly energetic response to an unrelenting and hard-nosed score by Michael Gordon which impelled its cast of seven men inexorably on. That they wore only curious bunched skirts is neither here nor there. That the dance burned and raged through their bodies, a ritual inexplicable but compelling, is more to the point: the piece is fierce, too long by 10 minutes, but fascinating, and gloriously lit by Yaron Abulafia.

At the heart of the evening, a welcome revival of Siobhan Davies's *The Art of Touch*. Three men, four women, harpsichord music by Domenico Scarlatti and Matteo Fargion. A set of beaten gold panels by David Buckland. Davies thinking about the implications of touching, and producing a penetratingly beautiful and resonant work of art, a discreet masterpiece. Davies's is a feminine sensibility: like Gwen John, her effects are subtle in perception and expression. She floods the stage and her cast with ideas elegant, witty, resonant, and we rejoice at their unfailing sense of style – that rare quality in our day. The piece is marvellously danced, with Robin Gladwin notably fine, and must be filmed.

To close the programme, a revival of the Nijinsky *Faune* that Marie Rambert (who worked with Nijinsky) gave her company, but which here looked altogether too careful, and with the Faun denied his sandals. Then a bold response to *Faune*'s eroticism from Mark Baldwin. *What Wild Ecstasy* has a fine and rumbustious score by Gavin Higgins and insanely modish clothes by Michael Howells (whose set is three pendant, gigantic and incredibly scary models of hornets). The dance has tremendous energy, and finds not inconsiderable fun in a Night Out somewhere much warmer than the UK's current Ice-Hell. It is saucy and knowing and enjoyable, and splendidly danced.

★★★★☆

[www.sadlerswells.com](http://www.sadlerswells.com)

theguardian

## George Benjamin: a life in music

'For a huge number of people, contemporary classical music is just closed. It's a very peripheral activity in our society, I fear'

By Alan Rusbridger

Thursday, 10 May 2012



Benjamin: 'I sometimes wondered whether I would be able to write not only more fluently but at all.' Photograph: Christian Sinibaldi for the Guardian

When I first met George Benjamin in 1986, he was a recovering child prodigy. He was a very boyish 26, open-faced and wide-eyed in his infectious, bubbling passion for contemporary music. His natural ear and compositional ideas were spoken of in breathless terms – "almost Mozartian", they said. There seemed nothing he couldn't do.

This turned out to be not quite right. The young prodigy couldn't write music. His head was so full of the infinite possibilities of sound that he was barely capable of putting a note of it down on to manuscript paper. His published catalogue shows that between 1988 and 1992 he composed just two pieces – 20 minutes in all. Five minutes a year. Not exactly Mozartian.

What had gone wrong? By the age of 15 the young Benjamin was commuting monthly to Paris to study with Olivier Messiaen and Yvonne Loriod. By 16 he had signed a publishing deal with Faber & Faber. There was a double first at Cambridge and a stunning arrival on the London scene with his 20-minute orchestral piece, *Ringed by the Flat Horizon*, performed at the Proms when Benjamin was still only 20. Then it was back to Paris to work with Pierre Boulez.

And then nothing. Or not very much. His last big piece before silence descended was [Antara](#), written around the time we first met, for which he used the giant computers in Boulez's studio at IRCAM in Paris. The problem was that Benjamin was not satisfied with the musical language he had inherited, so he was busy inventing a new one.

*Antara* went way beyond the 12 notes used by all composers in the western tradition for centuries. Benjamin's ear sought out the minute intervals between notes that on a blunt instrument such as the piano are the same. To most people, E flat and D sharp are identical – the mid point between two tones. Benjamin worked with pan pipes and digital technologies to capture intervals as precise as 7/16ths of a tone. Human musicians working alongside these sampled sounds had to work out how to play quarter tones and bend notes through contortions of lips and fingers.

Benjamin, a still boyish 51 despite his cropped snowy hair, looks back at that time with some detachment now. His 2006 opera, [Into the Little Hill](#), has been staged around the world. He has just finished another opera in collaboration with the writer Martin Crimp. And this weekend there is a major celebration of his music and passions at London's Southbank Centre. As he approaches middle age Benjamin seems finally to have found a musical voice he is comfortable with.

He puts his earlier struggle down to two words: "excessive choice". "At the end of my teens I felt rather lost. You see, you're free as a composer today, which means that a huge amount is possible – a colossal, terrifying amount. You write one note, and there's not only 12 other notes (or more if you write in microtones) for the next note, but you think of different registers and timbres. The choices multiply to the billions within a few notes and, obviously, that's impossible to work within. And so, as you search, you go down lots of cul-de-sacs.

"There was a period of two and a half years when I was very blocked – really, intensely. It's a lonely, slow task, and I sometimes wondered whether I would come out of it, and whether I would be able to write not only more fluently but at all. You have to be determined and patient, being a composer, particularly today. Eventually some things slot into place."

Benjamin was born in London in 1960. His father worked in publishing and his mother, who died recently, was a designer and antiquarian who founded the Mayfair shop Halcyon Days. He studied with the pianist and conductor Peter Gellhorn before moving to learn with Messiaen, who is said to have regarded Benjamin as his brightest student. Benjamin said of the experience: "The world seemed to glow incandescently when I was in that class. This small, slightly ugly room in Paris was a haven of civilisation. He would bring in the latest works of Boulez, Lutosławski, Ligeti and talk about them. To someone of my age it was just extraordinary." At Cambridge he studied with [Robin Holloway](#), who observed of him a few years later: "In terms of natural endowment he was easily the most outstanding pupil I've had."

The French influence on Benjamin's music is only natural, given the pedigree of his teachers – he has much more in common with Debussy than with Elgar. But he also claims to have been heavily influenced by his travels in India. "I'm crazy about Indian music, and it's influenced and changed me hugely. Indian music was a big thing for me in the late 80s and 90s. My relationship with it is rather superficial because I'm not Indian and I haven't studied it enough, but all the same, I do love it."

There was no dramatic bursting of a dam: Benjamin's catalogue shows that he has still published less than three hours of music since the notes started flowing again around 1992, not counting his

most recent opera, which is as long again. But as he describes the period covered by this weekend's celebration it's evident that he's now more comfortable in his own musical skin. Benjamin pinpoints two inspirations for his increased confidence and output. One came about through listening to music, the other by a chance meeting.

Two miniature pieces of music – apparently with little in common – caused the first breakthrough: Purcell's four-minute *Fantasia in C minor* ("it made a colossal impact on me, I'd say a life-changing impact") and a canon for soprano and clarinet by Anton Webern, op 16, number 2.

What's the connection? "They're both incredibly modest – very small pieces," he says, his voice inflected with the enthusiasm I remember from that first meeting in his north London flat 25 years ago. "But the key is that they are polyphonic, a type of polyphony that is harmonically unified, rather than following lines and letting harmony be the result of the lines meeting ... You actually have to plot and plan a bit before composing. That seemed so foreign to me and I had to learn that."

The chance meeting was with Crimp in the Festival Hall restaurant in 2005. Benjamin had a little book with 50 scribbled ideas for an opera and had, he says, been bothering film directors, poets and playwrights for years – "embarrassingly so". Crimp was four years his senior and a confident pianist with more than 20 plays and translations behind him. They clicked immediately. He is, Benjamin says, "the collaborator from heaven ... he cracks me open. I wrote *Into the Little Hill* in six months."

Benjamin was initially attracted by Crimp's use of language, which he describes as "concise and quite hard and extremely economical and fantastical as well, very imaginative. He has a simple and direct means of telling stories that somehow circumvents the problem that contemporary opera has with narrative. Every opera since Britten, in many ways, has had this problem ... how to acknowledge to people that you're being told a story: 'We're not trying to hide it, it's not natural, it's not a film – that's why people can sing, because it's not natural.'"

*Into the Little Hill*, which premiered in Paris and has recently been performed in China and Australia, was based on the Pied Piper story – one of the ideas written in Benjamin's notebook and around which he had tried to write an opera at the age of 13. "It has all sorts of potential political resonances but we didn't specify them," he says. "It's for people to interpret as they want. I don't like things that are slogans – that's not the point of artistic communication. You open up a space within someone else who is listening, and if they are in harmony with what you're trying to say, they'll find something there, you'll speak to them. If you tell them what to think, there's no chance of any resonance between you."

The new opera, due to open in Aix-en-Provence in July and coming to Covent Garden next year, is called *Written on Skin* and is a bigger project altogether – a 60-piece orchestra, a cast of five and 100 minutes of music. "Twenty-six months of work," Benjamin says precisely.

The piece was commissioned by the director of the Aix festival, Bernard Foccroulle. His only stipulation was that the theme should be in some way related to the Occitan area of Provence.

Crimp did his research and unearthed an 800-year-old fable called *Le Coeur Mangé* ("The Eaten Heart"). "It was a story, initially, about a troubadour, a musician poet, and his love affair with the wife of the king for whom he had been invited to perform," Benjamin says. "The only change we made was making the troubadour into an illuminator, because we didn't want to repeat the idea of there being a magic musician in the centre of the story, as with the Pied Piper.

"It's about an autocratic, powerful, potentially violent protector. On discovering the affair he kills the illuminator and serves up his heart for his wife to eat. She defies him by telling him that it's the most delicious thing that she's ever tasted and nothing could ever take the wonder of this taste from her mouth.

"It's not a medieval story we're trying to do, with costumes; Katie Mitchell, our wonderful director, is not going to present it like that. It's very much portrayed in the 21st century, full of contemporary imagery and language. It's not at all like *Blackadder*."

Is it having the words as a prompt that has released Benjamin's composing juices? "More than that," he says firmly. "It's having a story to tell, and it's having such an interesting and provocative and structural and imaginative person to work with. We've both casually, gently said we'd love to work together again. He multiplies my speed of composition by eight times, so it's in my interest to!"

Benjamin now lives in north-west London with his partner, the film-maker [Michael Waldman](#) (whose recent credits include *The Day John Lennon Died*, *The Scandalous Adventures of Lord Byron* and the TV mini-series *Musicality*). He teaches composition at King's College London – and during his spells of composition disappears into total purdah. Out of purdah he can be talkative – endlessly inquiring about politics and philosophy – and impishly funny. His ability to imitate any breed of dog in any mood was sometimes deployed by Loriod to cheer up Messiaen on his darker days. But once the conversation gets round to classical music, Benjamin is intense, passionate and utterly serious. When we meet he is in some despair over a statistic related to him by his publisher concerning the Performing Rights Society. "The PRS is responsible for collecting all the royalties for all types of music in Britain, and the royalties involved are immense, something like £600m a year. And, apparently, the whole of classical music within copyright – so from Strauss and Stravinsky, Prokofiev and Britten, through till today – is responsible for only one third of 1% of those sums."

He opens his eyes wide and waits for the statistic to sink in. "I'm not talking about difficult or challenging contemporary music, I'm talking about the last hundred-and-so years of music, including Bartók and Vaughan Williams and Messiaen and Copeland and Gershwin and so on. I know it's a dry, statistical fact, but it does say something. It says that, for a huge number of people, classical music is just closed: it's a very peripheral activity within our society, I fear."

Asked to explain what might lie behind this lack of public appetite for anything resembling contemporary music, Benjamin first laments the lack of serious coverage on television. The boy whose life was transformed by watching Walt Disney's *Fantasia* at the age of six clearly wishes that others should be accidentally exposed to the musical tradition he loves.

"There's virtually nothing on contemporary music or on living composers at all any more, and when I was a kid there was tons," he says. "Every month there would be a wonderful documentary. That's just stopped.

"When Channel 4 was new, there was real competition between Channel 4 and the BBC. Who could make the most innovative programmes? Who could put this composer on? There was also *The South Bank Show* at its height – passionate about performing, making major documentaries about the major composers of our time. So there was a buzz, and there was competition."

But is it really television's fault, or must composers take some share of the blame for alienating mainstream audiences from contemporary music over the 90-odd years since serialism – which gave equal weight to all 12 notes of the conventional scale – replaced music with a tonal centre?

He answers by a general reference to the delay through the ages between creation and broad acceptance – Beethoven, late Debussy and so on. But he concedes of Schoenberg: "there's less hostility than a hundred years ago but, still, my God, those pieces are taking their time."

And then we're back to discussing his own progression as a composer, which will be evident in the Southbank Centre's weekend of music. The title of the weekend – *Jubilation* – is taken from a 1985 piece that was premiered in the Festival Hall, but which has rarely been performed – mainly because it demands 300 performers. He describes it as "an attempt to write with material that was so simple that children who couldn't read music, and steel drum players who also couldn't read music, could participate."

I realise he has been using the word "simple" a lot in our conversation. "Yes, I use much simpler material than I used to, much simpler material, so I can do more with it."

"Funnily enough, *Antara*, despite its complexity, is, in formal terms, probably the simplest piece that I've written and the nearest to tonality. It's really in A but it's not your normal A. It's the harmonics of a very low A, but the piece is in that sort of weird microtonal tonality. Essentially, I think if you were to play the bottom A of the piano, that is the note which governs the main material of the piece and with which it ends.

"Conversely, with a lot of the music I've written since then, the material sounds much simpler – can even be diatonic, pentatonic – and yet I think it's further away from conventional tonal thinking. The thing about tonality is that it sees the world from one vantage point, it's a single perspective, it's a world with one centre. But why? There's no rule that says this has to be the case, that centres can't be split."

At the end of our talk he hands me a score of *Written on Skin*. On the title page it confidently announces that the first performance was given on 7 July 2012. I remind him that the first London performance of *Into the Little Hill* had to be performed in the bar of the Royal Opera House after a catastrophic power failure in the auditorium itself.

"We're optimists," he beams.

## Written on Skin – review

Grand Théâtre de Provence, Aix-en-Provence



Andrew Clements

Sunday 8 July 2012



Remarkable... Barbara Hannigan and Christopher Purves in *Written on Skin* by George Benjamin. Photograph: Boris Horvat/AFP/Getty Images

[George Benjamin](#) took his first, much anticipated steps towards music theatre six years ago with [Into the Little Hill](#), a contemporary retelling of the story of the Pied Piper to a text by dramatist [Martin Crimp](#). That magical 40-minute piece, with two singers, a chamber-scale ensemble and minimal dramatic trappings, seemed wary of committing fully to such a treacherous, extravagant medium as opera. But working again with Crimp, Benjamin has now thrown that caution to the wind. Commissioned by the Aix-en-Provence festival, along with four other European opera houses including Covent Garden, *Written on Skin* is a fully fledged stage work. It may have only five singing roles but it belongs, unmistakably, in an opera house, unlocking so much more of the dramatic potential of Benjamin's music, which was kept on such a short rein in the earlier theatre piece.

Appropriately enough for a work introduced in Provence, the bleak, unforgiving scenario of *Written on Skin* comes from a 13th-century *razo*, the explanatory story behind a troubadour's song. A rich, powerful land owner, called the Protector in Crimp's libretto, commissions an artist,

the Boy, to celebrate his life and the achievements of his family in an extravagant illuminated book. As the Boy painstakingly creates his manuscript, he attracts the attentions of the Protector's much younger wife, Agnès. His imagery empowers her, and she begins to assert her independence as a woman, rejecting her role as the childish property of her husband, to the Protector's angry dismay. So, he brutally kills the Boy, and forces Agnès to eat the heart; she then jumps to her death from a balcony before he can kill her, too.

Crimp's finely chiselled text gives the story a contemporary perspective by having three characters he calls Angels bring the medieval figures back to life and reflect on what happens, and by having the protagonists, especially the Boy, sing about themselves and their actions in the third person. That shuttling across eight centuries is taken farther in Katie Mitchell's staging, which seems to depict the angels and four other extras as present-day archaeologists re-enacting the events described in the manuscript they are restoring; Vicki Mortimer's set is divided between past and present, too: the archaeologists and their work to the left; the medieval tragedy unfolded to the right.

Some of those directorial glosses seem fussy and distracting, as if Mitchell were determined to leave her own mark on a work that seems perfectly self-contained dramatically anyway; they clarify nothing at all. What drives the opera's three parts (with the briefest of pauses between them) far more effectively, however, is Benjamin's score, which is more impassioned, more sensuously beautiful and, at times, more fiercely dramatic than anything he has written before. The intertwining of the voices of Agnès and the Boy, soprano and counter tenor, often with just the sparest accompaniment, is spell-binding; the ability to crystallise a whole mood in a single mysterious orchestral chord or a bare, ticking percussion clockwork is magical. The large orchestra is used with maximum restraint, given its head only in the interludes that separate some of the scenes; Benjamin himself conducts and the [Mahler Chamber Orchestra](#) play wonderfully for him.

The cast is remarkable, too. [Barbara Hannigan](#) compellingly charts Agnès's growing self-awareness, and wraps her voice ravishingly around Benjamin's high-lying vocal lines; [Christopher Purves](#) manages to give a human dimension to the Protector's cruelty. [Bejun Mehta](#) is the honey-toned Boy, the unwitting catalyst for all that happens; Rebecca Jo Loeb (a late replacement) and Allan Clayton are the other Angels. What Benjamin and Crimp have done is remarkable, whatever the shortcomings of the staging.

## A New Sonnet Written FOR Shakespeare

4/27/2012, By Tanya Mohn



This was long thought to be the only portrait of William Shakespeare that had any claim to have been painted from life, until another possible life portrait, the Cobbe portrait, was revealed in 2009. The portrait is known as the 'Chandos portrait' after a previous owner, James Brydges, 1st Duke of Chandos. It was the first portrait to be acquired by the National Portrait Gallery in 1856. (Photo credit: Wikipedia)

A new sonnet to commemorate Shakespeare's 448<sup>th</sup> birthday and the launch of the World Shakespeare Festival was commissioned by the Royal Shakespeare Company (RSC), the producer of the festival, and was made public earlier this week.

The [World Shakespeare Festival](#) is the biggest event of its kind ever staged, according to its organizers, and is an unprecedented collaboration with leading arts organizations from around the world, involving more than 70 partners coming together to celebrate Shakespeare, with more than 70 productions, as well as events, exhibitions and broadcasts.

The festival opened on Monday and is scheduled to run to November, with performances in London and other United Kingdom locations.

The RSC commissioned the sonnet from Mark Ravenhill, a playwright and its writer in residence.

“Shakespeare reminds us what it is to be human,” Michael Boyd, artistic director for RSC said in a statement. “Let’s celebrate his influence on all our lives and join Mark Ravenhill in celebrating his birthday and this incredible Festival.”

The sonnet was written to be a public. “So if anyone wants to download the text to stick it on their fridge, or study it in their classroom, put themselves reciting it on You Tube or use it as a song lyric, I’d be delighted,” Ravenhill said in a statement.

“Like Shakespeare’s own sonnets, this has no title. Just a number. Maybe Ravenhill Sonnet 1” he said.

*I envy you. Your world was new, unmapped,*

*The language that you wrote in barely fixed;*

*You were Shagsbeer or Shaxpeer – whatever*

*Form your Will-full pen chose to take each day;*

*Great continents of human thought and heart*

*Were not yet owned by any national tongue*

*And were yours to chart, conquer, describe, sell:*

*You made an empire of our language in your Globe.*

*And now we rush to patent every cell*

*Of being: we brand ourselves with jingles,*

*Every word we speak or write is trade*

*And our little lives are ended with a deal.*

*You taught us language and there’s profit on’t*

*But still a greater possibility – to curse.*

Ravenhill commented on the challenges of creating a modern day sonnet about Shakespeare:

“I’ve tried to capture my love of Shakespeare (as well as borrowing a few phrases from him in the sonnet). But I’ve also tried to explore my ambivalent feelings about Shakespeare as a global ‘brand’, he said, adding ““I’ve used the sonnet form to shape my thoughts and have respected

metre and the fourteen line structure. But I've avoided rhyme – it's a sonnet for our times, not a pastiche of Shakespeare and I think rhyme lands a little too heavily on contemporary ears.”

To view the video of Ravenhill reciting his sonnet, click [here](#).

“International artists have also taken Shakespeare as their own, with radical interpretations of Shakespeare from companies as diverse as the Iraqi Theatre Company, Brazil's Companhia Bufomecanica and Mexico's National Theatre,” Boyd said.

The Bard's 37 plays will be performed in different languages, including productions in Maori, Urdu, and sign language, by different international companies. (There will be subtitles for English speakers.)

The World Shakespeare Festival is part of the London 2012 Festival, which is the culmination of the Cultural Olympiad, a large scale event that brings leading artists from all over the world together as part of the Olympic celebrations. The 2012 Summer Olympic games will be held in London beginning in late July.



## Mavericks Festival Starts With a Triumph

March 8, 2012, By Georgia Rowe



Michael Tilson Thomas

Twelve years ago, Michael Tilson Thomas organized a new music festival dedicated to some of his favorite musical iconoclasts. With programs built around composers such as John Cage, Charles Ives, Meredith Monk, and Lou Harrison, the San Francisco Symphony's three-week "American Mavericks Festival" emerged as one of this conductor's unmitigated triumphs.

Thursday evening at Davies Symphony Hall, Thomas and the orchestra launched the 2012 edition of Mavericks with a thrilling program featuring *A Concord Symphony*, Henry Brant's transcription of Charles Ives' "Concord" Sonata. Aaron Copland's *Orchestral Variations*, and Harrison's *Concerto for Organ with Percussion Orchestra*, with Paul Jacobs as soloist, completed the lineup. If the performances — brash and often breathtaking — were any indication, Bay Area music lovers are in for an exciting 10 days.

Thursday's program may have left some wondering whether these composers can still be considered Mavericks; Copland and Ives, at least, have been firmly integrated into the standard repertoire. Yet the performances were anything but routine. And this year's Mavericks is just getting started. Before March 19 — when the Symphony takes the festival on tour to Chicago, Ann Arbor, and New York — Bay Area audiences will hear world premieres by John Adams, Mason Bates, and Morton Subotnick, as well as works by Cage, Monk, Henry Cowell, Carl Ruggles, Harry Partch, Steve Reich, and David Del Tredici.

The program's main event was the "Concord" Symphony. The work derives from Ives' Sonata No. 2 for Piano. Subtitled "Concord, Mass, 1840-60," it pays homage to the Transcendentalists, with movements named for Emerson, Hawthorne, Thoreau, and the Alcotts. Brant obtained the

score in the 1950s and vowed to turn it into the “Great American Symphony.” Tilson Thomas, conducting with tremendous verve and insight, suggested his efforts were not in vain. This version, first performed in Ottawa in 1995, preserves the spirit of Ives while demonstrating Brant’s pioneering techniques in spatial music, and the S.F. Symphony, which has recorded the work, plays it with tremendous power and insight.

With its unabashed quotes (including the opening motif of Beethoven’s Fifth Symphony), boldly dissonant passages, brooding interludes, and weird collisions of hymns, marches, and parade songs, Ives’ score is a fantastic mashup. Brant’s orchestrations emphasize color, texture, and subtle shadings; softening the edges somewhat, yet expanding the work’s sound world to reach every corner of the hall.

“Emerson,” the first movement, overflowed with rich sonorities, with shimmering strings and plaintive woodwinds emerging (oboist William Bennett, flutist Tim Day and the honey-colored low strings made enraptured contributions). A manic spirit animates “Hawthorne,” a scherzo whose initial reverie gives way to careening carnival music made of hiccupping percussion, tweeting woodwinds, and blowsy horns. Thomas’ deft leadership kept the discrete strands together.

With its distant evocations of parlor songs, the third movement, “Alcotts,” seems to belong to another symphony altogether. Thomas conducted an elegant performance, eliciting warm, enveloping sound. In the finale, “Thoreau,” the score quotes Stephen Foster; the music acquires a dark, brooding edge, but tranquility is restored with a softly floated flute solo. Concluding the 50-minute performance, Thomas shaped the music in radiant statements.

At the other end of the spectrum, Copland’s *Orchestral Variations* opened the program in a glittering, assertive performance. Expanding on his own *1930 Piano Variations*, Copland — who completed the score in 1957 on commission from the Louisville Orchestra — blazes through 20 variations in 13 minutes, engaging the orchestra section by section. Building on a four-note theme, the score achieves majestic heights in a short span; Thomas conferred a keen rhythmic edge, and well-oiled transitions, on the work.

In between, there was Harrison’s glorious and witty Organ Concerto, with the great Paul Jacobs as soloist. Nine years after the composer’s death in 2003, Harrison remains a bona fide Maverick — one of the 20th century’s most original composers, and a defining voice in the music of the West Coast. The concerto is simply a marvel. The work is scored for organ, piano, celesta, and percussion battery — drums and bells, temple blocks and glockenspiel, chimes, gongs, plumbers’ pipes, and more, with some of the instruments designed by Harrison’s partner, the late Bill Colvig — and the composer’s fascination with Indonesian gamelan is everywhere in evidence. Jacobs, often acting like a percussionist (among other techniques, he employed a padded bar to depress all the keys of an octave at once), is an outstanding soloist in any repertoire, and he outdid himself in this performance, as did the Symphony’s percussionists, pianist Robin Sutherland, and Marc Shapiro at the celesta. As Thomas summoned the music in gorgeous waves, the spirit of the original “Mavericks” filled the hall once again; as the performance concluded, the conductor kissed Harrison’s original score and held it aloft.

## Review: Tilson Thomas favorites were featured in first San Francisco Symphony Mavericks concert

By Richard Scheinin  
03/09/2012



Michael Tilson Thomas conducts the San Francisco Symphony in the Opening Concert of the 2012 American Mavericks Festival. (San Francisco Symphony)

After weeks of build-up, the American Mavericks Festival opened Thursday night at Davies Symphony Hall. It delivered what Michael Tilson Thomas has been promising: to connect the dots through a century's worth of music that somehow defines an American sound -- in-your-face, yet poetic, an audacious sort of vision.

It isn't a scientific definition, but you can feel what he means. In this first of five Mavericks programs, the San Francisco Symphony performed works by Aaron Copland and Lou Harrison that are absolutely loaded with personality, brash and sensuous. And with clarity and passion, it performed "A Concord Symphony," composer Henry Brant's transcription of Charles Ives' "Concord" Sonata, in which that visionary piano work is transformed into a monumental and mysterious work for orchestra.

Brant, who died four years ago, suspected that the "Great American Symphony" lay hidden inside the sonata, and he labored on and off from 1958 to 1994 to complete its transformation. Two years ago, Tilson Thomas and the orchestra first performed "A Concord Symphony." They also recorded it (for the SFS Media label, a terrific CD), and Tilson Thomas now is championing the piece. It is tender and thorny, profoundly nostalgic and austere abstract, wide-open and bustling with energy -- and with poetry.

It lasts about 50 minutes, and does full justice to Ives. This piece reveals more with each performance, and one can sense the growing attachment that Tilson Thomas and the orchestra feel for it.

In "Emerson" -- the first of four movements, each related to the Transcendentalists of 19th-century Concord, Mass. -- the orchestra evoked the drifting of memories, the hovering of an American past that Ives felt was slipping away, even when he first sketched his sonata in 1904. Thursday, one practically could hear Concord's church bells amid one of Ives' most haunting songs -- led by principal oboe William Bennett, it kept giving way to translucent strings and a landscape wide as earth and sky.

The spry "Hawthorne," the second movement, is related to Nathaniel Hawthorne's story "The Celestial Railroad." It is dense and daunting music to play; there is so much happening simultaneously. Yet this performance was utterly clear and charming: It sounded like a music box inside a dream. And its central portion -- with its jump-cutting between bits of a peaceful hymn, then a parade ground march, then a cakewalk, with wild, jazzy clarinet -- was startlingly vivid and precise, the highlight of the whole evening.

The centerpiece of this "Mavericks" program, "A Concord Symphony," is turning out to be a real showcase for the entire orchestra, though several players deserve special mention: Bennett, pianist Robin Sutherland, trumpeter Mark Inouye and flutist Tim Day, whose pure sound might have been floating over Walden Pond in "Thoreau," the last movement.

And let's not forget: "A Concord Symphony" also stars Beethoven, whose motto to Symphony No. 5 is all over the piece. Ives likened it to "the soul of humanity knocking at the door of the divine mysteries, radiant...."

In conversations prior to this second edition of the "Mavericks" festival -- it first happened in 2000 -- Tilson Thomas emphasized the personal connection he feels to its music and composers. He met Copland as a teenager and became a close friend. Likewise, he knew Harrison for years, championing his works, helping to expand his reputation. (Harrison, who lived in the Aptos hills, was a real Santa Cruz guy, not much into career building.)

Thursday's program opened with Copland's Orchestral Variations, a solid bookend to "A Concord Symphony" in that it too is adapted from a piano masterwork. In this case, it emerged from Copland's Piano Variations, of 1930, which the composer orchestrated in 1957. (Tilson Thomas subsequently expanded that orchestration, in consultation with his friend.)

This festival performance wasn't as cleanly rendered as it might have been; the extensive percussion parts needed more rehearsal, for one thing.

Still, it was thrilling to hear Copland's fortissimo declamations: Much of the music sounds like striding giants, or big vertical structures on the move -- skyscrapers built from a four-note theme, which Copland keeps shuffling serial-style, varying order, angle and speed. Terse yet majestic, the 20 variations alternate the skittering bustle of the city with the light-streaked openness of the plains, and Tilson Thomas shook up the audience with the coda's final crescendo and crash.

How different was Harrison's Concerto for Organ with Percussion Orchestra? Mightily different. Harrison was an American in love with the East, who came under the influence of the Indonesian gamelan, in particular. His concerto, from 1973, is spacious, sensual and deceptively casual.

It sounds like Messiaen sat down with Sun Ra, took some LSD, then traveled to Bali, jamming out with a gamelan orchestra and ceremonial drum corps. Thursday, under Tilson Thomas's direction, there were eight percussionists on stage, creating a crisp forest of sounds -- golden, breezy, hip-swayingly tropical, with gentle bonging sonorities coming from un-pitched percussion instruments invented by Bill Colvig, Harrison's late partner.

Alternating with this percussive sea, or jostling against it, or streaming through it, was the organ, played by Paul Jacobs, who makes his instrument sound like great streaks of light bending through stained glass, or like a big luminous ball that's rolling around the floor.

He piped through Harrison's high-spirited, staccato chants. He played reedy bass notes, which penetrated like needles. And he teamed with the piano and celesta in heavenly combinations -- even while squashing entire clusters of notes from the organ keyboard, using a felt-padded slab.

It was wacky and wonderfully charming, and when it was over, Tilson Thomas acknowledged the applause by lifting the score high over his head, then kissing it, to thank his late friend.



The San Francisco Symphony percussion section -- James Lee Wyatt, left, Artie Storch and Tom Hemphill -- performing in Lou Harrison's Concerto for Organ and Percussion Orchestra as part of the opening of the 2012 American Mavericks Festival. (San Francisco Symphony)

## Review: At S.F. Symphony Mavericks Festival, Cowell's Piano Concerto eclipsed Cage's elaborately staged 'Song Books'

By Richard Scheinin

03/11/2012



Soprano Jessye Norman and Music Director Michael Tilson Thomas  
(Kristen Loken/SF Symphony)

Mavericks are freethinking and creatively sexy. But, as with anything, some lose sizzle over time. Or they die, and orthodoxy sets in around their innovations. Predictability supplants surprise. That process had a demonstration Saturday at the American Mavericks Festival, which presented a big-name production of John Cage's "Song Books." It was fancy, over-done, boring.

But after intermission, pianist Jeremy Denk walked onstage at Davies Symphony Hall to tackle the music of a less celebrated maverick, the composer Henry Cowell, who was one of Cage's teachers. Shirt-sleeved -- this was a Mavericks event, after all -- and draped over the keyboard, Denk joined the San Francisco Symphony and conductor Michael Tilson Thomas in a performance of Cowell's Piano Concerto that sizzled. It ought to put the piece on the map. At last.

Cowell completed the concerto in 1928, but didn't live to see its first complete performance in the United States; that took place in 1978. It's a wild work, with much of the solo part built

around tone clusters -- slabs of contiguous notes, generally hewing to the piece's larger dimensions, its harmonic contours. Look it up on YouTube or CD; existing performances aren't all that gratifying, often sounding like harsh, paint-splashed clobberings.

But Tilson Thomas has been saying this is actually a "swashbuckling" work in the Romantic tradition. Denk showed that to be true, revealing the music's expressive possibilities, playing his lines with gracefulness and a playful spirit -- even those initial crushed clusters in the opening movement, coaxed with his right forearm.

He might have been playing Mozart, the solo part was at times so crisp and singing, or Rachmaninoff, as it tolled like bells. He had threatened in interviews, only half-jokingly, to perform wearing oven mitts, as protection for his hands. He didn't, opting for bare fists, palms and forearms, or for 10-digit pointillist runs, playing jabbing rhythms in unison with the orchestra as the first movement (titled "Polyharmony") came to a close.

The slow second movement ("Tone Cluster"), which begins with a gauzy chorus of winds, found him tolling those bells, deep in the bass register. This funeral march awakened to a splashing devil's dance with the orchestra; even here, Denk found a way to play liquidly. His cadenza had a bruised lyricism to it, giving way to vigorous hammerings as the orchestra built a wall of sound behind him -- stoney edifices, reminiscent of Charles Ives.

Remarkably, this was Denk's first performance of the piece, which the orchestra has performed only once before, in 2000, during the first American Mavericks Festival, with Ursula Oppens as soloist. Saturday, Denk looked like an athlete immersed in a peak performance.

Flipping through his score's pages in the finale ("Counter Rhythm"), he mounted cascades, which carried whiffs of Gershwin -- who also studied with Cowell and must have copped some tricks. The pianist's climactic windmill passages -- blurred, two-handed palmings, resounding once more like bells -- capped a blockbuster performance.

Luckily, it (and Wednesday's repeat performance, too) are being recorded for the orchestra's SFS Media label to release next season. So was the work that followed: Carl Ruggles' "Sun-treader," which closed the program.

Tilson Thomas has championed this piece for more than 40 years, first recording it with the Boston Symphony Orchestra around 1970, then with the Buffalo Philharmonic, for a 1980 release. (His Buffalo recordings of the complete Ruggles' oeuvre are being reissued on the Other Minds label.)

A close friend of Ives, Ruggles was a relentless self-editor, not prolific, and his "Sun-treader" (composed 1926-31) is a 15-minute dose of sonic granite, concentrated and topographical -- something like surveying the jagged mountains and shadowed valleys of a distant planet. Portions are quite delicate, though much of it feels ominous, even warlike: It should have been titled "Mars-treader."

Saturday's performance wasn't letter-perfect; there were some blurred attacks by the horns and low brass. But it was effective: music that imitates natural forces, with a kind of cataclysmic grandeur. Tilson Thomas looked spent, but happy, when it was over.

Now, let's backtrack. The program's second half began with Lukas Foss's "Phorion," a piece composed in 1967 after Foss dreamed one night of "torrents of Baroque sixteenth-notes washed ashore by ocean waves, sucked in again, returning, ad infinitum," he later explained.

As source material, he chose the Prelude from J.S. Bach's Partita in E for solo violin -- and from the beginning he presents its most famous theme in torrents. Concertmaster Alexander Barantschik led the violins in a bristling run through the material, which Foss then deconstructs: We hear snippets or mere flashes of Bach, zipping in and out of the soundscape, at many varying speeds, played cleanly or fuzzily or almost inaudibly, as if faraway radio stations are drifting in and out of the listener's field of reception.

This is a '60s-style intellectual work: You can practically feel its lessons, as Bach, while still venerated, aligns with new cultural forces. Foss includes a couple of electric keyboards in his score; at one point, I thought I heard a split-second gloss on Procul Harum's Baroque "A Whiter Shade of Pale," a hit in 1967.

Regardless, this was an exhilarating performance -- fresh.

Finally, let's talk about Cage's "Song Books" from 1970, which began the program. The selections featured three star singers: Joan La Barbara (a Cage champion for many years), Meredith Monk (the composer and voice innovator, performing these songs for the first time) and Jessye Norman (the great soprano, better known for her Verdi and Wagner).

I wonder what Cage, master of chance encounters and koan-like enigma, would have made of this elaborate production, with its theatrical lighting, sets and video projections, everything stylized and imbued with a heavily intellectual sense of whimsy. It seemed worlds away from a free-spirited Cage-like "happening."

In fact, it felt hackneyed, in an avant-garde-ish sort of way: Tilson Thomas chopping vegetables and sticking them in a blender, while Monk and La Barbara wandered here and there, fixing on this or that word, applying their extended vocal techniques, superimposed over the grandly rich-voiced chants of Norman, who at one point banged at an old typewriter, at another joined in a game of cards with several musicians. One of them, cellist Amos Yang, got up and shot a few baskets with a basketball.

Near the end, when Monk raised a black flag on a flagpole and the group began to sing text from Thoreau's essay "On Civil Disobedience," it felt like a parody of the old avant-garde. Ho-hum. We've seen this before.

Ironically, an hour-long pre-concert lecture and "happening" for the audience felt funnier and more spontaneous.

It explained Cage's concepts, putting them in perspective, relating his happenings to performance art and today's "flash mob" events. Carrying "scores" that offered word choices and performance options, hundreds of women and men circled the aisles, whistling, clicking their tongues, shouting, "Yes!" -- or, occasionally (there were a few trouble makers), "No!" or "Maybe." Quite a few, with eyes lowered, looked uncomfortable. Many looked liberated. Cage, born a century ago -- on Sept. 5, 1912 -- likely would have enjoyed the freshness of the event.



Jessye Norman, left, Michael Tilson Thomas and Meredith Monk performing Saturday in John Cage's Song Books at the San Francisco Symphony Mavericks Festival. (Kristen Loken/SF Symphony)



Saturday performance of John Cage's Song Books by Joan La Barbara, Meredith Monk, Jessye Norman, Michael Tilson Thomas and members of the San Francisco Symphony at the American Mavericks Festival. (Kristen Loken/SF Symphony)

## American Mavericks review: 'Barstow' a highlight

Joshua Kosman

Tuesday, March 13, 2012



Jessye Norman (left), Meredith Monk and Michael Tilson Thomas perform John Cage's "Song Books" at the American Mavericks festival. You either loved it or hated it.

Photo: Kristen Loken

The weekend's concerts in the San Francisco Symphony's American Mavericks Festival offered a persuasive case for the power of thinking small.

Saturday's orchestral program and Sunday afternoon's chamber program, both in Davies Symphony Hall, were studded with exercises in grandiose ambition. But the weekend's greatest rewards came from the little oases of wit and inventiveness that popped up here and there, like nimble furry mammals amid a landscape of lumbering dinosaurs.

The biggest and most dismaying lumberer of all came at the beginning of Saturday's concert, as Michael Tilson Thomas, members of the Symphony, and three great vocal artists of our day - Joan La Barbara, Meredith Monk and Jessye Norman - wandered around the stage engaging in puerile high jinks as laid out in John Cage's "Song Books."

For 30 minutes or so, the performers played cards and bounced basketballs, tore newspapers and pretended to vomit. The three singers sang, which they all do well. A bassoonist played his instrument with a cello bow.

It was one of those events that seem to provoke widely disparate responses. There were many in the audience who rose to applaud exuberantly, along with those of us who considered it a colossal waste of everyone's time and effort.

Happily, you don't have to have been there to gauge your own feelings on the matter. Watching Michael Tilson Thomas mix vegetables in a blender is exactly what it sounds like, neither more or less.

The weekend's high point, in direct opposition to such humorless exhibitionism, came on Sunday with a selection of short pieces by the great inventor, vagabond and all-round musical crank Harry Partch. These included a poker-faced setting of a letter from one of Partch's fellow hoboos, as well as a wonderfully fog-bound tableau of 1930s San Francisco, complete with dueling paperboys hawking *The Chronicle* and *the Examiner*.

But the masterpiece here was "Barstow," a sort of song cycle based on pieces of graffiti left by hitchhikers in the middle of the Californian nowhere. It was funny, moving, inventive and insanely theatrical, and the ensemble Partch - led with quiet flair by the vocalist and multi-instrumentalist John Schneider - gave it an unforgettable performance.

For wit on a slightly larger scale, there was Lukas Foss' "Phorion," an orchestral dreamscape based on Bach's E-Major Partita, which got a brisk but aptly vaporous performance under Thomas' baton. And a quartet of Symphony musicians (violinists Dan Carlson and Amy Hiraga, violist Jonathan Vinocour and cellist Peter Wyrick) gave a lovely account of Terry Riley's zesty, mournful passacaglia "G Song."

Pianist Jeremy Denk was on hand for both concerts to expound the keyboard innovations of Henry Cowell, tearing through the two-fisted tone clusters of the Piano Concerto on Saturday with well-judged ferocity, then returning on Sunday for some of the composer's lovely solo works.

Each program ended with a big statement. The orchestral program closed with a fiercely muscular account of Carl Ruggles' "Sun-treader," a craggy piece of musical granite that seems to want not to be loved, and makes it easy to acquiesce.

The first performance of Morton Subotnick's monodrama "Jacob's Room" wound up Sunday's concert, a somber and dramatically static treatment of both Virginia Woolf and Nicholas Gage's war memoir "Eleni" with La Barbara as soloist. For all its excruciating subject matter, the only parts of the piece that carried much emotional weight were in La Barbara's virtuosic wordless vocal cadenzas.

## American Mavericks review: Meredith Monk

Joshua Kosman

Tuesday, March 20, 2012



Meredith Monk performs with the San Francisco Symphony in "Realm Variations."  
Photo: Kristen Loken

For decades, the music of the composer and performer Meredith Monk has been rooted in the physical realities of the human voice. Now, with her new "Realm Variations," which had its resplendently beautiful premiere in Davies Symphony Hall on Sunday afternoon, Monk has expanded her horizons to encompass musical instruments, with dazzling results.

"Realm Variations" was commissioned by the San Francisco Symphony for the orchestra's piccolo player, Catherine Payne, and Monk took the opportunity to craft a knowing and deeply felt meditation on the interplay between instruments and voices. Scored for six singers and seven instrumentalists, the piece plays a little with contrasts of range: Monk divides her forces into low-pitched, medium and high-pitched groups, reserving the starkest opposition for that between the piccolo and contrabass clarinet.

But the real splendor of the piece is the way Monk takes her familiar musical materials - tender fragments of melody, gentle modal harmonies and woven textures of trance-like radiance - and

reconceives them in an original guise. "Realm Variations" offers the spectacle of a great creative artist opening up a whole new world of expressive resources.

The novelty is palpable from the piccolo's long opening soliloquy, which Payne delivered with trademark grace and eloquence. The melody unfolds in sinuous legato phrases, curling and pausing for breath like a vocal line but clothed in the bright, shimmery colors of the piccolo.

Through the rest of its 20-minute duration, material in this episodic piece keeps passing back and forth between its performing groups. The violin, the horn or the bassoon take up ideas from the singers and work them over, then hand them back refurbished and invigorated. And although Monk's characteristic vocal effects are often present - especially in the gorgeous pointillistic episode that closes the piece - it's striking how much writing for instruments has led her to a new conception of melody.

Sunday's concert, the final offering in the Symphony's American Mavericks Festival, got off to a magnificent start with Steve Reich's 1973 classic "Music for Pieces of Wood." A virtuoso exercise in pure rhythmic writing, the piece uses seemingly simple elements to create patterns of almost unfathomable complexity right before your ears; the performance, by the five members of the orchestra's percussion section, was a dazzler.

But things went downhill fast after intermission, with two dreary relics of the 1960s (in many ways a grim era for American contemporary music). It began with Lukas Foss' long and pointless "Echoi," a compilation of experimental techniques scored for clarinet, cello, piano and percussion.

The comprehensive variety of Foss' compositional career is sometimes held up as a virtue, but, in hindsight, it looks more like opportunism. Like a Mitt Romney of 20th century music, Foss never encountered a stylistic trend he couldn't champion enthusiastically, at least until the next thing came along. "Echoi" is full of the tricks of its period - a little improvisation, a little theatricality, some cheesy electronics - without ever making a case for any of it.

Even less tolerable was "Syzygy," David Del Tredici's setting of two Joyce poems in a maelstrom of shrieky dissonances. Soprano Kiera Duffy was the soloist, bringing a poignant degree of elegance and precision to the part.



Piccolo player Catherine Payne (left) and composer-vocalist Meredith Monk in "Realm Variations."  
Photo: Kristen Loken

March 29, 2012

## Parachuting to Land of Post-its and Cage

By ANTHONY TOMMASINI



Karsten Moran for The New York Times

Michael Tilson Thomas leads the San Francisco Symphony in Carnegie Hall's Stern Auditorium on Tuesday evening.

No conductor [talks about music](#) more engagingly than [Michael Tilson Thomas](#). But he was curiously mum on Tuesday night, when the [San Francisco Symphony](#) opened a series of four American Mavericks programs at Carnegie Hall. With works by Cage, Cowell and Varèse, and a new piece by John Adams on the program, I expected Mr. Thomas to be at his chattiest.

Cage's "Song Books" was up first, and the stage was intriguingly set with cubicles, tables, video screens, scattered instruments and dueling grand pianos.

Clearly, Mr. Thomas wanted the audience to enter Cage's world without explanation. I did not even notice him until several minutes into the piece, when a light brightened, and there he was, sitting on a stool, straight-faced, writing notes on Post-its and affixing them to his jacket.

Cage's "Song Books" (1970) is basically "a kind of kit from which you, the performer, can come up with songs, speeches, actions, performances on other instruments, which all add up together to create a musical event," Mr. Thomas said in a program note.

To enjoy the piece, you must put out of your mind any expectation that a song is a setting of a text and that words really matter. Words were a marginal element of this engrossing 35-minute performance, which was closer to a theatrical happening than to a song recital.

The performance had a most unlikely trio of soloists: the composer, sound artist and actor [Joan La Barbara](#); the composer, singer and creator of eclectic musical theater works [Meredith Monk](#); and the opera soprano [Jessye Norman](#). Ms. La Barbara was sometimes seen in huge video close-ups, intoning vocal sounds and word fragments. During another episode she walked the aisles of the auditorium and gave a present to an audience member whose seat had been selected through some Cagean methodology.

Ms. Monk's contribution came mostly through her trademark singing of strange and tender vocal sounds, though during one climactic stretch she intoned the Thoreau maxim "The best form of government is no government at all," which, in the current political climate, came across like a Tea Party slogan.

And Ms. Norman, looking the glorious diva and sounding radiant, sang fragments of elusive melodic lines. At one point, she played cards with orchestra musicians at a table; at another, she performed rhythmic patterns on that bygone period instrument, the typewriter.

As the program note explained, Cage allows interpreters "complete freedom in the choice of material they will perform on a given occasion." Mr. Thomas interlaced stretches of some other Cage works, including Concert for Piano and Orchestra and "Fontana Mix" for tape.

For this series, part of the orchestra's centennial celebrations, Mr. Thomas, who has been music director of the San Francisco Symphony since 1995, could have shown off his players in works by Mahler and Beethoven. Instead he adventurously explored the heritage of flinty individualism that runs through American music. The risk paid off, because the hall was packed with eager listeners.

After intermission on Tuesday, with the stage reset, the program gave the orchestra chances to demonstrate its full symphonic excellence. There were a sonorous performance of Cowell's craggy "Synchrony" (1930) and, to conclude, a stunning account of Varèse's path-breaking "Amériques," completed in 1921 (revised in 1927).

This score is a gigantic assemblage of blaring, pummeling, deafening, vehemently dissonant orchestral sounds, complete with a siren and a lion's roar. But Mr. Thomas and his players really made music of the piece in this urgently paced and textured performance.

The program also presented the New York premiere of [Mr. Adams](#)'s "Absolute Jest" for string quartet and orchestra, composed last year. This 25-minute work takes about a half dozen motifs from Beethoven scores, mostly scherzos from the late quartets and piano sonatas, and uses them

as raw materials to generate a pulsing, fidgety one-movement work that is Adams through and through. The brilliant St. Lawrence String Quartet dispatched the bustling solo parts, and the audience erupted in bravos.

A second program, on Wednesday night, began with Carl Ruggles's "Sun-treader" (completed in 1931), a teeming, dark and pungent piece that makes this maverick sound like a crusty American Berg.

Mr. Thomas ended with a novelty, "A Concord Symphony," the composer Henry Brant's 1994 orchestral arrangement of Ives's "Concord" Piano Sonata. Brant's glittering orchestration brings out details and colors in the music that the piano cannot suggest. Yet it softens the music's hard edges; the nostalgic episodes, though lovely, sound a little more sentimental when orchestrated.

The highlight was Morton Feldman's 1975 "Piano and Orchestra," so called to make clear that this 23-minute piece is not a typical concerto. The pianist [Emanuel Ax](#) distinguished himself in the solo part, which, on its surface, might not seem very hard. This pervasively soft and self-contained music emerges in staggered phrases of sustained chords and sonorities. There is sometimes a little squiggle, sometimes a hint of a melodic line. Mr. Ax played every chord and figure with beautiful voicing, elegance and the concentration of a Zen master. Now that takes impressive technique and musicianship.

And before the Feldman, Mr. Thomas finally gave his audience a helpful spoken introduction.

April 1, 2012

## Unleashing Playful Music

By ZACHARY WOOLFE

The composer David Del Tredici walked to his seat in Zankel Hall on Thursday evening accompanied by a tall, neatly dressed man wearing a leather dog collar bristling with sharp studs. It was a reminder that the spirit of San Francisco — provocative, playful, a little weird — had arrived in the cool, corporate New York of 2012.

In the [San Francisco Symphony](#)'s four-night stand at Carnegie Hall, the centerpiece of the [American Mavericks festival](#), the music had about as much in common with your everyday orchestral program as a dog collar has with standard concert dress. But full or nearly full houses all week demonstrated that if you program these spiky, exhilarating works with pride and play them with passion, the public will turn out.

After full-orchestra concerts in Carnegie's main auditorium on [Tuesday and Wednesday](#) led by the symphony's visionary music director, Michael Tilson Thomas, Thursday and Friday brought chamber-scale works to Zankel Hall. Amid tremendous variety — the demonic playfulness of Lukas Foss next to the serene loveliness of Meredith Monk; eerie Del Tredici ("Syzygy," his forbidding 1966 setting of two Joyce poems, sung by the fearless soprano [Kiera Duffy](#)) followed by convivial Lou Harrison — the musicians were consistently remarkable: fresh, powerful and energetic even at the end of four demanding programs.

There was the rare opportunity to see and hear in action the elaborate, fanciful, [South Seas-inspired percussion instruments](#) made by the composer Harry Partch. Like all of Partch's works "Daphne of the Dunes" (written in 1958 and revised in 1967), with its slippery rhythms and tangy gamelan-style harmonies, is as much a visual spectacle as an aural one.

Other works were similarly interested in the possibility of making concert music theatrical. In addition to requiring both improvisatory freedom and exacting virtuosity Foss's "Echoi" (1963) turns its four instrumentalists into actors; at one point the clarinetist stands up, walks to the piano and continues playing with his back to the audience. Morton Subotnick's new "Jacob's Room: Monodrama" uses electronics to send the vocalist Joan La Barbara's omnivorous voice ricocheting around the hall in two spectacularly strange cadenzas.

As is to be expected in an idiosyncratic sampling of idiosyncratic composers, not all the work was to my taste. Those two cadenzas were the only moments that engaged me in Mr. Subotnick's tedious piece. Ms. Monk's new "Realm Variations" was energized when Catherine Payne played the improbably lyrical piccolo part and when Ms. Monk was singing, her voice warmly fragile. But when those two women weren't front and center, "Realm Variations" drifted into slack prettiness.

Mason Bates's "Mass Transmission" (2011), scored for organ, chorus (here the Young People's Chorus of New York City) and electronica (a mess of radio static and light-techno beats), was inane schlock, unsatisfying in either its emptily propulsive mood or its cloyingly lyrical one. At least the brilliant organist Paul Jacobs was far better used in Harrison's magnificent Concerto for Organ With Percussion Orchestra (1973), which has the raucous rigor and peaceful canons of a religious service on a much more enjoyable planet.

There were, unfortunately, no female composers other than Ms. Monk represented in the orchestra's concerts. (Jennifer Higdon and Missy Mazzoli were played in recitals associated with the festival.) Native sounds and styles, particularly from Asia and Polynesia, were incorporated in works throughout the festival. (For instance the influence of African tribal rhythms is central to Steve Reich's hypnotic "Music for Pieces of Wood," from 1973, performed Friday.) Yet the darker, or at least more aggressive, side of these American borrowings from colonial and postcolonial cultures went unexplored.

But it was hard to argue with these thought-provoking, richly entertaining shows or the commitment that the San Francisco players brought to them. "The world that was not/Comes to pass," Joyce wrote in the poem "Ecce Puer," which Mr. Del Tredici set as part of "Syzygy." Last week's concerts provided that bracing sense of fresh creation.



Michelle V. Agins/The New York Times  
Members of Newband (from left, Joe Fee, Bill Ruyle and Charles Corey) play Partch's "Daphne of the Dunes" at Zankel Hall.

## Summer Of Art: San Francisco Central Market Neighborhood To Host Weekly Lunchtime Performances

By Robin Wilkey Posted: 05/10/2012



No one said the mayor's job was easy. And working through the hurdles of his extensive [Central Market Economic Strategy](#), a tireless effort to revitalize San Francisco's long-struggling Mid-Market neighborhood, has been no exception for Ed Lee.

But despite the [disappointing cuts in funding](#), stalled development and [opposition to controversial incentive tax breaks](#), Lee hasn't given up on his adopted project. And this week, he announced an exciting new detail: [the Summer Arts Series at UN Plaza](#).

Through September, the plaza will host arts-related entertainment and events every Tuesday at lunchtime, with a schedule that cleverly coincides with that of [Off the Grid](#)'s – the popular food truck meet-up.

According to the Central Market Partnership, the series is the fruit of a \$20,000 grant from the Kenneth Rainin Foundation, and the lineup will include music, theater, dance and performance art from groups like Intersection for the Arts, Cutting Ball Theater and Flyaway Productions and Dancers.

"The Central Market Economic Strategy is a roadmap to guide our efforts to create jobs, stabilize the community and transform the quality of life for the neighborhood," [said Mayor Lee in a statement about the plan](#). "The arts are an integral part of this strategy."

Though steps from thriving areas like the Mission and Hayes Valley, the Central Market neighborhood has been chronically plagued with drugs, violence and homelessness for decades. Lee aims to combat this environment by bringing in new businesses.

The revitalization of the Central Market neighborhood is not a new ambition. Gavin Newsom pushed for its redevelopment during his term, as did mayors dating back to Dianne Feinstein.

"Some things will work out, some things won't," [said Gavin Newsom in a January 2010 interview with KRON about the development](#). "But we're not willing any longer to accept the status quo and argue for mediocrity in mid-Market."

The project has always been a delicate balance between revitalization and gentrification, but lately, businesses and organizations like Gray Area Foundation for the Arts, Dottie's True Blue Café, Black Rock Arts Foundation and Huckleberry Bikes have given Market Street its own voice. And in February, San Francisco's American Conservatory Theater (A.C.T.) [purchased the old Strand Theater](#), and announced plans to revitalize the building as a performance space.

It seems that the goal of a thriving neighborhood in mid-Market might actually be on the horizon.

"I think you're seeing a total resurgence," [said Lee to the Chronicle](#) on a tour of the neighborhood on Thursday. "We're on the move. This is all for real - no more talk."

"Summer of Art highlights many of the incredible organizations that call Central Market and the Tenderloin home and make this neighborhood one of the most prolific and richest artistic communities," [said Summer of Art Organizer Felice Ana Denia](#). "We are grateful to have the support of the Kenneth Rainin Foundation, North of Market Tenderloin Community Benefit District, UC-Hastings Law School and the City to allow the public to experience these performances for free."

See Summer of Art's schedule [on the city website](#), and look through our slideshow below for a few of the Central Market businesses that we're excited about:



The Orpheum



overlap.org

Gray Area Foundation for the Arts



Black Rock Arts Foundation



10 May 2012

## Proposed law would keep California farmworkers from overheating

By Rachel Cernansky



In most jobs, if you have to spend even part of your workday exerting yourself under the hot summer sun, you're likely to have drinking water nearby. And, if you don't, you probably won't be penalized for going to find some. But for many farmworkers in California, the largest agricultural producer in the country, the freedom to hydrate isn't always so straightforward.

Even as temperatures climb above 90 degrees F, many of the state's 400,000 farmworkers don't have access to shade; or the water station is too far from where they are picking a crop, and they have to put off getting a drink. And since farmworkers are so frequently paid on a piece-rate basis rather than hourly, there's strong incentive to put off that drink, if available at all, for as long as possible.

It's not that there aren't laws requiring water and shade (there are), but if you're a worker on a California farm, you're not likely to see labor inspectors patrolling the fields, making sure all the rules are being followed and workers are safe, let alone comfortable.

Farmworker advocates have been pushing on the issue for years — public attention to farmworkers and heat safety spiked in 2008, when Maria Isabel Vasquez Jimenez, 17 years old and two months pregnant, [died from heat exhaustion](#) she developed while working in California’s grape vineyards.

Two years earlier, her employer had received citations for exposing workers to heatstroke and not training them on heat safety, and a fine had been issued. But it was never collected, and the [California Occupational Safety and Health Administration](#) (Cal/OSHA) did no follow-up inspections of the company.

Now, nearly four years later, little has changed about the conditions that led to her death, nor the poorly enforced laws that enable those conditions.

Which is where the [Farm Worker Safety Act of 2012](#) enters the picture. The law would hold growers and labor contractors jointly liable if workers are not provided adequate shade and water. What happened to Maria Jimenez was an extreme case; death from heat illness is relatively rare. But the legislation is as much about improving the quality of life for workers as it is about preventing unnecessary deaths.

Farmworkers are not only vulnerable to dehydration and heatstroke, but also to other health problems like urinary and kidney infections, according to the [National Center for Farmworker Health](#). And if a worker happens to have diabetes, or another chronic illness, it can compound the risks that come with heat exhaustion generally.

Some crops are better than others. “When people are working, picking cherries or picking apricots or pears,” said Luis Magaña, director of the Organization of Farm Workers of California, “at least they have shade provided by the trees. And they have a chance to rest under the trees.”

But crops that grow in low-lying rows — asparagus, tomatoes, and grapes, for example — leave workers entirely dependent on shade their employers provide. (And it may not matter if the asparagus you’re eating is organic or not.)

Of course, if there’s no drinking water available, the situation is ultimately the same — shade or no shade. It doesn’t take a medical professional to know that prolonged physical exertion in extreme heat without proper hydration is asking for trouble.

Existing regulations allow farmworkers to file a complaint with Cal/OSHA if they are not provided adequate water or shade, and require the agency to send an inspector out within three days. But with about 200 labor inspectors to cover the state’s estimated 35,000 farms, Cal/OSHA does not often meet that requirement, according to farm labor advocates.

“Last year alone, UFW filed 75 complaints. In over two-thirds of those cases, Cal/OSHA didn’t send someone at all, let alone within three days,” said Giev Kashkooli, strategic campaigns director for [United Farm Workers](#) (UFW). Cal/OSHA would not confirm or deny the number of complaints filed.

Magaña said that generally, inspections at California farms did increase for about a year after Maria Jimenez’s death, because there was so much public attention on the issue. “But now, without the same publicity,” he said, “Cal/OSHA is not regularly visiting these places. Sometimes, but not very regularly.”

He added that when inspectors do show up, a farmer or contractor can often see them coming, and can use that time to prepare. He also said that because the inspections are so sporadic, employers can say the workers will be moving to another field soon, and shade will be provided there. “They can manipulate the situation very easily,” he said.

When inspectors do find situations to write up, it rarely amounts to much. “Fines are routinely marked down and often never collected,” Kashkooli said, adding that there’s no recourse for workers when Cal/OSHA does not come through for them.

UFW says that, using statistics from Cal/OSHA, at least a third of the farms they inspect are out of compliance with the heat illness regulation. “This means using conservative numbers for the number of farmworkers in the state, at least 140,000 farmworkers do not have basic things like shade or water every day they go to work,” said Kashkooli, adding that the law would “deliver fair consequences for the employers who choose to put farmworker lives at risk by not providing water and shade.”

The Farm Worker Safety Act would also establish a private right of action so that farmworkers can take their employers to court if Cal/OSHA does not sufficiently respond to their complaints — meaning workers could sidestep Cal/OSHA, which right now is their last resort for making sure the laws are enforced. Under the proposed legislation, a worker can take a problem up directly with his employer, rather than wait for Cal/OSHA to act, or more likely, according to UFW, to not act.

Since there’s effectively no punishment for breaking the rules the way they stand now, there’s no incentive for following them.

What this all adds up to for the workers who produce so much of our food is a pretty bleak situation: Aside from the health risks, there are the psychological effects that come both with heat stress and with being treated so poorly on a daily basis.

There are some advocates who think better enforcement of existing laws, in the form of more inspections, is what’s necessary — not new legislation. Gail Wadsworth, executive director of the [California Institute for Rural Studies](#), is one of them.

“Farmers are well aware of what they’re required to do, and the majority of farmers are meeting those regulations. But there’s always going to be outliers,” she says. “Enforcement, I think, is a better solution if the state legislature could be motivated somehow to increase funding to Cal/OSHA for inspections and follow-up.”

Wadsworth is skeptical, but not opposed to the proposed law. She’d like to see it effectively improve conditions for farmworkers, but she also believes those conditions are emblematic of a

much larger problem: the fact that farmworkers have little power under the law and in our society generally. That they are treated so often “as tools rather than as people,” she says.

“This is a complaint we hear consistently: ‘We’re looked at as being just another tool in the field.’”

As some advocates see it, the Farm Worker Safety Act, if successful, might begin to change that.

*Rachel Cernansky is a freelance journalist in Colorado. She focuses on the environment and social justice, and you can find her on [Twitter](#).*

February 10, 2012

# Labor Dept. Issues New Rules for Guest Workers

By JULIA PRESTON

The Labor Department on Friday unveiled rules that reshape a program for foreign migrants in work other than agriculture, which officials said would strengthen protections for those workers and also spur recruitment of Americans for such jobs. It was the latest move in a protracted battle between employers and the Obama administration over the nation's temporary guest workers.

The [extensive rules](#) — 575 pages long — make [important changes](#) across the program, which is known as H-2B. The changes were hailed by advocates for guest workers, who said they would make it more difficult for businesses to exploit vulnerable foreign migrants and hire them to undercut Americans.

But reflecting the divisions over the program, employers who use it regularly said the new rules, which will take effect April 23, would make the process too slow and cumbersome for their seasonal businesses and would ultimately lead to the loss of American jobs.

“This is another log in the road to derail the whole industry here,” said Jack Brooks, a crab processor from the Chesapeake Bay in Maryland who is a member of a group of employers in the H-2B program, the Coalition to Save America's Seafood Industry. “If you take the seafood people away, tens of thousands of American jobs are at risk,” Mr. Brooks said.

The H-2B program has long been used by many kinds of seasonal, mostly small, businesses, including seafood fishermen and processors, amusement parks and hotels and landscapers.

Under the new rules, the Labor Department will create a nationwide electronic registry where employers must post all jobs they are seeking to fill with H-2B workers. Also, the recruitment period of Americans is expanded, requiring employers to hire any qualified local worker who applies up to three weeks before the start of an H-2B contract.

The Labor Department also ended a labor market certification process that allowed employers to simply assert that they had searched for American workers. Now employers will have to consult formally with State Workforce Agencies to demonstrate that they could not find Americans for the jobs.

Employers will be required to pay a guest worker's transportation costs from the home country after the migrant completes half of the contract period. Employers will also have to pay for the trip home when the worker finishes the job or is dismissed early, as well as all visa fees.

For the first time, employers will be required to pay foreign workers for three-quarters of the period of a contract, even if there is no work for the migrants to perform. This provision was greeted by employers with particular alarm.

The rules will “ensure that the program is used as intended by making these jobs more accessible to U.S. workers and providing stronger protections for every worker,” Secretary of Labor [Hilda L. Solis said in a statement](#).

“Overall, we think these rules are a huge step forward,” said Jennifer J. Rosenbaum, the legal director of the [National Guestworker Alliance](#), which is based in New Orleans. “They remove incentives to try to get around hiring an unemployed American by hiring exploitable guest workers instead.” She pointed to new provisions ensuring that migrants can raise complaints and consult with unions over work conditions without retaliation from employers.

The rules sharpened the different perceptions between Labor Department officials and H-2B employers over the availability of Americans for the jobs they are offering, which involve low-wage, often strenuous work.

“We would love to have it like we had it back in the 1960s and 1970s when we had all the American workers we could get,” said Mr. Brooks, the crab processor. “Now our search for American workers is never-ending. At the end of the day we can't find local workers.”

The rules bar foreign recruiters from charging fees to workers who will come to the United States under the H-2B program. The Labor Department is seeking to eliminate foreign recruiters who saddle migrants with debts before they arrive in the United States, which workers struggle to pay off on their wages here.

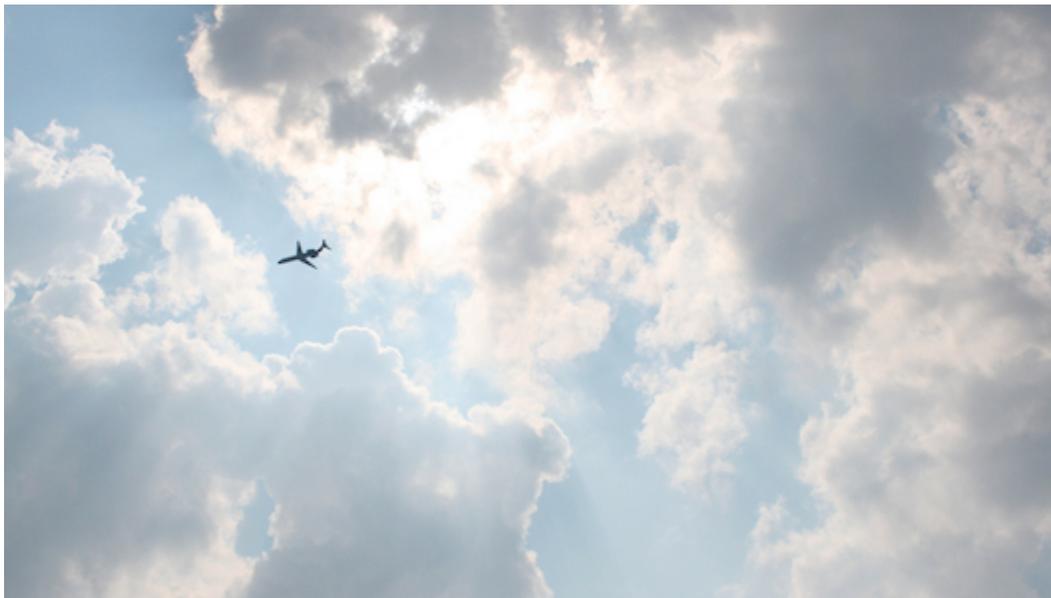
Last year, employers won one round in the H-2B fight by appealing to Congress about a separate set of Labor Department rules on wages in the program. Employers, who argued they would be forced to more than double wages, persuaded Congress to pass an amendment that blocked them from taking effect at least until October.

Posted: 04/2/2012

By Russell McLendon

## Kids to U.S. court: Who owns the air?

**A group of teens and young adults are suing the U.S. government, pushing it to protect the atmosphere as a 'public trust' asset. But first, a judge must decide whether to let an industrial trade association join the feds' defense.**



AIR APPARENT: A jet flies through scattered clouds over Milwaukee, Wis.  
(Photo: J. Jannene/Flickr)

If you enjoy public beaches, state parks or fishing piers, you can thank the sixth-century Roman emperor Justinian. He's credited with introducing the [public trust doctrine](#), a legal concept that forbids private ownership of certain natural resources, instead preserving them for public use. This idea has spread worldwide since then, protecting everything from beaches and streams to oyster beds and fish stocks.

It was an early tenet of English common law, later encoded in the Magna Carta, and also has a long history in U.S. courts, dating back to at least 1842's [Martin v. Waddell](#). During a 1983 case about water use at California's Mono Lake, the U.S. Supreme Court specifically quoted this section of Roman law to explain public trust:

"By the law of nature these things are common to mankind: the air, running water, the sea and consequently the shores of the sea." -- [Justinian Code of Rome, c. 534](#)

The court ultimately added its own, slightly more specific wording:

"[T]he public trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage." -- [U.S. Supreme Court, 1983](#)

This is all well-established by now, leaving little doubt about the state's duty to maintain public resources. But there is still some fuzziness about what exactly counts as a public resource -- and how far a government must go to protect it.

A [lawsuit](#) in U.S. District Court, however, could soon add a little more clarity. Filed by teen and twenty-something plaintiffs (and backed by environmental groups), the suit calls on federal agencies to protect the atmosphere as a public resource, including from excess carbon dioxide, methane and other [greenhouse gases](#). It's part of a broad campaign to fight [global warming](#) via the public trust doctrine, and it's mirrored by similar lawsuits or administrative actions the coalition has filed in all 50 states.

Before the federal case can proceed, though, a judge will hold a hearing Monday, April 2, to decide who the defendants are. The U.S. government is already on the hook, but an unlikely ally has volunteered to jump in as a co-defendant: the National Association of Manufacturers, which bills itself as "the nation's largest industrial trade association." The group has long opposed efforts to regulate greenhouse gas emissions -- along with many other industrial pollutants -- and lobbies to that effect on Capitol Hill. It outlines a detailed [energy and climate policy](#) on its website.

***Update — Monday, April 2:** After two hours of deliberation, U.S. District Court Judge Robert L. Wilkins decided to let the National Association of Manufacturers join the case, along with five California companies. A spokeswoman for the plaintiffs says in an email that, "While the decision was disappointing, NAM's interest and now involvement in the case is evidence not only of the merit of the case but also of its potential impact."*

The courtroom may be an odd place to fight climate change, but campaign organizers say they've lost faith in presidential or congressional leadership. "The two political branches of government are failing, so we're going to the third branch of government and saying 'hold people accountable for what they're doing,'" explains Julia Olson, executive director of [Our Children's Trust](#), one of the groups leading the effort.

The reason children are involved, she adds, is to highlight the long-term nature of investing -- or not investing -- in the public trust. "What I'm seeing is that youth humanizes climate change," she says. "They are the generation that will be most affected. They didn't create this problem, but they're working for a solution."

Human-rights group [Witness](#) is another supporter, making [a series of documentaries](#) about how climate change is affecting kids and young adults around the U.S. ([watch one below](#)). Four have

been released so far, says Witness program manager Kelly Matheson, and six more are in the works. "We started creating these films so people understand climate change is happening now," she says. "It's not something that's just going to happen down the road. Communities are being impacted today."

The idea of expanding public trust to the atmosphere is intriguing, but some legal experts have [expressed doubt](#) it will work. While past cases applied the concept to water and wildlife, those assets are more predictable and less nebulous than air, which can easily cross state or national borders. U.S. courts have also seemed reluctant to overstep the executive branch and Congress to force CO2 cuts, such as when the Supreme Court [threw out a lawsuit](#) last year that sought to label power plants' emissions a "public nuisance." Some of the state public-trust lawsuits [have already been dismissed](#), too, although Matheson says most will be appealed.

The plaintiffs remain undaunted, arguing this is about setting a precedent -- one that would apply in most nations on Earth, since the public trust doctrine has become so widespread in the last 1,400 years. "The key is that this has been enshrined in the laws of countries worldwide," Matheson says. "The public trust approach is the only globally binding, macro approach to address climate change. It applies everywhere equally, so if the U.S. has to abide by it, then so should all countries."

While the U.S. is [taking steps](#) to curb CO2 emissions, as are many businesses, Olson and Matheson say such efforts don't match the urgency of [climate forecasts](#). Scientists measure atmospheric CO2 in parts per million, and identify 350 ppm as a target for limiting the damage. We're nearing 400 ppm now, and most climate experts agree 450 ppm would be disastrous. It's still possible to get back to 350 ppm by 2100, Olson argues, but waiting only makes it harder. "If we had started reducing global emissions in 2005, we could have just reduced them by 3 percent per year," she says, citing [data](#) from NASA climate scientist James Hansen. "If we start in 2014, we'd have to do it 6 percent per year. And if we wait till 2020, that number is 15 percent."

Opponents of CO2 regulation typically point to the cost as a deterrent, often invoking economic frailty and the need to create jobs. It's a claim that still resonates in much of the U.S., although a [recent poll](#) found that 63 percent of Americans believe global warming is occurring, and about half believe humans are playing a role. Matheson says she hopes the lawsuits can raise awareness about the long-term benefits, both ecological and economic, of addressing the issue. "It's not only feasible, but it's wise economics, and it will save lives," she says.

Glori Dei Filippone, a 13-year-old Iowan and one of the youth plaintiffs, compares the situation with the need to clean her room: It stays manageable if she cleans a little at a time, but quickly gets out of hand if she procrastinates. "You can't just wait and sit back to save the Earth," she says. "You have to step forward and do it yourself."

*Check back here for updates on the case, and see [this summary](#) for more information about the plaintiffs and defendants.*

## An Inconvenient Lawsuit: Teenagers Take Global Warming to the Courts

May 9, 2012

By Katherine Ellison

*Industry giants say their case is misguided. But that isn't stopping a group of high school students from using the legal system to make environmental demands.*



Alec Loorz became a climate activist at age 12 after watching *An Inconvenient Truth* twice in one evening. (Victoria Loorz)

Alec Loorz turns 18 at the end of this month. While finishing high school and playing Ultimate Frisbee on weekends, he's also suing the federal government in U.S. District Court in Washington, D.C.

The Ventura, California, teen and four other juvenile plaintiffs want government officials to do more to prevent the risks of climate change -- the dangerous storms, heat waves, rising sea levels, and food-supply disruptions that scientists warn will threaten their generation absent a major turnabout in global energy policy. Specifically, the students are demanding that the U.S.

government start reducing national emissions of carbon dioxide by at least six percent per year beginning in 2013.

"I think a lot of young people realize that this is an urgent time, and that we're not going to solve this problem just by riding our bikes more," Loorz said in an interview.

The youth -- represented, pro bono, by the Burlingame, California, law firm of former U.S. Republican congressman Paul "Pete" McCloskey, a co-founder of Earth Day -- filed the suit, *Alec L. et. al vs. Lisa P. Jackson, et. al*, in May of last year. Defendants include not only Environmental Protection Agency Administrator Lisa Jackson but the heads of the Commerce, Interior, Commerce, Defense, Energy, and Agriculture departments. This Friday, U.S. District Court Judge Robert L. Wilkins, an Obama appointee, will hear arguments on the defendants' motion to dismiss the complaint.

While skeptics may view the case as little more than a publicity stunt, its implications have been serious enough to attract the time and resources of major industry leaders. Last month, Judge Wilkins granted a motion to intervene in the case by [the National Association of Manufacturers](#), joined by Delta Construction Company, Dalton Trucking Inc., Southern California Contractors Association, and the California Dump Truck Owners Association.

"At issue is whether a small group of individuals and environmental organizations can dictate through private tort litigation the economic, energy, and environmental policies of the entire nation," wrote National Association of Manufacturers spokesman Jeff Ostermeyer in an email. Granting the plaintiffs' demands, he added, "would carry serious and immediate consequences for industrial and economic productivity -- increasing manufacturing and transportation costs and decreasing global competitiveness." The manufacturers' legal brief says the restrictions being sought "could substantially eliminate the use of conventional energy in this country." It also argues that the plaintiffs haven't proved they have a legal right to sue.

The plaintiffs contend that they have standing to sue under the "public trust doctrine," a legal theory that in past years has helped protect waterways and wildlife. It's the reason, for example, that some state government agencies issue licenses to catch fish or shoot deer, particularly when populations are declining. The doctrine has never before been applied to the atmosphere, and it's a trickier prospect, not least because the sources of atmospheric pollution are so diffuse and wide-ranging, extending to other countries whose actions the United States may not be able to influence.

Defense attorneys have, in fact, have argued that the plaintiffs are essentially seeking for a court to make foreign policy decisions. To this, the plaintiff's attorneys counter that other nations' supposed inaction on climate change shouldn't be used as an excuse for the United States to do nothing. "That is like saying poverty exists everywhere, other countries have poverty, so it is ok for us to permit poverty," attorney Phil Gregory wrote in an email.

While teenagers serve as the public face of the lawsuit, the idea itself came from Julia Olson, an attorney based in Eugene, Oregon. Olson founded an organization called Our Children's Trust after watching the Al Gore documentary *An Inconvenient Truth* while she was seven months

pregnant. Her idea to invite kids to become plaintiffs in a suit against the government was partly inspired by her colleague Mary Christina Wood, director of the Environmental and Natural Resources Law Program at the University of Oregon. Wood has spent her career studying the public trust doctrine, most recently devising a strategy she has dubbed Atmospheric Trust Litigation to apply that theory to the climate.

Wood told Olson about a case from the Philippines, where in the early 1990s a combative environmental attorney named Antonio Oposa represented 43 children, including some of his relatives, in a class action suit to defend the archipelago's small vestige of old-growth forest from logging firms. The children's case against the country's head of Environment & National Resources was ultimately upheld by the Philippines' Supreme Court, inspiring [similar suits throughout the world](#).

Olson and other supporters of the suit believe that having kids as plaintiffs makes a particularly visceral appeal to adults to take action. Indeed, many of the adults involved said that their own children and grandchildren had inspired them. "Becoming a grandfather motivated me to speak out," said climate scientist James Hansen, the director of the U.S. NASA Goddard Space Institute and the man who first brought Loorz and Olson together. Hansen, in his free time, is a conscientious objector to U.S. energy policy who has been arrested three times at peaceful protests.

In support of the children's suit, Hansen has drawn up recommendations as to how the U.S. government can meet the greenhouse-gas reduction goals, through cuts in fossil-fuel-powered electricity and reforestation. "My talents are mainly in the sciences," he said, "but it just became so clear that no one is doing anything to prevent what is becoming scientifically a very clear picture. I didn't want my grandchildren to say that "Opa" (Dutch for "grandpa") knew what was happening but didn't do anything about it."

The tall, lanky Loorz is an especially compelling spokesman for the U.S. children's lawsuit. He became a climate activist at age 12, when, like Olson, spurred to action after watching *An Inconvenient Truth* -- in his case, twice in one evening. He went on to found an organization called [Kids vs. Global Warming](#), and traveled the world, giving more than 200 speeches at schools and other venues to more than 100,000 people altogether.

The federal suit, which was first filed in California and then relocated to Washington, D.C., was initially coordinated with a dozen similar lawsuits against individual states. Four of those suits have been dismissed, while eight are still active, according to organization spokeswoman Meg Ward. With both the executive and legislative branches having been stymied on any major climate-change progress for more than two decades, the federal lawsuit represents a kind of Hail Mary pass, trusting that courts might bring about a speedier solution.

"The judicial branch is much less influenced by special interests such as the fossil fuel industry," said Hansen, who recalled that U.S. courts have succeeded in breaking such policy logjams in the past, including in the successful cases against tobacco firms and the enforcement of racial integration during the Civil Rights battles.

When it comes to climate change, however, it's unclear how far U.S. judges may be willing to proceed. In 2009, six states, New York City, and several land trusts sued utilities operating fossil fuel-powered electricity plants, in a somewhat similar effort to cut greenhouse gas emissions. The plaintiffs argued that the emissions' contribution to climate change constituted a "public nuisance," under common law. But last June, the U.S. Supreme Court [blocked their effort](#). Writing for the court, Justice Ruth Bader Ginsburg said the U.S. Clean Air Act passed by Congress didn't allow for what she called a "parallel track" of enabling federal judges to control emissions.

While the adults continue their argument, Loorz says kids his age are much more worried about climate change than many of their parents might imagine. Indeed, one British survey found that children between the ages of 11 and 14 worry more about climate change (74 percent) than about their homework (64 percent). "I used to play a lot of video games, and goof off, and get sent to the office at school," he said. "But once I realized it was my generation that was going to be the first to really be affected by climate change, I made up my mind to do something about it."

It may seem ironic that the hyper-focused Loorz is one of the more than five million youth diagnosed with Attention Deficit/Hyperactivity Disorder. In this case, however, Loorz contends that it's the grownups who are suffering from disabling distraction. He argues that U.S. politicians are so preoccupied by the lingering economic crisis and this year's presidential campaign that they're ignoring an environmental threat that could ultimately bring about devastating consequences.

"Sometimes I do ask myself, like is there really any chance to solve this problem?" Loorz acknowledged. "I feel a lot of despair sometimes, but when I talk to Dr. Hansen, he says there is still hope, so I have to trust that he knows more than I do about this."

*Katherine Ellison is a Pulitzer Prize-winning former foreign correspondent and the author, most recently, of [Buzz: A Year of Paying Attention](#). She blogs at [katherineellison.com](http://katherineellison.com).*



## Federal Lawsuit

### Legal Update

**May 31, 2012**

Today the District Court for the District of Columbia issued a [decision](#) granting the government defendants' and fossil fuel intervenors' motions to dismiss the youth plaintiffs' case.

Statement from plaintiffs' attorney Julia Olson:

*We are obviously disappointed. Let me first say we are so proud of the youth of our nation for standing up and pursuing the only remedy that allows them a future life and planet they have a right to inherit. Regarding the decision, we respectfully disagree with the court as to the scope and effect of the federal Public Trust Doctrine. However, we agree with Judge Wilkins that “this case is about the fundamental nature of our government and our constitutional system.” That system mandates protection of our fundamental right to a healthy atmosphere, on which humanity depends. We continue to believe we are legally correct and we will be continuing our efforts on behalf of our nation’s youth.*

Statement from federal plaintiff Alec Loorz:

*The court wants us to find or even "seize" common ground with the fossil fuel industry and government. But I believe that as long as these institutions value profits and power over the survival of my generation, there can be no common ground. The government may say that we need to do something about the climate crisis, but when they continue to do nothing, the courts have to step in to protect us. That didn't happen today, but we will not give up. Our futures are at stake. We will continue fighting to protect our planet for our generation . . . and all who follow, for as long as it takes.*



## Texas judge rules that the atmosphere is protected under the public trust doctrine

By Philip Bump, 10 Jul 2012



Last May, a group of teenagers [filed a series of lawsuits](#) seeking to force the federal and state governments to take action on climate change. A key argument made in the lawsuits is that the atmosphere is a public trust — or, as described in one brief, that it is a "fundamental natural resource necessarily entrusted to the care of our federal government ... for its preservation and protection as a common property interest."

Yesterday, a state district court judge in Texas agreed.

[Our Children's Trust](#), one of the signatories to the lawsuit, [issued a press release](#) [PDF].

Judge Gisela Triana issued a written decision finding that all natural resources are protected under the Public Trust Doctrine and the state constitution of Texas in a climate change lawsuit brought by youth (*Angela Bonser-Lain, et al. v Texas Commission on Environmental Quality*, Case No. D-1-GN-11-002194). In deferring to the Texas Commission on Environmental Quality's (TCEQ) decision to deny the Plaintiffs' petition for rulemaking while other ongoing litigation over regulations ensues, the Judge concluded that the TCEQ's determination that the Public Trust Doctrine is exclusively limited to the conservation of water, was legally invalid. ...

In her written decision, Judge Triana declares, “The Court will find that the Commission’s conclusion, that the public trust doctrine is exclusively limited to the conservation of water, is legally invalid. The doctrine includes all natural resources of the State.”

Michael Cote has a good summary of the legal significance in [a post at his blog, Climate Adaptation](#).

Our Children’s Trust, which won the lawsuit and put out a press release just moments ago, states, “The case relies upon the long established principle of the public trust doctrine, which requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival.”

It’s long been established that open bodies of water are “in trust” of the public, and therefore must be managed for protection in perpetuity by the government. The case is huge. It expands (or reaffirms) that air is also a public trust, and therefore falls under protection for all.

Cote suggests that the ruling will have implications for environmental protection across the country — though it’s safe to assume that the decision would be appealed before more reluctant states take any action.

*Philip Bump writes about the news for Gristmill. He also [uses Twitter](#) a whole lot.*

## Oil lobby's financial pressure on Obama over Keystone XL pipeline revealed

Study shows money flowing to oil lobby ahead of decision on tar sands pipeline in the November elections

Suzanne Goldenberg, US environment correspondent

Wednesday 11 January 2012



Protesters in front of the White House in September 2011 demonstrate against the Keystone XL pipeline. Photograph: Pete Marovich/Corbis

New analysis of [oil](#) industry contributions to members of Congress has revealed the level of the oil lobby's financial firepower that Barack Obama can expect to face in the November elections if he refuses to approve the Keystone XL tar sands pipeline.

Obama has until 21 February to make a decision on whether to approve the pipeline, under a compromise tax measure approved late last year. America's top oil lobbyist [warned last week that the president would face "huge political consequences"](#) if he did not sign off on the project to pump tar sands crude across the American heartland to refineries on the Texas coast.

The Canadian government is also on the offensive, with [an attack this week](#) on "jet-setting celebrities" opposed to tar sands pipelines. At the same time, TransCanada executives have embarked on [a letter-writing campaign](#).

Now Maplight, an independent research group in Berkeley, California, that tracks the influence of money in politics, has conducted [an analysis of oil industry contributions to members of Congress supporting the pipeline](#).

The study, which is due to be published on Wednesday, studied industry contributions to members of the House of Representatives which passed a bill last July that would have forced Obama to speed up approval of the Keystone project.

The analysis did not include the Senate, which did not pass the bill last July but where there is a strong push now from Republicans to get Obama to approve the pipeline.

Maplight found only two of the 118 members of the House of Representatives who list oil and gas industry among their top 10 campaign contributors opposed fast-tracking the pipeline. The two hold-outs were Ed Markey, the Massachusetts Democrat who headed the global warming committee that has since been disbanded by the Republican leadership in the house, and Charlie Bass, a New Hampshire Republican.

Only 10 of the 195 members of the House of Representatives who list the oil and gas industry among their top 20 contributors opposed the bill. In all, the oil and gas industry has given nearly \$12m in direct contributions to members of Congress in the last two years, Maplight said.

Here's a look at some of the oil and gas industry's favourite members of Congress as compiled by Maplight – all members of the \$100,000 club, and all supporters of a bill to push Obama to pass the pipeline – along with some of their recent statements on the Keystone tar sands project.

- From Steven Pearce, the New Mexico Republican, who heads the list, receiving \$370,000 in direct contributions from the oil and gas industry in the two years from July 2009-July 2011. "It is time to put the political games aside," the congressman [said on his website](#) last month. "We must all work together to ensure the culmination of projects, such as the Keystone pipeline."
- Mike Pompeo, the Republican who represents the Wichita Kansas hometown of the oil billionaire Koch brothers, comes in number two on the list with \$333,156 in industry contributions. Pompeo is also the main recipient of Koch political funds, [according to another organisation tracking money and influence, Opensecrets.org](#).
- Bill Flores, a former oil company executive and a Republican from central Texas who received \$266,184 in industry funds according to Maplight during the debate on the Keystone bill last July, [has said](#): "If we do not tap this valuable resource, the Chinese or other countries will."
- Dan Boren, an Oklahoma Democrat who received \$201,800, said the pipeline would create "tens of thousands of new jobs" – claims that have been debunked by economists.

And other proponents of the pipeline, from Texan Ted Poe to Louisianan Steve Scalise, have regularly disparaged opponents to the Keystone XL as "radical environmentalists who are against jobs".

## Rank of Oil & Gas as a Contributing Interest Group

Name / Vote on HR 1938 [the act to "direct the president to expedite the consideration and approval of the construction and operation of the Keystone XL oil pipeline, and for other purposes"] / Total contributions from oil lobby (1 July 1, 2009 – 30 June 30, 2011)

1 – Rep. Steven Pearce [Republican] / AYE / \$370,020

2 – Rep. Mike Pompeo [R] / AYE / \$333,156

3 – Rep. Bill Flores [R] / AYE / \$266,184

4 – Rep. Cory Gardner [R] / AYE / \$205,124

5 – Rep. Dan Boren [D] / AYE / \$201,800

6 – Rep. John Sullivan [R] / AYE / \$179,200

7 – Rep. Jeff Landry [R] / AYE / \$176,050

8 – Rep. Tim Griffin [R] / AYE / \$164,709

9 – Rep. James Lankford [R] / AYE / \$156,760

10 – Rep. Rick Berg [R] / AYE / \$151,561

11 – Rep. Michael Conaway [R] / AYE / \$136,850

12 – Rep. Tim Murphy [R] / AYE / \$133,700

13 – Rep. Dennis Rehberg [R] / AYE / \$133,152

14 – Rep. Steve Scalise [R] / AYE / \$125,335

15 – Rep. Francisco Canseco [R] / AYE / \$121,767

16 – Rep. Pete Olson [R] – AYE – \$106,400

17 – Rep. Tom Cole [R] / AYE / \$103,400

# Los Angeles Times

## Proposition 29 and the contributions of political campaigns



Proposition 29 spending has contributed in a small way to California's economy.  
(Los Angeles Times/April 26, 2012)

By Karin Klein  
April 26, 2012

No matter how you feel about Meg Whitman, head of Hewlett-Packard, former head of eBay, you'd have to concede that one of her biggest contributions to the California economy was as candidate for California governor. She lavished about \$160 million on her failed campaign, and we'd have to guess that most or all of that was spent within the state.

It might be hard to get the engine of California's economy revving again, but we do get a good, if short-term, cough out of political campaigns, and the most recent proof of this is the spending on Proposition 29, the initiative that would impose an extra dollar-per-pack tax on cigarettes and use most of the proceeds on medical research for cancer and cardiovascular and lung diseases.

As The Times prepares to go to print Friday with its editorial recommending which way to vote on the proposition (and it could be a mistake to infer anything about that editorial's conclusions based on anything written here), the latest figures on campaign expenditure have come out. The

two biggest contributors to campaign for 29, according to [MapLight](#)'s voter guide, are the American Cancer Society and the foundation started by bicyclist Lance Armstrong, a cancer survivor, with the two giving about \$1.5 million each. Overall, the pro-campaign has raised \$4.5 million.

Unsurprisingly, the forces against the tax have outspent them by huge margins -- almost \$24 million contributed to the No on 29 campaign, almost all of it from Big Tobacco. That's minor stuff compared with Whitman, but it does buy a whole lot of air time. Chances are you've noticed that on the airwaves lately.

Contributing to the California economy? In a way. In a very small way, compared with what smoking costs the state -- about [\\$9 billion](#) a year in added medical expenses, according to the Centers for Disease Control and Prevention, with almost \$3 billion of that picked up by taxpayers to provide treatment via Medi-Cal. An additional \$8 billion is lost in productivity, and the costs per pack of cigarettes easily outstrips the actual price the smokers pay.

# Bloomberg

## California Tobacco Tax Pits Lance Armstrong Versus Altria

By Alison Vekshin  
May 22, 2012

Lance Armstrong, the cycling champion and cancer survivor, is putting \$1.5 million behind a ballot measure to add \$1 a pack to California's [cigarette](#) tax, even as the tobacco industry has put up most of \$40.7 million aimed at stopping it.

Voters in the June 5 presidential primary election will decide whether to raise the tax to \$1.87 a pack and steer the additional revenue toward cancer research and stop-smoking programs. Leading the opposition are Altria Group Inc. (MO) and Reynolds American Inc. (RAI), the parent of R.J. Reynolds Tobacco, the two biggest sellers in the U.S.



Livestrong Foundation Founder  
and Chairman Lance Armstrong.  
Photographer: Ramin Talaie/Bloomberg

“I resent the tobacco industry’s ability to influence public policy in their favor, time and time again, for a product that kills when used as directed,” Armstrong said through a spokeswoman, Katherine McLane.

His nonprofit cancer charity, Livestrong, is supporting Proposition 29 along with the American Cancer Society and the American Heart Association. Armstrong overcame testicular cancer to win the Tour de France seven times.

If the measure is approved, California would become the latest state using a tax increase to raise the price of tobacco products to discourage smoking. Consumers pay the highest state tax at \$4.35 a pack in New York, according to the Centers for Disease Control and Prevention. Nationally, the [average](#) state tax is \$1.46.

The proposed California increase would push the average price of a pack to about \$7.50, said Brian Miller, a spokesman for the Equalization Board, the state’s tax administrator, citing the nonpartisan Legislative Analyst’s Office.

## **Unchanged Since 1998**

Smoking is the leading cause of preventable death and illness in the U.S., according to the CDC. The agency said California hasn't raised its 87-cents-a-pack tax since 1998.

Altria, through its subsidiary companies Philip Morris USA, John Middleton Co. and U.S. Smokeless Tobacco, has given a combined \$27.3 million to defeat Proposition 29, according to campaign [data](#) compiled by MapLight, a nonpartisan research organization based in Berkeley that tracks campaign donations.

“Altria opposes additional targeted tax increases on tobacco,” David Sutton, a spokesman for Richmond, Virginia-based Altria, said by e-mail. He called the ballot initiative a “flawed” measure.

Reynolds American's R.J. Reynolds Tobacco, American Snuff and Santa Fe Natural Tobacco units gave \$12.1 million, according to MapLight data. Reynolds, based in Winston-Salem, North Carolina, announced in March that it plans to cut 10 percent of its U.S. workforce by the end of 2014 as demand for cigarettes wanes. A Reynolds spokesman, David P. Howard, referred questions to a coalition opposing the measure.

## **Republican Party Donor**

The California Republican Party contributed \$1.2 million to fight the proposal, according to MapLight.

“I can think of a lot better uses for \$40 million, like saving lives from cancer and other lethal diseases caused by tobacco,” Armstrong said.

[Opponents](#) say the initiative creates a nine-member committee to administer the funds that would duplicate existing programs and have little accountability to taxpayers.

“The language in the initiative is so ambiguous that it leaves opportunity for fraud and personal benefit,” George Runner, a member of the Equalization Board who spoke for the opposition, said by telephone. “And there is no ability for the Legislature to step back in and correct those loopholes.”

The proponents have raised about \$8.6 million, according to MapLight, including \$500,000 from New York Mayor Michael Bloomberg and \$10,000 from Marc Benioff, chief executive officer of San Francisco-based Salesforce.com Inc. (CRM), the largest seller of online customer-management software. The mayor is founder and majority owner of Bloomberg News parent Bloomberg LP.

## **\$735 Million Tax**

The tax would generate about \$735 million a year by fiscal 2014, the legislative analyst estimated.

The committee would be subject to audits, and there are provisions in the measure to guard against fraud and conflict of interest, said Jim Knox, vice president of legislative advocacy in the California division of the American Cancer Society, in a telephone interview.

“This is a smokescreen from the tobacco companies,” Knox said. “They’re donating this money because they know that increasing the tax will reduce sales and cut their profits.”

The \$49.3 million raised in the cigarette-tax battle falls short of a state record, said Daniel Newman, MapLight president. Proposition 8, the 2008 measure that put an end to same-sex marriages in California, garnered nearly \$107 million, according to the Helena, Montana-based National Institute on Money in State Politics.

### **Financial Stakes**

The amount of cash flowing into the opposition effort isn’t unusual, Newman said.

“When there’s a financial interest in the success or failure of the initiative, the corporation can afford to spend as much as it needs because of the financial stakes involved,” Newman said.

Matthew Lanford, 41, owner of Santa Barbara Cigar & Tobacco, gave \$1,000 in March to oppose the measure.

“A dollar on a pack of cigarettes -- people will adjust to that,” Lanford, who has owned his business for 16 years, said by telephone. “They are \$10 a pack in New York and people are still buying them.”

Smokers will go to neighboring Nevada or Arizona and buy cartons at a time, he said. The state excise tax is 80 cents a pack in Nevada and \$2 in Arizona, according to the CDC’s Office on Smoking and Health.

### **Test for Brown**

The outcome of California’s cigarette tax vote may indicate the level of support for Governor Jerry Brown’s ballot initiative in November that would temporarily raise income and sales taxes to help close a \$15.7 billion budget deficit.

“We will know a lot more on June 5, when that tobacco tax measure is voted on,” said Bill Whalen, a fellow at the Hoover Institution at Stanford University, near Palo Alto.

“If California voters do not sign off on an increase of cigarette taxes in a very nonsmoking state, and punishing tobacco companies that nobody likes, courtesy of ads featuring a cancer victim and Lance Armstrong, I’m not sure what tax increase can pass.”



## Cigarette showdown as Californians vote on tax

By the **CNN Wire Staff**  
June 5, 2012

(CNN) -- California voters Tuesday will decide on Proposition 29, a proposed tax on cigarettes that spiraled into a \$60 million battle

The new law would raise taxes on every pack of cigarettes by \$1, yielding an estimated \$735 million a year for the state. About three-quarters of that would go to cancer research.

"The American Cancer Society, the American Heart Association and the American Lung Association wrote the initiative carefully," Lori Bremner of the American Cancer Society told CNN's "Sanjay Gupta MD."

"The money is going to be invested in cancer research here in California and on tobacco prevention and cessation programs to protect kids and reduce smoking here in California."

Studies show the tax will help decrease smoking and save lives, she said.

But those opposed slam the tax as a misguided burden in an already tough economy.

"What we're seeing in the state of California is a lot of frustration on the part of our citizenry that it's just another tax," said Dr. Marcy Zwelling, a general practitioner. The tax, she said in an interview with CNN, "goes to build bigger bureaucracy, build business, build buildings, not necessarily to go to cancer research."

The opposition in California has been fueled by a huge influx of cash from big tobacco. About \$47 million has been raised in efforts -- including TV advertising -- to defeat "Prop. 29," including \$27.5 million from Philip Morris and \$11 million from R.J. Reynolds, according to figures from MapLight, a nonpartisan research firm.

About \$12 million has been raised in support of the bill, including \$8.5 million from the American Cancer Society and \$1.5 million from the Lance Armstrong Foundation, known as Livestrong. Armstrong himself has appeared in ads urging people to "vote yes on 29." (Gupta, CNN chief medical correspondent, is a board member of the foundation.)

There is already an 87-cent tax on each pack of cigarettes in California.

According to California's official voter guide, the health groups behind Prop. 29 say it will "save lives, stop kids from smoking, and fund cancer research," while those opposed say the initiative "doesn't require revenue be spent in California to create jobs or fund schools."

Bremner insists the campaign against Prop. 29 has traded in "deceptions." The biggest misconception is that the money collected "will be somehow wasted or used otherwise," she said.

But Zwelling says it will heavily affect poorer Americans, who are more likely to smoke. And other efforts, including the state's ban on smoking in public places, have succeeded at pushing people to quit smoking, she says.

John Seffrin, CEO of the American Cancer Society, says if the bill passes, "It would make California the second-largest funder of cancer research after the (National Cancer Institute) in the entire country." Some grant proposals that currently go unfunded would find a source of revenue, he said. "So, it's a tremendous opportunity for California to do the right thing -- not only for California, but for the whole world."



## California voters reject raising tobacco tax

Wed, Jun 6 2012

By Jim Christie

SAN FRANCISCO (Reuters) - California voters narrowly rejected a ballot measure that would have added a \$1 tax to a pack of cigarettes in the state's primary election Tuesday, an outcome observers attributed to a \$47 million ad blitz by the tobacco industry.

The measure, known as Proposition 29, was defeated 50.8 percent to 49.2 percent on a day of light voter turnout, according to election results posted on Wednesday by California's secretary of state. Some absentee and other ballots remained to be counted.

The result reflected a long-standing political divide in California, with San Francisco Bay area counties heavily supporting the measure, while conservative suburban counties in more populous Southern California overwhelmingly opposed it.

Revenue from the proposed tax, estimated at \$735 million in its first year, would have supported medical research on tobacco-related diseases and programs to prevent and control tobacco use.

The measure, championed, among others, by the American Cancer Society and cycling great and cancer survivor Lance Armstrong, had enjoyed a commanding lead in polls earlier in the year.

But opponents, led by Altria's Philip Morris and Reynolds American Inc, vastly outspent their rivals, blanketing the airwaves in much of the state in recent weeks with a message that cast doubt on how the new tax revenues would be spent.

The result mimicked a 2006 effort at increasing tobacco taxes, which voters also rejected after a fierce industry-sponsored ad campaign.

California voters last approved a measure to increase the state's tobacco tax in 1998. It narrowly passed.

### MEASURE OVERWHELMED BY ADS

Support for Proposition 29 was hampered by concerns that revenue from the tax would not go to public services, such as schools and policing, which have had their budgets slashed, said Mark DiCamillo, director of The Field Poll, which tracks California's public policy and political issues.

DiCamillo added that older, more conservative voters opposed to the measure likely had an outsized influence in an election marked by low turnout.

According to California's secretary of state, only 24 percent of registered voters cast ballots on Tuesday. That figure will increase as counties finish counting outstanding ballots.

Democratic Governor Jerry Brown unveiled a revised state budget plan last month that projected a \$15.7 billion deficit. He proposed closing it with spending cuts to healthcare for the poor and elderly, savings from reduced work hours for state employees and new revenue from tax increases he plans to put to voters in a ballot measure in November.

If voters reject Brown's proposal - it would raise the state sales tax and income tax rates for wealthy taxpayers - he has said an additional \$6 billion in spending, including \$5.5 billion on schools and community colleges, would need to be cut later this year.

"This measure (Proposition 29) wasn't going to do anything to fix that," said Joel Fox, president of the Small Business Action Committee and a member of the coalition that opposed it. "It creates another walled-off account the governor and the legislature can't get to in difficult times."

The money poured into California to broadcast that message and others - including claims that revenue raised by the measure could be spent outside the state - overwhelmed supporters of Proposition 29, said Stanton Glantz, director of the Center for Tobacco Control Research and Education at the University of California, San Francisco.

The medical school's foundation contributed \$50,000 to the campaign in favor of Proposition 29, according to MapLight, a nonpartisan research group.

The measure's opponents "basically went unanswered for a very long time," Glantz said, adding that supporters failed to raise sufficient funds early for a sustained offensive to offset the deep pockets of the tobacco industry.

The two sides raised over \$59 million for the campaign, with proponents raising over \$12 million of that, according to MapLight.

"Had the health groups had a little more money a little bit earlier, they probably would have prevailed," said Glantz, who noted that there was a slim chance that vote-by-mail, provisional and damaged ballots that have yet to be processed could give Proposition 29 a victory.

The margin of victory was 63,000 votes out of 3.85 million votes cast.

## Gov. Cuomo's 2012 State of the State address



New York State Governor Andrew Cuomo delivers his second State of the State address at the Empire State Plaza Convention Center on Wednesday Jan. 4, 2012 in Albany, NY. (Philip Kamrass / Times Union )

### Implement Campaign Finance Reform

It's time we make sure that all New Yorkers have an equal voice in our political process. Therefore, it is imperative that we implement real campaign finance reform and provide citizens with a voice in the very foundation of democracy — the ballot box.

New York currently ranks 48th in voter turnout in the nation. Moreover, according to the Campaign Finance Institute, a smaller percentage of the population gives to candidates for election to state office in New York than in any other state.

We must reconnect the people to the political process and their government.

First, we must achieve fundamental campaign finance reform by implementing a system of public funding of elections. New York City's public financing system provides a good model for statewide reform. The system has helped to increase the number of overall contributors — and especially the number of small donors — in city elections. To make sure we are protecting

taxpayers, we will enact strict limits on total public funding per election, and we will phase the system in gradually.

Second, we must lower contribution limits. For most offices, New York State's contribution "limits" are substantially higher than those of any other state that imposes limits. Further, existing contribution limits for corporations are riddled with loopholes. In short, the state's campaign finance laws fail to prevent the dominance of wealthy contributors and special interests.

Third, we must enact pay-to-play rules to further restore the public trust. Companies and individuals who do business with the state should have no undue influence over elected officials. Accordingly, we must enact low contribution limits for public contractors and lobbyists.

Fourth, we must improve the enforcement of our state's campaign finance laws by creating a new enforcement unit in the State Board of Elections with the independence and authority to investigate alleged violations.

## Governor, who raised \$34.8M, seeks change

By JIMMY VIELKIND, Capitol bureau  
Thursday, January 5, 2012

ALBANY — If you want to donate money to a candidate for governor, New York will do the least to limit you.

But if Gov. Andrew Cuomo has his way, that will change. During his State of the State presentation on Wednesday, Cuomo skipped over one hot topic of reform — his desire for nonpartisan redistricting — but called for system of public finance for campaigns.

"I'm going to be sending you a bill on campaign finance reform that puts public financing, matched contributions, lower limits and increased enforcement at the Board of Elections," Cuomo said toward the end of his speech. "Let's have elections that New Yorkers can be proud of also. Let's have campaign finance reform and let's do it this year."

Good-government advocates have long said New York's limits are out of whack: An individual may donate \$60,800 to a gubernatorial candidate (the median limit of all 50 states is \$5,000, according to the National Conference of State Legislatures) and an unlimited amount to a party's "housekeeping" committee.

In his 2010 campaign platform, Cuomo included a pledge to move toward public financing, where small donations are matched with a common pool of taxpayer dollars. But his declaration Wednesday surprised many with its prominence and strength.

"We've never seen this kind of up-front support from a governor before," said Susan Lerner, executive director of Common Cause.

Cuomo has been a prodigious fundraiser, raking in \$34.8 million for his successful 2010 run — four times that of his Republican opponent, Carl Paladino, according to an analysis by the New York Public Interest Research Group. He has continued raising at a brisk clip, holding a birthday party last month where guests paid as much as \$2,500 a ticket.

Until now, Cuomo's reform rhetoric has focused in other areas; while Assembly Democrats favor public financing, Senate Republicans have historically opposed it. He brokered a bill requiring legislators to disclose more of their outside income and creating a new commission to serve as the Capitol's ethics watchdog.

He also has vowed to veto new district lines that are not drawn by an independent, non-partisan panel. They are currently drawn by LATFOR, which is jointly controlled by Senate Republicans and Assembly Democrats who deal with the houses they respectively control.

Cuomo did not reiterate his redistricting threat in the speech, something many legislators noticed. (It did appear in a print copy of the speech.) Was he backing off? Offering a new chip for bargaining — figuring Senate Republicans who have resisted both public financing and redistricting changes could pick the lesser of two evils?

Dick Dadey, executive director of Citizens Union, said it was just a question of timing.

"Redistricting is going to be off the table fairly soon, one way or another," he said. "There's been a lot of advocacy around the need for campaign finance reform, and the governor wanted to focus his reform agenda on ethics and redistricting before getting to it. Now there's plenty of room to pick up the gauntlet on it."

**New York**

**Cuomo Plan for N.Y. Campaign Laws  
Applauded as Model by Reform Groups**

*By Gerald B. Silverman*

ALBANY, N.Y. – Good government groups from Albany to Washington praised Gov. Andrew M. Cuomo (D) Jan. 5 for his proposal to implement public campaign financing in New York state, saying the system would be a national model for other states.

Cuomo proposed comprehensive campaign finance reform, lobbying reform, and creation of a redistricting commission in his State of the State message to the Legislature on Jan. 4.

Cuomo proposed a public financing system that would be phased in gradually and modeled after the system in New York City. He said the system would have “strict limits on total public funding,” as a way to protect taxpayers. The governor also called for lowering contribution limits and closing loopholes for corporations.

“It’s time we make sure that all New Yorkers have an equal voice in our political process,” Cuomo said in his speech. “Therefore, it is imperative that we implement real campaign finance reform and provide citizens with a voice in the very foundation of democracy — the ballot box.”

“New York currently ranks 48th in voter turnout in the nation,” Cuomo said. “Moreover, according to the Campaign Finance Institute, a smaller percentage of the population gives to candidates for election to state office in New York than in any other state. We must reconnect the people to the political process and their government.”

Cuomo also proposed enacting new rules to limit what he called “pay-to-play” by lobbyists; creating an enforcement unit at the State Board of Elections to investigate alleged violations of campaign finance laws; and appointing an independent commission to redraw district lines in the state.

“If Gov. Cuomo’s proposal is enacted, it could well become a model for campaign finance laws across the nation,” Michael Malbin, executive director of the Washington, D.C.-based nonprofit Campaign Finance Institute, said in a statement.

A coalition of nine New York-based good government groups said they will mobilize their organizations to generate grass roots support for the campaign finance plan.

“It could make New York a national example of how to revitalize our democracy at all levels,” Michael Waldman, executive director of the Brennan Center for Justice at the New York University School of Law, said in a statement released by the coalition.

“Meaningful campaign reform would curb corruption and boost accountability. It is the single most important next step to transform Albany. We welcome the Governor’s leadership on this issue and are looking forward to helping him make these reforms a reality.”

*By Gerald B. Silverman*

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*Cuomo’s speech is available at <http://www.governor.ny.gov/assets/documents/Building-a-New-New-York-Book.pdf>*

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## Making case for public funding of political campaigns

By Aaron Besecker, News Staff Reporter  
April 6, 2012

Demonstrators came to downtown Buffalo on Thursday to call for publicly funded political campaigns in New York State.

Organizers said about two dozen people staged a late-morning picket outside the Erie County Board of Elections on West Eagle Street.

Featured in their argument was a newly released analysis of data from the state Board of Elections by Common Cause New York on contributions made to two area state senators.

According to their figures, the vast majority of the donations that have been made to State Sens. Timothy M. Kennedy, D-Buffalo, and Mark J. Grisanti, R-Buffalo, through January have come from outside their Senate districts, and most of the money raised has come from donations in amounts greater than \$2,500.

Participants in the demonstration included members of Citizen Action of New York; Local 1199, Service Employees International Union; PUSH Buffalo; the Coalition for Economic Justice; and Communications Workers of America union members.

A shift toward public financing of campaigns “allows the little guy to have as much weight and influence on their legislators as the big money corporations,” Jim Anderson, vice president of Citizen Action of New York, said in a written statement.

In response to a reporter’s questions, Kennedy released a four-paragraph statement, through spokesman John Mackowiak Jr., in which he said he and other lawmakers are reviewing the potential effects of public financing, but also that he supports lowering contribution limits and closing corporate loopholes.

He has received more than 1,200 individual donations from Western New Yorkers since he began his run for the Senate, and 80 percent of the donations he’s received since taking office in the Senate have been individual contributions, Kennedy said.

He also said many donations from outside the region have been from organizations and companies that represent Western New Yorkers.

A spokesman for Grisanti had no comment.

The event in Buffalo was among a number held across the state Thursday.

“Our current system undermines the very essence of democracy and advantages big money donors over the needs of average voters,” Common Cause New York Executive Director Susan Lerner said in a statement. “Public policy shouldn’t be set by the highest bidder.”

Citizen Action of New York has ties to former Democratic State Sen. Antoine Thompson. Danielle N. Judge, a former Thompson aide, was one of the organizers of Thursday’s event. Judge said there was no connection between Thompson and the demonstration. Grisanti defeated Thompson in the 2010 election.

In October 2010, Citizen Action members were among those who announced they planned to picket a Republican fundraiser in North Buffalo where then-House Minority Leader and now House Speaker John A. Boehner made an appearance.

SEIU Local 1199, some CWA locals and Citizen Action were among the sponsors of a December 2011 fundraiser for Occupy Buffalo.

## How to beat Citizens United

By E.J. Dionne Jr., Published: April 22, 2012

We are about to have the worst presidential campaign money can buy. The Supreme Court's dreadful *Citizens United* [decision](#) and a somnolent Federal Election Commission will allow hundreds of millions of dollars from a small number of very wealthy people and interests to inundate our airwaves with often vicious advertisements for which no candidate will be accountable.

One would like to think that the court will eventually admit the folly of its 2010 ruling and reverse it. But we can't wait that long. And out of this dreary landscape, hope is blossoming in the state of New York. There's irony here, since New York is where a lot of the big national money is coming from. No matter. The state is considering a campaign finance law that would repair some of the *Citizens United* damage, and in a way the Supreme Court wouldn't be able to touch.

The idea is that to offset the power of large donors, citizens without deep pockets should be encouraged to flood the system with small contributions that the government would match. Gov. Andrew Cuomo (D) has [pledged to a state overhaul](#) of this sort, based on the one already in force for New York City elections. In his state of the state address in January, Cuomo spoke of how urgent it is to "reconnect the people to the political process and their government." He could make himself into a reform hero across the country if he and the Legislature created a model law for other states, and the nation.

The New York City program is straightforward: The government gives participating candidates \$6 in matching funds for every dollar raised from individuals who live in the city, up to the first \$175. At a maximum, this means a \$175 contribution is augmented by \$1,050 in public funds. That's a mighty incentive for politicians to involve more citizens in paying for campaigns. In the city system, participating candidates have to live within certain spending and contribution limits. In a new statewide system, there are likely to be no spending restrictions but lower limits on contributions.

The beautiful thing is that this approach should answer most of the criticisms offered by those who defend the *Citizens United* world. I say "should" because advocates of current arrangements will find a way to oppose any reforms. But the New York Revolution, if it happens, would undercut many of their arguments — including their constitutional claims.

The New York reform does *not* limit anyone's capacity to participate. It creates incentives for more people to participate. It does *not* reduce the amount of political speech. It expands the number of people speaking through their contributions. It does *not* protect incumbents. On the

contrary, it opens the way for candidates who might otherwise be driven from the competition by established politicians with access to traditional funding sources.

In short, it makes our democracy democratic again.

And it works. A study of the New York City program published recently by Michael Malbin, executive director of the nonpartisan [Campaign Finance Institute](#), and his co-authors Peter W. Brusoe and Brendan Glavin [concludes that the evidence](#) “suggests that multiple-matching funds can stimulate participation by small donors in a manner that is healthy for democracy.”

In particular, they discovered that the reform substantially increased involvement by residents of poor and minority neighborhoods. Suddenly, politicians are hanging around with people other than those with yachts, private jets and complicated tax breaks. Malbin and his colleagues put it more soberly: A matching-funds approach means politicians “spending time with a more diverse set of constituents than he or she would if all of his or her fundraising engaged the upper middle class and rich.”

As for those who object to “taxpayer financing of elections,” consider that a candidate doesn’t get a dime unless he or she raises money from willing private donors. Besides, the Malbin paper notes, “political and civic participation are public goods” and elections “are, after all, the public’s business.” Conservatives fond of vouchers in so many other areas should see this as an opportunity to create Democracy Vouchers.

It will take courage for incumbent politicians to risk establishing a bold new system that could put some of them in danger. But in the course of our history, New York has been a proudly innovative place. A nation looking for a way out from under the money regime created by *Citizens United* badly needs the example of politicians who believe in democracy enough to democratize the mother’s milk of politics.

April 11, 2012

## Wealthy Group Seeks to Reform Election Giving in New York

By THOMAS KAPLAN

ALBANY — An unusual and well-heeled coalition, trying to tap public anger over the flood of money into politics, is pushing to enact a public financing system for elections in New York State.

The backers include media moguls — Barry Diller and Chris Hughes, a founder of Facebook — as well as investment bankers, unions, MoveOn.org, the restaurateur Danny Meyer and the philanthropist David Rockefeller Sr.

They say New York, which they call a symbol of institutionalized corruption, could become a national model for the effort to free elections from the grip of big money. The campaign will start next week with mailings to the constituents of four state senators.

For years, government watchdog groups have pressed unsuccessfully for public financing of elections. Leaders of the coalition say the Citizens United ruling and the role of “super PACs” in the presidential race have made campaign finance a more broadly understood and urgent issue.

“Right now people are feeling a little bit helpless about super PACs and how to get money out of the system at the federal level,” said Sean Eldridge, Mr. Hughes’s fiancé, who runs an investment fund and is a leader of the effort. “An opportunity to pass campaign finance reform in New York is an opportunity for people to do something — to actually be able to pass a bill, to make progress.”

The coalition, called New York Leadership for Accountable Government, is notable for its diversity and its well-known names: its roster includes Jonathan Soros, the son of the philanthropist George Soros; Jerome Kohlberg, a co-founder of Kohlberg Kravis Roberts & Company; and several former elected officials, including Mayor Edward I. Koch.

The group is also supported by the Committee for Economic Development, a nonpartisan public-policy group backed by executives from dozens of Fortune 500 companies. The committee is holding meetings in New York this month to encourage business leaders to join the coalition.

Many of the executives involved have given generously to candidates in the past.

“With this effort, you have people who are big donors, who are involved with the campaign system, saying: ‘You know what, this doesn’t make sense. This isn’t what democracy is

supposed to be about,' ” said David L. Calone, a venture capitalist based on Long Island who has raised money for Democratic candidates.

New York’s campaign finance system is among the least restrictive in the nation, with individuals permitted to give up to \$60,800 to candidates running for statewide office. The median cap among states that limit contributions is \$5,000 for candidates for governor, [according to the National Conference of State Legislatures](#).

The proposal the coalition is pushing would be modeled after the system that New York City adopted in 1988: in return for abiding by limits on their spending, city candidates can receive \$6 in public funds for each of the first \$175 city residents donate.

The group sees the successful campaign to pass same-sex marriage in New York as a blueprint for its effort. Like same-sex marriage, public financing has been embraced in the past by the Democratic-led State Assembly, but blocked by the Republican State Senate.

Gov. Andrew M. Cuomo’s response will be pivotal: Mr. Cuomo ran for governor on a platform that included enacting public financing, and in his State of the State address in January, he promised to push for it in the legislative session this year. But he has not pressed the issue since then, and he has raised prodigious amounts of money under the existing rules.

Asked at a news conference last month if he still planned to pursue public financing, Mr. Cuomo responded, “Yes.” He did not elaborate, and a spokesman declined to comment on Wednesday.

Coalition leaders said they were prepared to spend more than \$1 million promoting public financing, but they acknowledged that it could take beyond this legislative session to persuade lawmakers to embrace their proposal.

The issue could be sensitive for Mr. Cuomo. Some liberal leaders and government reform groups are unhappy that Mr. Cuomo broke his promise to veto redistricting maps drawn by incumbent lawmakers, and they are hoping that the governor will make campaign finance his next big cause.

National groups are also getting involved. MoveOn.org, for instance, is planning to e-mail its members next week to rally them in support of the cause.

“Our New York members will be watching to see if Governor Cuomo shows leadership on the issue,” said Justin Ruben, MoveOn’s executive director.

The campaign will get under way as lawmakers return from a two-week recess next Tuesday.

At the outset, the Public Campaign Action Fund, a group based in Washington that supports public financing, is paying for direct mail advertising to target four Republican senators who some advocates believe could be receptive to the proposal: Martin J. Golden of Brooklyn, Gregory R. Ball of Putnam County, Roy J. McDonald of Saratoga County and Mark J. Grisanti of Buffalo. Voters in each senator’s district will soon receive a mailer featuring a photograph of

the State Capitol awash in \$100 bills and declaring, “It’s time Albany put voters before big-monied corporate lobbyists.”

Asked about the irony of wealthy donors pledging money to an effort to get big money out of elections, Mr. Eldridge responded: “Creating legislative reform is expensive, particularly on an issue like this where the resistance we’d get from special interest groups would be tremendous.” Educating the public and organizing voters, he said, “requires resources, and that requires money, and there’s no shame in that.”

Advocates of public financing say the system frees politicians to spend more time focusing on the issues and interacting with constituents, rather than dialing for contributions from special interests. They also believe it encourages competition for electoral offices.

“It’s a double victory,” said Frederick A. O. Schwarz Jr., chief counsel at the Brennan Center for Justice at New York University School of Law. “You have lower amounts of money that can be given, and No. 2, ordinary people become engaged in political campaigns and candidates change their approach to campaigning.”

Given the state’s shaky finances, however, anything that requires new spending of taxpayer dollars also tends to draw scrutiny. “The taxpayers have enough on their backs as it is,” said Michael R. Long, chairman of the state’s Conservative Party.

“If Mike Long wants to run for office, why should the taxpayer have to pay for my campaign?” Mr. Long asked. “Let the taxpayers donate their own personal money to candidates they want to donate to.”

# Bloomberg

## Maine Gay-Rights Groups Submit Names for Marriage Referendum

January 27, 2012

*By Esmé E. Deprez*

Jan. 26 (Bloomberg) -- Gay-marriage advocates in Maine submitted almost twice the names needed to get a referendum to legalize the practice on November's ballot, three years after voters rejected a similar measure.

A coalition of supporters led by EqualityMaine delivered more than 105,000 signatures to the secretary of state for verification today, Betsy Smith, the Portland-based group's executive director, said in a statement.

"The number of signatures we gathered and the thoughtful conversations we've been having with voters tell us that Mainers are eager to speak on this question again," said Smith, who gathered with allies at the state house in Augusta. "Our polling shows a 54 percent majority of support for same-sex marriage in Maine. Many Mainers have changed their minds and want a chance to bring equality and fairness to our state."

Maine voters would be the first in the U.S. to give same-sex partners the right to wed. Court rulings or legislation led to the change in six states and the District of Columbia. Voters have rejected legalization in all 31 referendums on the issue, according to Freedom to Marry, a New York-based national advocacy organization.

### National Debate

At least five other states are tackling the issue this year. New Jersey Democrats are pushing a bill to legalize gay vows in the face of a veto threat from Governor Chris Christie. The Republican governor said yesterday that a referendum is an "alternative path" to resolving the issue there.

Lawmakers in Washington and Maryland are also pushing legalization bills, while voters in North Carolina and Minnesota will be asked to bar the practice through constitutional amendments.

Maine voters will spurn legalization again, said Bob Emrich, who helped lead the 2009 campaign.

"The only people who will benefit will be the people who sell advertising," Emrich said in a telephone interview from Plymouth, where he's a pastor at Emmanuel Bible Baptist Church. He's regrouping his coalition, he said.

Maine's proposed initiative would ask voters: "Do you favor a law allowing marriage licenses for same-sex couples, and that protects religious freedom by ensuring that no religion or clergy be required to perform such a marriage in violation of their religious beliefs?"

In 2009, voters turned down 53 percent to 47 percent a law permitting the practice that was championed by Democratic lawmakers and signed by then-Governor John Baldacci, also a Democrat.

In 2010, Republicans won control of both legislative chambers and the governor's office for the first time since 1966.

## Washington gay marriage law could be boon for state's wedding, tourism industries

Wednesday, February 08, 2012

By Justin Runquist, The Oregonian



The Associated Press

Gov. Chris Gregoire and Rep. Jamie Pedersen, D-Seattle, celebrate after the House voted to legalize gay marriage in Washington state Wednesday.

Marriage long has been the goal for Portlander Debra Porta and her partner, Angela Ogren.

Same-sex domestic partnership just doesn't cut it for them.

"It's sort of like going halfway, and we'd rather go all the way," said Porta, 45, a project specialist at Portland Community College. "We have been sort of waiting for marriage."

Domestic partnership leaves too many questions unanswered. It creates expensive legal obstacles for couples when it comes to things like access to medical benefits, Porta said. She and Ogren, a 39-year-old security guard, have not filed for a domestic partnership in Oregon.

But it's about much more than legal issues. Not allowing gays to marry is simply discrimination, Porta said.

"It's very much based on the personal belief that someone else doesn't and shouldn't have the right to make that judgment about my life," she said.

Now Porta may not have to wait much longer to marry.

Washington is poised to legalize same-sex marriage. A gay marriage bill, Senate Bill 6239, passed a House vote 55 to 43 Wednesday, a week after the Senate passed the measure. Now it awaits a signature from Gov. Chris Gregoire, who has expressed her firm support. Once she signs it, Washington will become the seventh state -- and the only one west of the Rockies -- to allow same-sex marriage.

That might spark a gold-ring rush not just in Washington, but in Oregon as well.

Since Oregon enacted its domestic partnership law in 2008, more than 4,000 same-sex couples have registered for domestic partnerships in the state, according to the latest numbers from the Oregon Health Authority.

The new law would open up the possibilities for those couples and others. Unlike domestic partnership in Oregon, gay marriage in Washington would have no residency requirements.

### **Marriage tourism**

The bill's passage likely means lots of new business for Washington's wedding and tourism industries.

The Williams Institute, a UCLA think tank that specializes in sexual-orientation and gender-identity law, estimates that more than 9,000 same-sex couples who already live in Washington will marry in the first three years following the bill's enactment. This could inject \$88 million into the economy, the institute says.

Washington has more than 9,300 registered domestic partnerships, according to the Secretary of State's office, though not all of them are same-sex couples. State law allows opposite-sex couples in which one person is at least 62 years old to also register for domestic partnership.

The Williams Institute study doesn't address the potential economic impact of out-of-staters, but it recognizes that thousands of same-sex couples from nearby states likely will head to Washington to marry.

And some surely will stay after tying the knot. After all, **Oregon's Constitution** still says that "only a marriage between one man and one woman shall be valid." Porta said she and Ogren are likely to move across the Columbia.

### **What it means in Oregon**

The only way to legalize gay marriage in Oregon is by popular vote, because of that 2004 constitutional amendment.

Basic Rights Oregon, an advocacy group for same-sex couples, plans to introduce an initiative to repeal the amendment in 2014.

Public opinion in Oregon has not shown enough support to legalize gay marriage in the state, said Jeana Frazzini, the executive director for the group. But the group hopes that, after waging an aggressive educational campaign over the next two years, public opinion will shift.

"The key thing here is it's not a wait-and-see approach," Frazzini said.

The movement to legalize gay marriage in Washington and other states adds momentum to Basic Rights Oregon's campaign, she said.

The New Jersey Legislature is likely to vote on gay marriage next week. And earlier this week, a federal appeals court decided that California's ban on same-sex marriage was unconstitutional. The latest ruling was tailored to only apply to the California proposition.

"I think that the progress on the marriage bill in Washington state is really exciting," Frazzini said. "It certainly adds energy to the work that we're already doing here in Oregon."

### **Outlook for the law**

The debate in Washington is far from over. Opponents of same-sex marriage vow to fight the bill with a repeal measure.

Signatures for a referendum are due June 6, and if enough are turned in on time, the enactment of gay marriage could be delayed until after the November election.

A recent University of Washington poll revealed increasing support for gay marriage among Washington voters. Of those surveyed, 55 percent said they would uphold a same-sex marriage bill if it were to pass the Legislature and then come to a popular vote.

-- Justin Runquist

February 17, 2012

## Christie Keeps His Promise to Veto Gay Marriage Bill

By KATE ZERNIKE



Kathy Johnson/The Courier-News,  
via Associated Press

Gov. Chris Christie vetoed a newly passed bill on Friday that would legalize same-sex marriage in New Jersey, setting a difficult path for advocates who vowed to fight “with every last breath” to override him.

The governor’s veto was conditional, asking the State Legislature to amend the bill, so that rather than legalizing same-sex marriages, it would establish an overseer to handle complaints that the state’s five-year-old civil union law did not provide gay and lesbian couples the same protections that marriage would.

Mr. Christie also affirmed his call for the Legislature to put a referendum on same-sex marriage on the ballot in November.

“An issue of this magnitude and importance, which requires a constitutional amendment, should be left to the people of New Jersey to decide,” the governor said in a statement.

At the same time, Mr. Christie repeated what the State Supreme Court said in 2006 — that same-sex couples deserve the same benefits enjoyed by married couples. Answering testimony that same-sex couples in civil unions had more trouble than married couples in matters like obtaining

mortgages and making health care decisions, the governor said he wanted to set up a new ombudsman to make sure gay and lesbian couples did not suffer discrimination.

But he argued that civil unions did not discriminate, saying there had been only 13 complaints about the law since it was passed in 2006, compared with 1,300 complaints about discrimination based on disability and 1,200 based on race.

Democrats, who control the Legislature and have made same-sex-marriage legislation a primary goal, accused Mr. Christie of adding another layer of bureaucracy but doing nothing to end separate-but-equal discrimination against gays and lesbians.

Assemblyman Tim Eustace, one of two openly gay members of the Legislature, whose son testified in favor of the marriage bill, said the governor's veto "makes it clear, in no uncertain terms, that he does not think my family, and thousands of others, are equal in the eyes of the law."

The veto was widely expected. Mr. Christie is Roman Catholic and has long said he opposes same-sex marriage. And he is a Republican with his eye on the national stage, where conservative voters still have tremendous influence.

Gay rights advocates said the governor was pandering to conservatives outside New Jersey.

"Frankly, I don't think Chris Christie has an antigay bone in his body," said Steven Goldstein, chairman of [Garden State Equality](#), a gay rights group. But he called the veto "a brutally antigay act, pure and simple." He added that the ombudsman idea was "the equivalent of gold-plating a separate water fountain for a specific class of people."

An override will be difficult. It requires 54 votes in the Assembly and 27 in the Senate; the bill passed with just 42 votes in the Assembly and 24 in the Senate. In either chamber, Democrats would need votes from Republicans, and the governor is known for enforcing party discipline.

But advocates for same-sex marriage say they have a growing national tide on their side: New Jersey would have been the eighth state to allow same-sex marriage, and polls show voters increasingly support it. Advocates for the bill also have two years, until January 2014, to try to override the veto.

Opponents, however, have vowed to try to unseat lawmakers who supported the bill.

February 17, 2012

## N.J. Gov. Christie vetoes gay marriage bill



New Jersey Gov. Chris Christie warns a questioner to be brief as he addresses a large gathering in Voorhees, N.J., during a town hall meeting Jan. 18, 2012. (AP Photo)

TRENTON, N.J. - Gov. Chris Christie has followed through on his promise to reject a bill allowing same-sex marriage in New Jersey by quickly vetoing the measure Friday.

The veto came a day after the state Assembly passed the bill. The state Senate had passed it on Monday. Christie, a Republican who opposes same-sex marriage, had vowed "very swift action" once the bill reached his desk.

In returning the bill to the Legislature, Christie reaffirmed his view that voters should decide whether to change the definition of marriage in New Jersey. His veto also proposed creating an ombudsman to oversee compliance with the state's civil union law, which same-sex couples have said is flawed.

"I am adhering to what I've said since this bill was first introduced -- an issue of this magnitude and importance, which requires a constitutional amendment, should be left to the people of New Jersey to decide," Christie said in a statement. "I continue to encourage the Legislature to trust the people of New Jersey and seek their input by allowing our citizens to vote on a question that represents a profoundly significant societal change. This is the only path to amend our State Constitution and the best way to resolve the issue of same-sex marriage in our state."

Democrats who had pushed the bill forward said they were disappointed, but not surprised, by Christie's action.

"It's unfortunate that the governor would let his own personal ideology infringe on the rights of thousands of New Jerseyans," said Reed Gusciora, one of two openly gay New Jersey lawmakers and a sponsor of the bill. "For all those who oppose marriage equality, their lives would have been completely unchanged by this bill, but for same-sex couples, their lives would have been radically transformed. Unfortunately, the governor couldn't see past his own personal ambitions to honor this truth."

Senate President Steve Sweeney was more blunt in his criticism of the governor.

"He had a chance to do the right thing, and failed miserably," Sweeney said.

Proponents of the bill said gay marriage is a civil right being denied to gay couples, while opponents said the definition of marriage as a heterosexual institution should not be expanded. The legislation contains a religious opt-out clause, meaning no church clergy would be required to perform gay marriages and places of worship would not have to allow same-sex weddings at their facilities.

Steven Goldstein, chairman of the state's largest gay rights group, Garden State Equality, said Christie's national political ambitions guided his action.

"He won't veto the bill because he's anti-gay," Goldstein said in a statement issued before the veto was issued Friday. "He'll veto the bill because the 2016 South Carolina presidential primary electorate is anti-gay."

Goldstein, who said he has a cordial relationship with the governor, promised to continue fighting him vigorously on the issue. "And we will win, so help me God," he said.

Another gay marriage supporter, Washington state Democratic Gov. Chris Gregoire, also reached out to Christie, a practicing Catholic. Gregoire sent the governor a letter last month offering to talk about gay marriage because, in her words, "while I am a Governor, I am also a Catholic."

The Roman Catholic Church opposes same-sex marriage.

Gregoire signed a gay marriage measure into law in Washington on Monday. Her spokeswoman, Karina Shagren, said Christie hasn't responded to the letter.

Thirty states, including South Carolina, have adopted constitutional amendments banning same-sex marriages, most by defining marriage as a union between a man and a woman.

Six states and Washington, D.C., allow gay marriage. Washington state's new gay marriage law is set to go into effect in June.

Lawmakers in New Jersey have until the end of the legislative session in January 2014 to override the veto.

They would need two-thirds of the lawmakers in the Assembly and Senate to agree. Both votes to pass it fell short of that mark. Christie has virtually guaranteed that no override would succeed because Republicans wouldn't cross him.

The Democratic-controlled Legislature has failed in every previous attempt to override Christie, most notably on a cut to women's health care and an effort to reinstate a tax surcharge on millionaires.

Christie -- and most Republican lawmakers -- want to put the issue to a public vote. One GOP lawmaker, Sen. Kip Bateman of Somerset, has proposed a ballot question asking voters to allow same-sex nuptials. However, the most powerful Democrat in the Legislature, Senate President Steve Sweeney, has said that won't happen.

Democrats are hoping that support for gay marriage -- 52 percent for gay marriage, 42 against it, in New Jersey, according to one recent voter poll -- will continue growing.

If same-sex couples can't win gay marriage through legislation, they have engaged in a parallel fight in the courts. Seven gay couples and several of their children have sued, claiming that the state's civil union law doesn't work as intended.

Civil unions were designed to provide the benefits of marriage to gay couples without the title. They were adopted after the Supreme Court instructed the Legislature to provide marriage equality to same-sex couples.

The state's own review commission has since found problems with the law, and same-sex couples have backed that up with testimony before the Legislature.

John Grant and Daniel Weiss, an Asbury Park couple who are in a civil union, are among those who testified in support of gay marriage.

When Grant was in a life-threatening automobile accident and rushed to a New York hospital in 2010 -- before that state legalized gay marriage -- Weiss said he couldn't authorize badly needed surgery or even go through his partner's wallet to find his health insurance card. He said their civil union was essentially worthless; Grant's neurosurgeon even asked, "What is a civil union?"

A gay marriage bill was defeated in the Senate two years ago, just before Gov. Jon Corzine, a Democrat who supported the measure, left office. Advocates' hopes dimmed with the arrival of Christie, who spoke against gay marriage when asked about it during his campaign.



## Maine gets enough support for gay marriage referendum

Fri, Feb 24 2012

By Jason McLure

(Reuters) - Proponents of same-sex marriage in Maine have gathered more than enough signatures to ask voters in a November referendum to approve gay nuptials just three years after they banned them.

As the tide of acceptance swells nationwide, gay marriage advocates in gathered more than 85,000 signatures, far more than the requisite 57,277 signatures, Secretary of State Charles Summers said on Thursday.

Opponents have 10 days to challenge the signatures.

Maine's legislature passed a law legalizing same-sex marriage in 2009, but it was overturned that same year in a statewide referendum, 53 percent to 47 percent. Supporters say polls show they would now win a statewide vote by as much as 10 percent.

"It's going to be challenging," David Farmer, a spokesman with Equality Maine, a gay rights group, told Reuters on Friday.

"We've been working hard since 2009. We've spoken to 40,000 people one-on-one to change their minds and we believe those efforts will pay off," Farmer said.

Opponents of the measure say they are not surprised the measure will come to a vote again given how close the results were in 2009. No U.S. state has ever approved same-sex marriage in a referendum.

"It is unfortunate that citizens will be subjected to this divisive issue again," Bishop Richard Malone of the Roman Catholic Diocese of Portland said in a statement.

"The church will remain firm in her constant teaching that marriage is exclusively the union of one woman and one man," Malone said.

The campaign comes as a federal appellate court has upheld a ruling that could force the Washington, D.C.-based National Organization for Marriage (NOM), a group opposed to same-sex nuptials, to disclose the names of donors who helped it finance a \$1.8 million effort to overturn the 2009 law.

"NOM intends to vigorously fight this attempt by same-sex marriage advocates to impose gay marriage in Maine," the group's president, Brian Brown, said in a recent statement.

"Maine voters rejected gay marriage barely more than two years ago. What part of 'no' don't gay marriage advocates understand?"

After recent victories for same-sex marriage proponents in Washington, California and Maryland, Maine will be one of a number of battleground states for national groups supporting and opposing same-sex marriage this year. North Carolina and Minnesota voters will consider constitutional amendments banning same-sex marriage this year.

Earlier this year Washington's legislature legalized same-sex marriage effective June 7. Maryland's legislature gave final approval on Thursday to a bill doing the same, and Governor Martin O'Malley has vowed to sign it so it can take effect in January.

Despite this, opponents are likely to be able to gather enough signatures in both states to force a referendum on the issue in November, said Michael Cole-Schwartz, a spokesman for the gay rights group Human Rights Campaign.

Same-sex couples can currently marry in the District of Columbia, New York, Iowa and four New England states, including Massachusetts, Connecticut, Vermont and New Hampshire.

In California, opponents are asking the U.S. Court of Appeals for the Ninth Circuit to reconsider its decision to uphold a lower court's overturning of a voter-approved gay marriage ban.



## Advocates of N.J. gay marriage bill say Christie's veto isn't the end

By Jessica Bautista/Gloucester County Times

Sunday, February 26, 2012

It came as no shock when Gov. Chris Christie quickly vetoed the same-sex marriage bill without batting an eyelid last week, but momentum and a game plan are keeping the state's gay marriage advocates from getting discouraged.

"It was not surprising," said Steve Goldstein, CEO of gay rights organization Garden State Equality, of Christie's decision. And of course it wasn't, as the Republican governor promised for weeks that he wouldn't let the legislation get past his desk if and when the time came.

"It's why I chose not to waste a breath in pleading with the governor not to veto and have put Garden State Equality immediately to work to achieve an override," Goldstein said in an online statement immediately following Christie's anticipated stamp of disapproval.

"The great news is, we have until the end of the legislative session, in January 2014, to do it," Goldstein said.

An override would require 54 votes in the Assembly and 27 in the Senate, with Republican votes being key in both chambers to succeed.

The bill initially passed with 42 votes in the Assembly and 24 in the Senate.

Though it's been said that turning a Christie veto around is no small task, state Sen. President Stephen M. Sweeney believes it's not far-fetched.

"We were three votes short of an override [in the Senate]," said Sweeney, D-3, of West Deptford Township. "We've got to work to be beyond the issues, and we have to work to get beyond the primaries."

After speaking with a select number of Republicans, Sweeney said he believes they voted along with Christie because they felt their seats in office were "threatened."

Others believe Christie's swift veto was a politically savvy move to ensure his conservative supporters stay in his ring if he were to consider a presidential race in 2016.

“We’re going to go to work. We’ve already shown enormous growth in two years,” proclaimed Sweeney, the poster child for political evolution as far as many gay-marriage supporters are concerned. “This is not an impossible task.”

When a similar bill was considered two years earlier, then-Gov. Jon Corzine pledged to sign it before leaving office. But Sweeney abstained from voting at the time and perhaps directly aided in the measure’s defeat — a move he now claims to be one of the biggest regrets of his life.

The Senate also churned out 10 fewer votes in favor of gay marriage just two years earlier.

Though Sweeney happens to be a product of the Catholic church which opposes gay nuptials, the Senate leader has emphasized that the issue of legalizing gay nuptials doesn’t fall into the realm of religion.

“This is a civil rights issue,” Sweeney has repeatedly said. “And I found that most people don’t even care. They’re more concerned with gas prices and paying their bills.”

In 2006, New Jersey legalized civil unions, a move which was supposed to provide the same legal protections, benefits and recognition to committed gay couples as married heterosexual couples have.

Along with his veto, however, Christie proposed the creation of an ombudsman to ensure compliance with the civil union law. It’s widely believed that civil unions haven’t accomplished what they were created to do, according to what the equal rights organization Lambda Legal has been arguing on behalf of many.

In June 2011, under the representation of Lambda Legal, seven gay couples and their children who claim to have been harmed by the discrepancies of civil unions filed a lawsuit in New Jersey Superior Court demanding that New Jersey recognize gay marriage.

The couples testify that when it comes to insurance offices, workplace benefits and hospital emergency rooms, a marriage license always trumps a “civil union,” whether it’s because of a lack of education or discrimination.

In November, the court ruled that Lambda Legal could proceed with a claim that the concept of civil unions violates the constitutional “equal protection” clause.

As the result of a ruling last Tuesday, the court will allow Lambda Legal to proceed with both a state and federal equal protection claim.

“We are pleased that the New Jersey Superior Court will allow us to show how civil unions fail to provide to same-sex couples the equality promised by both the New Jersey Constitution and the 14th Amendment of the U.S. Constitution,” said Jon Davidson, legal director at Lambda Legal. “Having both a state and federal equal protection claim will only make our case stronger. We look forward to presenting a complete record of the discrimination that New Jersey’s same-

sex couples and their children face because of their relegation to civil unions rather than marriage.”

But, if not a highly-contested issue of equality in the state or the country, could gay marriage beg the question of economics?

According to an impact study completed by the Williams Institute two years ago, extending marriage to same-sex couples would boost the state economy by more than \$200 million, create and sustain 1,400 new jobs, and generate \$15.1 million in new revenue for state and local governments within the first three years of legalization.

This potential economic boon is attributed to weddings costs, license fees, tax revenue, and the massive amount of tourism from wedding guests as well as out-of-state couples looking to settle down in the Garden State.

The study also suggests that approximately 35,000 same-sex couples from other states would come to tie the knot in New Jersey.

Even in a state with nearly \$40 billion in debt, it’s uncertain whether money is enough of a reason for the legislature to override the governor’s veto.

The movement continues for many supporters, however, to grant all taxpayers in the state the right to wed under the law, despite any obstacles.

Six other states and the District of Columbia currently grant marriage licenses to same-sex couples.

“We’re keeping on top of this. We’re doing what we’ve always done. We’re educating people one-by-one, and same-sex couples are very encouraged by the passage of the bill and the Lamda Legal lawsuit,” said Goldstein.

“Obviously, we would like marriage equality today. But we know it will come sooner rather than later.”

## Obama's support may energize same-sex marriage drive in Oregon

Wednesday, May 09, 2012

By Bill Graves, The Oregonian



Motoya Nakamura/The Oregonian

Jeana Frazzini, executive director of Basic Rights Oregon, talks to reporters in February, 2008, about the group's court victory over a challenge to the state's 2007 domestic partnership law. More than 3,000 same-sex couples have the legal partnerships, but most want the full benefits and social status of marriage.

With the president's change of heart, same-sex marriage gains visibility that supporters hope will propel it to a ballot initiative in 2014 and energize young voters in Oregon.

Obama's two-year evolution to his support Wednesday of same-sex marriage mirrors the journey of thousands of Oregonians collectively moving the state to legalizing gay marriage, says the head of the state's largest gay rights group.

But the **Oregon Family Council**, a statewide Christian-based group, says Obama's statement will have little affect on the gay marriage political landscape. And Portland pollster **Tim Hibbitts** said what Obama or his Republican challenger Mitt Romney say is not likely to affect most voters' views.

"I think people will think through this on their own," he said.

Obama has opposed the view of marriage as strictly one man and one woman since he took office, said Teresa Harke, spokeswoman for the Oregon Family Council. He came out Wednesday explicitly in support to rally his political base, she said.

"Just because Obama says he stands somewhere on an issue is not necessarily going to change the hearts and minds of America," she said.

**Basic Rights Oregon** has been trying to soften residents to same-sex marriage for more than three years with occasional television advertising, meetings with churches and civic groups, tables at summer fairs and farmers' markets and neighborhood canvassing.

Some hearts and minds are changing. Obama "is certainly the most high-profiled changed mind, but he's not alone," said Jeana Frazzini, executive director of Basic Rights.

The group announced last November it had decided against putting an initiative on the ballot this year to challenge the ban on same-sex marriage approved by voters eight years ago. But it may launch a challenge as early as 2014.

Obama's declaration of support "reaffirms the path we are on in Oregon," Frazzini says.

"He has come to this position in a publicly thoughtful and conflicted process," she said. "It is so familiar in terms of what we see in our own communities."

**Jim Moore, political science professor at Pacific University**, said Obama's position may excite and energize his base, especially young people who support gay marriage.

"If those people get energized and stay in the political system, then it bodes well" for a push for same-sex marriage in 2014, he said.

The president's position also makes it safer for other politicians to back gay marriage, he said. "It puts the issue more in a safe area for politicians in the state," he said.

But Tim Nashif, former political director for the Oregon Family Council who led the drive to ban same-sex marriage, said he doesn't think Obama's declaration surprised anyone or "affects what is going on in Oregon."

People remain solidly divided over engaging in the "social experiment" of gay marriage, he said.

"If you are liberal, you call it progressive," he said. "If you are conservative, you call it a deterioration of values."

Gay and lesbian couples call it equality.

Obama's support of gay marriage "is absolutely essential," said Marte Sheeran, 58, of

Clackamas, who's been in a relationship with Linda Duchek 62, for 16 years. "You don't want discrimination in the United States."

The couple has been in a legal domestic partnership, which provides most of the state benefits of marriage, since the civil union became available in Oregon four years ago. But the two women would jump at the chance to marry, which gay couples argue gives them federal recognition and the full social status of marriage.

**Portland Mayor Sam Adams** said he never could have imagined as a gay child growing up in Newport that the president of the United States would publicly support marriage equality. He called the declaration "classy" and "courageous."

"I'm sort of shell shocked in the best possible way," he said.

Carla "KC" Hanson, lesbian and chair of the **Multnomah County Democratic Party**, said Obama's announcement marked an enormous step forward considering the last Democrat in the White House, Bill Clinton, signed the 1996 Defense of Marriage Act, a federal ban on same-sex marriage.

Obama's declaration "is quite courageous," she said. "It is basically what America is and should be about. We are just thrilled."

-- **Bill Graves**



## Gay marriage opponents closer to qualifying R-74

RACHEL LA CORTE, Associated Press  
Wednesday, May 9, 2012

OLYMPIA, Wash. (AP) — Opponents of gay marriage said Wednesday they have more than half of the signatures they need to qualify a proposed referendum seeking to overturn a law legalizing gay marriage in Washington state.

Joseph Backholm, with Preserve Marriage Washington, said that the campaign has 70,000 signatures on hand. Backers of Referendum 74 need 120,577 valid voter signatures in order to qualify the referendum for the ballot. The secretary of state's office recommends that campaigns submit about 150,000 signatures in order to provide a cushion for invalid or duplicate signatures.

"We have every expectation that this will be on the ballot," Backholm said.

Backholm said that so far, all of the signature collection has been done by volunteers, but the campaign hasn't ruled out employing paid signature gatherers for the final push. He said that many petitions have not been turned in.

"We're not concerned that there's a lack of support for the effort," he said. "But we want people to have a sense of urgency."

Zach Silk, a spokesman for Washington United for Marriage, a coalition that supports the gay marriage law in Washington state, said that while he thought the 70,000 signatures collected by gay marriage opponents was lower than what he expected by this point, "we've said all along that we expect them to get to their signature mark."

"We thought from Day 1 it was better to plan for them getting on the ballot and prepare ourselves to protect the freedom to marry for all couples in Washington state," he said.

So far, Washington United for Marriage has raised nearly \$690,000 in their effort to fight back attempts to overturn the law. Preserve Marriage Washington has raised just about \$30,000 according to the most recent numbers with the Public Disclosure Commission, though campaign finance numbers are expected to be updated Thursday.

National groups have already promised time and money to the effort, including the Washington, D.C.-based National Organization for Marriage, which was involved in ballot measures that overturned same-sex marriage in California and Maine.

"There's going to be a lot of money spent on this on both sides, that's going to be the reality," Backholm said. "We expect to be outspent, but we also expect to win."

Another effort seeking to overturn gay marriage is still ongoing.

Initiative 1192 was filed in January by Everett attorney Stephen Pidgeon, seeking to reaffirm marriage as "between one man and one woman." To qualify for the November ballot, he must submit at least 241,153 signatures of valid registered voters by July 6. He said Wednesday that he has collected more than 40,000 signatures. To date, Pidgeon's effort has raised about \$6,000.

Washington state has had domestic partnership laws since 2007, and in 2009, passed an "everything but marriage" expansion of that law, which was ultimately upheld by voters after a referendum challenge. The Legislature approved gay marriage earlier this year, and Gov. Chris Gregoire signed it in February.

Gay marriage is legal in New York, Connecticut, Iowa, Massachusetts, New Hampshire, Vermont and Washington, D.C. Maryland legalized gay marriage this year as well, though opponents there are promising to challenge it with a ballot measure.

Voters in North Carolina on Tuesday overwhelmingly passed a constitutional amendment that defines marriage as solely between a man and a woman. North Carolina is the 30th state to pass a constitutional amendment banning gay marriage. After previously saying that his views on the issue were evolving, President Barack Obama revealed his support for gay marriage in an interview with ABC News on Wednesday.

Backholm said he thought the president's comments would help their referendum effort.

"I think this will galvanize and energize our folks," he said. "This will help us make the case that national forces, including the president, are getting behind this effort to redefine marriage in Washington state."

Rod Hearne, the executive director of Equal Rights Washington, said he received a call from Obama's outreach person on gay rights' issues to inform him of the president's stance after his remarks were broadcast.

Hearne said that the president's announcement may not change people's minds, but that the conversations that ensue because of it may.

"Simply the fact that it starts those conversations already has a huge benefit," he said.



## Court: Heart of gay marriage law unconstitutional

By DENISE LAVOIE, AP Legal Affairs Writer

Thursday, May 31, 2012

(05-31) 10:36 PDT BOSTON (AP) --

A federal appeals court Thursday declared that the Defense of Marriage Act unconstitutionally denies federal benefits to married gay couples, a groundbreaking ruling all but certain to wind up before the U.S. Supreme Court.

In its unanimous decision, the three-judge panel of the 1st U.S. Circuit Court of Appeals in Boston said the 1996 law that defines marriage as a union between a man and a woman deprives gay couples of the rights and privileges granted to heterosexual couples.

The court didn't rule on the law's more politically combustible provision, which said states without same-sex marriage cannot be forced to recognize gay unions performed in states where it's legal. It also wasn't asked to address whether gay couples have a constitutional right to marry.

The law was passed at a time when it appeared Hawaii would legalize gay marriage. Since then, many states have instituted their own bans on gay marriage, while eight states have approved it, led by Massachusetts in 2004.

The court, the first federal appeals panel to deem the benefits section of the law unconstitutional, agreed with a lower court judge who ruled in 2010 that the law interferes with the right of a state to define marriage and denies married gay couples federal benefits given to heterosexual married couples, including the ability to file joint tax returns.

"For me, it's more just about having equality and not having a system of first- and second-class marriages," said plaintiff Jonathan Knight, 32, a financial associate at Harvard Medical School who married Marlin Nabors in 2006.

"I think we can do better, as a country, than that," Knight said.

Knight said DOMA costs the couple an extra \$1,000 a year because they cannot file a joint federal tax return.

Opponents of gay marriage blasted the decision.

"This ruling that a state can mandate to the federal government the definition of marriage for the sake of receiving federal benefits, we find really bizarre, rather arrogant, if I may say so," said Kris Mineau, president of the Massachusetts Family Institute.

Since DOMA was passed in 1996, many states have instituted their own bans on gay marriage, while eight states have approved it, including Massachusetts, Connecticut, New York, Iowa, New Hampshire, Vermont, Maryland, Washington state and the District of Columbia. Maryland and Washington's laws are not yet in effect and may be subject to referendums.

Last year, President Barack Obama announced the U.S. Department of Justice would no longer defend the constitutionality of the law. After that, House Speaker John Boehner convened the Bipartisan Legal Advisory Group to defend it. The legal group argued the case before the appeals court.

White House spokesman Jay Carney said the appeals court ruling is "in concert with the president's views." Obama, who once opposed gay marriage, declared his unequivocal personal support on May 9.

Carney wouldn't say whether the government would actively seek to have DOMA overturned if the case goes before the Supreme Court.

"I can't predict what the next steps will be in handling cases of this nature," Carney said.

The 1st Circuit said its ruling wouldn't be enforced until the U.S. Supreme Court decides the case, meaning that same-sex married couples will not be eligible to receive the economic benefits denied by DOMA until the high court rules.

That's because the ruling only applies to states within the circuit — Massachusetts, Rhode Island, Maine and New Hampshire — and Puerto Rico. Only the Supreme Court has the final say in deciding whether a law passed by Congress is unconstitutional.

Although most Americans live in states where the law still is that marriage can only be the union of a man and a woman, the power to define marriage had always been left to the individual states before Congress passed DOMA, the appeals court said in its ruling.

"One virtue of federalism is that it permits this diversity of governance based on local choice, but this applies as well to the states that have chosen to legalize same-sex marriage," Judge Michael Boudin wrote for the court. "Under current Supreme Court authority, Congress' denial of federal benefits to same-sex couples lawfully married in Massachusetts has not been adequately supported by any permissible federal interest."

During arguments before the court last month, a lawyer for gay married couples said the law amounts to "across-the-board disrespect." The couples argued that the power to define and

regulate marriage had been left to the states for more than 200 years before Congress passed DOMA.

Paul Clement, a Washington, D.C., attorney who defended the law on behalf of the Bipartisan Legal Advisory Group, argued that Congress had a rational basis for passing it in 1996, when opponents worried that states would be forced to recognize gay marriages performed elsewhere. The group said Congress wanted to preserve a traditional and uniform definition of marriage and has the power to define terms used to federal statutes to distribute federal benefits.

Clement did not immediately return a message left Thursday. The legal group could ask for the case to be reheard by the full 1st Circuit, which typically sits six judges, or could ask the U.S. Supreme Court to take on the case.

Gay & Lesbian Advocates & Defenders, the Boston-based legal group that brought one of the lawsuits on behalf of seven gay married couples and three widowers, said the law takes one group of legally married people and treats them as "a different class" by making them ineligible for benefits given to other married couples.

"We've been working on this issue for so many years, and for the court to acknowledge that yes, same-sex couples are legally married, just as any other couple, is fantastic and extraordinary," said Lee Swislow, GLAD's executive director.

Two of the three judges who decided the case Thursday were Republican appointees, while the other was a Democratic appointee. Boudin was appointed by President George H.W. Bush, while Judge Juan Torruella was appointed by President Ronald Reagan. Chief Judge Sandra Lynch is an appointee of President Bill Clinton.

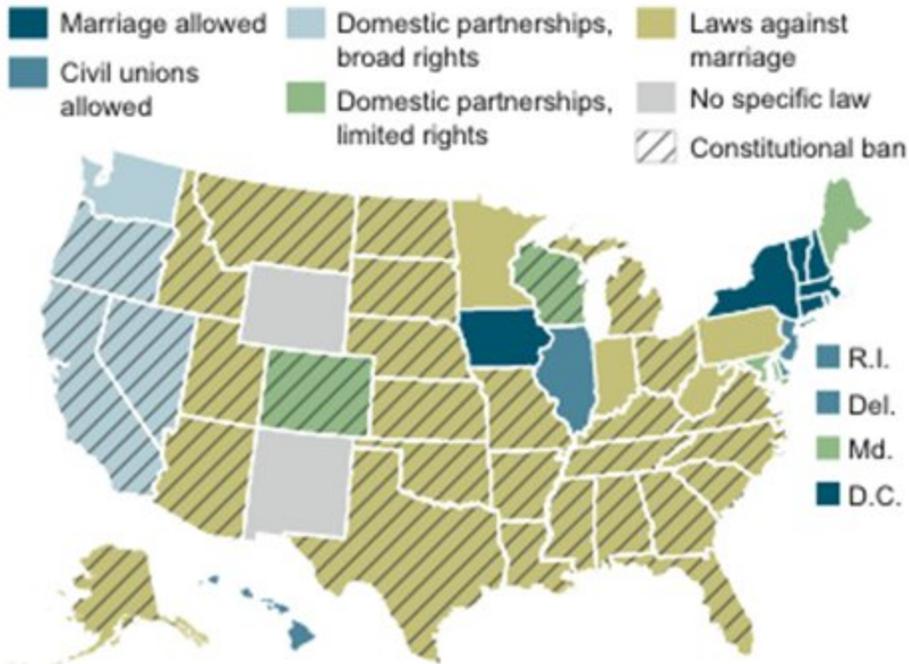
In California, two federal judges have found this year that the Defense of Marriage Act violates the due process rights of legally married same-sex couples.

In the most recent case, a judge found the law unconstitutional because it denies long-term health insurance benefits to legal spouses of state employees and retirees. The judge also said a section of the federal tax code that makes the domestic partners of state workers ineligible for long-term care insurance violates the civil rights of people in gay and lesbian relationships.

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## National gay marriage laws

This November, Maine, Maryland, Minnesota and Washington are likely to have closely contested gay-marriage measures on their ballots.



AP

Graphic shows state-by-state gay marriage laws  
Photo: P. Santilli / AP



President Barack Obama speaks in Joplin, Mo. Obama's re-election campaign is touting new polls that show growing support for gay marriage following the president's public embrace of same-sex unions.  
Photo: Charlie Riedel / Associated Press



Massachusetts State Attorney General Martha Coakley speaks to members of the media, Wednesday, July 8, 2009 in Boston about a lawsuit filed Wednesday that says that the federal Defense of Marriage Act interferes with the right of Massachusetts to define marriage as it sees fit.

Photo: Lisa Poole / AP

## California may ban gay therapy aimed at turning people straight

Tuesday, May 08, 2012



Sen. Ted Lieu authored a bill that calls to ban a controversial form of psychotherapy aimed at making gay people straight.

SACRAMENTO, California — A first-of-its-kind ban on a controversial form of psychotherapy aimed at making gay people straight could face a key vote Tuesday by a group of California lawmakers.

Supporters say the legislation, which is before its final committee, is necessary because such treatments are ineffective and harmful.

"This therapy can be dangerous," said the bill's author Sen. Ted Lieu. He added the treatments can "cause extreme depression and guilt" that sometimes leads to suicide.

Conservative religious groups emphatically reject that view of sexual orientation therapy and say the California bill would interfere with parents' rights to seek appropriate psychological care for their children.

"While this is a direct assault on everyone's freedom it is also a not so subtle attack on religious liberty," the National Association for Research and Therapy of Homosexuality said in a statement.

The debate comes as gay rights issues take the spotlight around the nation.

Over the weekend, Vice President Joe Biden said he is "absolutely comfortable" with same-sex couples getting the same rights as heterosexual couples.

In North Carolina on Tuesday, voters are expected to decide whether to make it the 29th state to pass a constitutional amendment defining marriage as solely between a man and a woman.

And in Colorado, a measure to extend civil union protections to gay couples faces a looming deadline in the state Legislature.

The California bill would prohibit so-called reparative therapy for minors and force adults who chose to undergo the treatment to sign a release form that states that the counseling is ineffective and possibly dangerous.

AB1172, sponsored by Equality California, was expected to go to its final committee hearing Tuesday afternoon and will go to the full Senate if approved.

Lieu says attempts to pathologize and change people's sexual orientation should be treated akin to smoking and drinking: harmful activities that adults can choose to participate in, but children cannot.

"We let adults do all sorts of stupid and risky things, but we ban dangerous things for young people," Lieu said in a telephone interview.

He was inspired to take up the issue by a cable news documentary featuring people whose parents had attempted to change their sexual orientation. The doctor featured in the show "was evil," he said.

Interest in the religion-based therapy appears to have surged in recent years.

Exodus International, the world's largest Christian referral network dealing with homosexuality, now refers people to 260 groups across the country, up from about 100 a decade ago. The organization has 35 ministries and churches scattered around California, from the Central Valley to the U.S.-Mexico border.

Mainstream mental health organizations say people shouldn't be seeking out groups like Exodus at all.

The American Psychological Association said in 2009 that mental health professionals should not tell gay clients they can become straight through therapy.

The association cited research suggesting that efforts to produce the change could lead to depression and suicidal tendencies, and stated that no solid evidence exists that such change is possible.

The American Counseling Association and American Psychiatric Association have also disavowed the therapy. And the psychiatric association removed homosexuality from its list of mental disorders nearly 30 years ago.

Conversion therapy penetrated the national consciousness last year when former Republican presidential candidate Michele Bachmann was questioned over whether the Christian counseling business of her husband provided therapies that attempted to change gays and lesbians.

Last month, psychiatrist Bob Spitzer retracted his widely-cited 2001 study that found that "highly motivated" people could change their sexual orientation, and apologized to the gay community.

The measure would likely face legal challenges from opponents who say it is unconstitutional.

Lieu says he addressed free speech issues by excluding clergy from the legislation.

Gay rights advocates say such a ban would constitute a major milestone, and could lead to similar legislation across the country.

## The good politics of gay marriage

By Ruth Marcus, Published: December 8

Now is the time for President Obama to complete his evolution on the subject of same-sex marriage.

Supporting the right of all Americans to marry the person of their choice would be the right thing to do. Strange as this may sound, it might also be good politics.

More to the point, it would not be the almost certainly disastrous political move it would have been even in the last presidential campaign, when none of the major Democratic candidates supported the right to marry.

Flash forward three years to [Hillary Clinton's remarks this week](#). "[Gay rights are human rights](#), and human rights are gay rights," declared Obama's chief primary rival and now his secretary of state, echoing her famous declaration, as first lady, about women's rights. Clinton did not go so far as to endorse same-sex marriage. Yet the arc of her logic bends inexorably in that direction. As Clinton surely knew when she proclaimed that "no practice or tradition trumps the human rights that belong to all of us."

Madame Secretary, recall the joy you experienced at your daughter's wedding. If she were gay, should she — should *you*? — have been denied that moment?

The president has been edging ever closer to supporting same-sex marriage but hasn't taken the plunge. He called for the [repeal of the Defense of Marriage Act](#). He refused to defend its constitutionality in court.

He has moved from opposition ("I believe that [marriage is the union between a man and a woman](#)," at pastor Rick Warren's Saddleback Church in 2008) to evolution. "[I'm still working on it](#)," he told ABC News in October.

The president's most recent opportune moment to make the Darwinian leap came when his attendance at a fundraiser attended by gay Democrats in New York inconveniently coincided with the state's impending vote on same-sex marriage. New York did the right thing. [Obama ducked](#).

Now, in a memorandum to Democratic consultants and campaign managers, gay rights advocates argue that backing same-sex marriage is not the political poison it was in years past. Indeed, they contend, it could be a political boon — not only with Democrats but with independent voters, some 56 percent of whom approve of same-sex marriage.

Their data? [Analysis by Joel Benenson, Obama's pollster, and Jan van Lohuizen](#), who served that role for George W. Bush.

“What was once used as a wedge by Republicans to turn out conservatives and put Democrats on the defensive may now have the opposite effect, as growing numbers of voters across the board support the freedom to marry,” says the memo, written by Democratic strategist Doug Hattaway and Evan Wolfson president of Freedom to Marry.

In particular, Hattaway and Wolfson note, “Younger voters, who are critical to Democratic victories in 2012, are highly motivated by candidates who show their support for ending discrimination in the nation’s marriage laws.” Hear that, Mr. President? *Younger* voters!

Support for same-sex marriage is accelerating; it rose by about one percentage point annually between 1996 and 2009 and shot up another 10 points in the two years since to 53 percent.

As significant: Intensity is on the side of marriage equality. More voters strongly support same-sex marriage than oppose it. And the strongly opposed minority is unlikely to back Democratic candidates no matter what.

Could Obama, accused Kenyan secular socialist redistributor of wealth, safely come out for same-sex marriage months before an election that, even if he wins, promises to be excruciatingly close?

The ordinary rules of the political playbook counsel the more conservative course: Don’t rattle the middle, don’t open up a new front on social issues. [The latest ad from Texas Gov. Rick Perry](#) accuses Obama of waging a phantom “war on religion.” Why offer fodder?

And sticking out the presidential neck seems especially risky in the current economic environment, when voters want Obama focused on the economy, not distracted by social engineering.

The understandable instinct of the president and his political advisers is to play it safe. But the data ought to give comfort that Obama would not commit political suicide were he to complete the evolution he clearly knows is inevitable. In the politics of 2011, survival of the fittest does not compel opposition to marriage equality.

And then there is this question for Obama: Mr. President, what better moment will there be? You might lose. A lame-duck proclamation would be lame. If not now, when?



## New Jersey Democrats vow to pass gay marriage

ALISON BOWEN/METRO

09 January 2012



Photo: Jim Larsen  
Gov. Christie

If Democratic legislators get their way, 2012 may be the year gay marriage becomes legal across the Hudson. New Jersey elected officials promised yesterday they will introduce a bill to legalize gay marriage as the first new measure of the new year.

At a press conference outside the State House in Trenton, Senate President Stephen Sweeney and Assembly Speaker Sheila Oliver said they plan to introduce matching bills in each chamber this week.

“What New Jersey’s legislative leaders are telling us is that the Garden State values its gay and lesbian citizens fully,” said Marc Solomon, national campaign director at Freedom to Marry.

But the state’s Republican governor, Chris Christie, is expected to stymie their plan. In the past, he has made it clear that he opposes legalizing gay marriage and instead supports civil unions, already legal in New Jersey.

In contrast, New York Gov. Andrew Cuomo was a key component in New York’s successful

effort last year to legalize gay marriage. Couples began marrying for the first time in July.

Two years ago, a similar effort could not get enough votes in the New Jersey Senate, failing 20 to 14, despite support from then-governor Jon Corzine.

## Bloomberg

# Gay Mainers Look for Chance to Be First to Win Marriage Rights From Voters

By Esmé E. Deprez - January 12, 2012

Maria Woodbury has called hundreds of voters in Maine (STOME1) since March to talk about making same-sex marriage legal. Some hang up, others say they're too busy. One man, who said he grew up as a Catholic, stuck out.

While the nephew he's raising alongside his two teenaged sons is gay, the man said he "strongly opposed" revising the law when they began talking last week, Woodbury said in an interview. Within 15 minutes, he had changed his mind.

"By the end of the conversation, he really wanted all his boys to have the same opportunities when they found the right person and wanted to marry," said Woodbury, 31, an outreach worker for a coalition of gay-marriage supporters.

Advocates such as Woodbury are looking to gauge support for same-sex marriage among voters, who shot down a law permitting the practice in 2009. If they do get a measure on the November ballot and it passes, Maine would be the first U.S. state where gays win the right to wed directly from the public. Court rulings or legislation led to the change in the six states and the District of Columbia where it has occurred.

At least five other states are tackling the issue this year. Lawmakers in New Jersey, Washington and Maryland plan to push legislation to make same-sex marriage legal, while voters in North Carolina and Minnesota will be asked to bar the practice through constitutional amendments.

## Shifting Views

A majority of Americans favored making the practice legal in 2011, with 53 percent supporting it compared with 44 percent a year earlier, a [Gallup poll](#) showed in May. Political independents and Democrats accounted for the change as Republicans' views hadn't budged, Gallup said.

Supporters of an effort to put the issue before Pine Tree State voters again, led by EqualityMaine in Portland, plan to announce on Jan. 23 whether they will submit signatures needed to place the question on the ballot, said Betsy Smith, executive director of the nonprofit organization. Smith said they have almost twice as many as needed to qualify.

"We wouldn't want to move forward with a campaign that we don't think we are well-positioned to win," Smith said. "We have to look at our current level of support, what we accomplished last year and our plans for this year and make a decision."

## Avoiding Rejection

The goal is to avoid a demoralizing repeat of 2009, Smith said. Voters rejected, by a margin of 53 percent to 47 percent, a same-sex marriage law passed by legislators led by Democrats and signed by then-Governor John Baldacci, also a Democrat. In 2010, Republicans won control of both legislative chambers and the governor's office for the first time since 1966.

Advocates for changing the law have sought to build support by knocking on 100,000 doors around the state and collecting signatures to get the issue on the ballot, Smith said. A presidential election, which attracts more young voters who tend to support same-sex marriage, may make it easier to win passage, she said.

“All this leads us to believe that 2012 is a very different year for us than 2009,” Smith said. “Until we finally win marriage at the ballot, opponents will always claim that marriage is supported only by the courts and legislatures, but not by the people.”

Gay marriage isn't an issue that motivates Republicans or that most people are paying attention to, said Charlie Webster, the Republican Party's state chairman and a former Senate leader from Farmington.

## Helping Republicans

“In the end, if it goes on the ballot, it will help us more than hurt us,” Webster said by telephone. “The average voter will see this once again as the Democrats pushing this on us instead of focusing on the economy.”

Bob Emrich, a pastor at the Emmanuel Bible Baptist Church in Plymouth, helped lead Stand for Marriage Maine, the group that spearheaded the campaign against the law in 2009. The organization won't regroup unless EqualityMaine gets the issue on the ballot, which he said he thinks is likely to happen.

“What we've been doing is building the network and expanding grassroots connections to people in Maine and talking to people around the country,” Emrich said. “We need to be ready so when this starts, we hit the ground running.”

Only Maine and Rhode Island bar same-sex marriages among the six New England states. New York lawmakers legalized the practice last year, joining Iowa and Washington, D.C.

## New York Step

Passage of the law in New York marked the first time such a measure has been approved in a state where Republicans control either legislative chamber. That step “provided a powerful example of the momentum and growing and broadening support across the political spectrum,” said Evan Wolfson, president of Freedom to Marry, a New York-based national advocacy organization which lobbied Albany lawmakers and is working on the issue in Maine.

“No question that we are bringing the experience we’ve had, in victories and defeats, including in New York, and that makes us confident that we’re on the right track in Maine,” Wolfson said. In November, an organization in Oregon that has worked with his group announced its intention to build more support before pushing for a similar law there.

Voters in California passed a measure outlawing gay marriage in 2008, reacting to a legal ruling, while court challenges have put the initiative in limbo. That same year, Massachusetts lawmakers blocked a drive to let voters decide whether to overturn a Supreme Judicial Court ruling making such marriages legal.

Maine is a strategically smart location to press for the first popular vote to change the law and permit gay marriage because of its small population, said Ellen Andersen, who teaches politics at the University of Vermont in Burlington. Failure, while devastating for supporters, wouldn’t command the national attention it would in a bigger state like California, she said.

“Gay rights activists haven’t wanted people to get their hands on this issue until very, very recently,” Andersen said.

# Los Angeles Times

## Proposition 8 backers seek funds for gay marriage fight

February 7, 2012 |



Dismayed gay marriage opponents made urgent fund-raising calls Tuesday following an appeals court decision declaring California's same-sex marriage ban as unconstitutional.

"Our resources are dangerously low," Andy Pugno, general counsel to ProtectMarriage, wrote in an appeal to gay marriage opponents. "This is why we need an immediate burst of funding to propel our legal appeal forward."

Freedom to Marry founder Evan Wolfson appealed to the gay marriage supporters to "double down" on the campaign to ensure the U.S. Supreme Court is moved to affirm the decision that Proposition 8 is unconstitutional.

"This is a huge win for freedom to marry supporters in California and continues the growing momentum for the freedom to marry nationwide," said Wolfson. "With this case and others possibly making their way to the U.S. Supreme Court, we must create the climate that empowers judges and politicians to do the right thing, maximizing our chances of winning."

Both sides went out of their way to declare that time was on their side.

U.S. Rep. Brad Sherman (D-Sherman Oaks), a member of the congressional caucus devoted to protecting same-sex rights, called on the citizens to cease pushing initiatives that deprive others of fundamental rights.

"We should reject any law that denies certain citizens the legal rights and protections that are available to others, simply because of their sexual preference," Sherman said. "The rights of the minority should not be voted upon."

California Lt. Gov. Gavin Newsom hailed the 9th Circuit Court of Appeals ruling as a "remarkable" demonstration of how far the pursuit of marriage equality for gays and lesbians has come in the eight years since he sought, as mayor of San Francisco, to grant marriage licenses to same-sex couples.

"This is the fundamental civil rights movement of our time, now progressing along with renewed pace and renewed vigor," Newsom said.

### **[DOCUMENT: Read the Prop. 8 ruling](#)**

At a press conference in downtown L.A., opponents of Proposition 8 gathered to savor their victory.

"Every legal decision allows the American people to hear more about what these issues are. In my experience, the more you talk to people, the more they listen, the more they realize this is right, and this is inevitable. So this will change court decisions, it will change public opinion," said Theodore Olsen, an attorney who argued against Prop. 8.

Chad H. Griffin, the L.A. political consultant who launched the federal lawsuit against Proposition 8, said: "What the court did today affirms that you cannot single out one group of people. There are strong, loving lesbian and gay families all around us."

Opponents of gay marriage called the ruling "judicial tyranny" over the people's will to preserve marriage between men and women and the result of "a Hollywood and San Francisco attack on marriage."

"Today's decision was disappointing but not surprising, coming from the most liberal Circuit Court in the country," said Family Research Council President Tony Perkins. "This Hollywood-funded lawsuit, which seeks to impose San Francisco values on the entire country, may eventually reach the Supreme Court. This is not about constitutional governance but the insistence of a group of activists to force their will on their fellow citizens."

It's unclear whether the U.S. Supreme Court will [even hear the case](#), given how Tuesday's court decision was narrowly tailored to California's unique position of having granted gay couples marriage rights, and then taking them away. Because the ruling appeared to not apply to other states, analysts said it's possible the Supreme Court may decide to not review the case.

Olsen, however, said he still thought it possible the highest court in the land might take the case anyway, saying he thought the decision was "something hard for the U.S. Supreme Court to ignore."

The justices in Washington accept only about 1% of the cases appealed to them each year.

**FILED**

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UNITED STATES COURT OF APPEALS      9211272012  
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| KRISTIN M. PEREY, SANDRA D. STEER, PAUL T. KATAME, JEFFREY J. ZARRELO,<br>Plaintiffs - Appellants,<br>CITY AND COUNTY OF SAN FRANCISCO,<br>Appellee.<br>vs.<br>EDWARD G. BROWN, Jr., in his official capacity as Governor of California,<br>KATHLEEN D. HARRIS, in her official capacity as Attorney General of California,<br>MARK D. SHWETZ, in his official capacity as Director of the California Department of Public Health & State Registrar of Vital Statistics, LOUETTE SCOTT, in her official capacity as Deputy Director of Health Information & Strategic Planning for the California Department of Public Health, PATRICK O'CONNOR, L., in his official capacity as Clerk Recorder for the County of Alameda, DEAN E. LUDWIN, in his official capacity as Register-Recorder/Clerk for the County of Los Angeles. | No. 12-10080<br>D.C. No. 1:09-cv-0220-VEN<br>ORNDORF |
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Evan Wolfson  
President, Freedom to Marry; author, 'Why Marriage Matters'

## After the Prop 8 Victory, What's Next?

Posted: 02/9/2012

On Tuesday, Feb. 7, the U.S. Ninth Circuit Court of Appeals upheld a ruling that Proposition 8, the anti-gay measure that stripped gay and lesbian couples in California of the freedom to marry, is unconstitutional. Yesterday, Feb. 8, the Washington legislature passed a marriage bill that will go to the governor's desk for her signature. And today, we look at the work ahead to ensure that all loving and committed couples are able to share in the meaning and protections of marriage.

The Ninth Circuit's constitutional ruling -- powerful, thoughtful, precise -- made three critical points: first, that marriage matters to everyone, including gay and lesbian couples; second, that it is wrong to single out any group of Americans and strip away rights; and third, that California had no legitimate or sufficient reason for taking away the freedom to marry from one set of loving and committed couples.

The majority held: "[W]e emphasize the extraordinary significance of the official designation of 'marriage.' That designation is important because 'marriage' is the name that society gives to the relationship that matters most between two adults." For the nearly 100,000 gay and lesbian couples in California, all of whom are there for one another through the joyous and not-so-joyous moments of life, taking care of one another in tough times (and a particularly tough economy), this reminder that marriage matters could not be more true. After all, as the court wrote, "We are excited to see someone ask, 'Will you marry me?'... Certainly it would not have the same effect to see 'Will you enter into a registered domestic partnership with me?'"

Reviewing the weak and -- as shown at trial -- evidence-free claims made to shore up Prop 8, the Ninth Circuit panel found that "Proposition 8 serves no purpose, and has no effect, other than to lessen the status and human dignity of gays and lesbians in California, and to officially reclassify their relationships and families as inferior to those of opposite-sex couples. The Constitution simply does not allow for laws of this sort."

Litigation challenging constitutional violations by politicians or even -- to use America's Founders' phrase "the tyranny of the majority" -- is a historic and legitimate part of the checks and balances that preserve our freedoms and advance our country's march toward liberty and justice for all. But elected officials, like judges, take an oath to uphold the Constitution -- as the Washington House of Representatives did yesterday when it passed a freedom to marry bill that will make Washington the seventh state to end the restriction on marriage for gay and lesbian couples and, counting the District of Columbia, the fifth to do so through legislative action. New

Jersey's legislature is also moving on a freedom to marry bill, a marriage bill was introduced in Maryland in January, and yesterday Illinois legislators introduced a bill, as well. And in Maine, families and advocates blocked by a hostile governor and legislature have filed over 105,000 signatures, putting the question of ending the denial of the freedom to marry on the November ballot.

Building a critical mass of states is one of the three tracks of Freedom to Marry's "[Roadmap to Victory](#)" national strategy -- the strategy that has brought our country and cause so far, so fast. Last year, with our historic triumph in New York, we more than doubled the number of Americans living in a state where same-sex couples share in the freedom to marry; once the work in California and Washington is complete, we will have doubled that number again -- to more than 25 percent of the American people. On the other two tracks of the Roadmap, we are cultivating federal support and growing the national majority for marriage. In order to keep winning court cases as well as legislative and electoral battles, Freedom to Marry knows that we must make the same strong case for marriage in the court of public opinion as our advocates are making in courts of law. By following the Roadmap on all three tracks, together we create the climate that emboldens and empowers public officials and judges (and Supreme Court justices) to do the right thing.

In Washington, D.C., Freedom to Marry's federal program is focused on elevating the conversation around marriage, getting decision makers to stop acting like it's 1996 and instead understand how many hearts and minds have changed, and how much progress the freedom to marry has made, as we enter 2012. Last week, in partnership with our colleagues at Human Rights Campaign, Freedom to Marry launched the Respect for Marriage Coalition, bringing together over 50 diverse organizations, including the highly respected Leadership Conference on Civil & Human Rights, to continue growing congressional support to pass our [Respect for Marriage Act](#), which would overturn the discriminatory federal so-called Defense of Marriage Act (DOMA).

And even as the Ninth Circuit ruling may possibly go up on appeal, likewise, a number of important lawsuits challenging DOMA are working their way through the courts. Any one of these cases, or one that has yet to be filed, could make its way to the Supreme Court. We don't know which or when, or who will be on the Court when a case gets there, but the clock is ticking, adding urgency to our need to get more wins on the board, as called for in the Roadmap.

With so much at stake, each of us can and must play a role in ending marriage discrimination -- and our moment is now. Find out what you can do in your state by clicking [here](#), and check if your members of Congress are cosponsors of the Respect for Marriage Act [here](#); then take action by emailing your lawmakers. And if your mayor is not yet one of the more than 130 [Mayors for the Freedom to Marry](#), please sign or start a petition [here](#).

In explaining why marriage matters, and why separate or lesser legal recognition is no substitute for the freedom to marry, the Ninth Circuit wrote, "We do not celebrate when two people merge their bank accounts; we celebrate when a couple marries." Together we *are* winning the freedom to marry nationwide, and, if we redouble and refuel our movement on all three tracks of the Roadmap to Victory, together we will have a lot of celebrating to do.



## Washington, New Jersey move toward same-sex marriage

By **Tom Watkins**, CNN  
February 14, 2012

(CNN) -- Proponents of same-sex marriage got a boost on two fronts Monday, when the governor of Washington signed a bill legalizing marriage for gay and lesbian couples and the New Jersey state Senate voted 24-16 in favor of a similar bill.

The New Jersey bill now goes to the Assembly, which is slated to vote Thursday. "We're cautiously optimistic" about its chances for passage, said Steven Goldstein, a spokesman for Garden State Equality, which has lobbied for the bill.

But the legislation is threatened in both states.

New Jersey Gov. Chris Christie said last month that the issue "should not be decided by 121 people in the State House in Trenton." Instead, he favors a statewide referendum.

"I think that this is not an issue that should rest solely in my hands, in the hands of the Senate president or in the hands of the speaker or the other 118 members of the Legislature," he said. "Let's let the people of New Jersey decide what is right for the state."

If he vetoes the measure, "the battle for overriding the veto begins," Goldstein said.

Gov. Chris Gregoire's signature to legislation legalizing same-sex marriage added her state to a list that includes Massachusetts, Vermont, New Hampshire, Connecticut, Iowa, New York and the District of Columbia.

The law will go into effect in June, when the legislative session ends, but opponents have vowed to try to halt its implementation by putting it on the November ballot.

That possibility did not appear to dampen the spirits of those who attended the bill-signing ceremony.

"We have finally said yes to marriage equality," Gregoire said to applause moments before signing the bill. "It gives same-sex couples the same right to a marriage license as heterosexual couples."

She noted that churches are not required to perform same-sex marriages under the law and expressed confidence that, if put to a state-wide vote, Washingtonians would back the measure.

"I believe our Washingtonians will say yes because it's time for us to stand up for our sons and daughters, our brothers and sisters, our moms and dads, our friends and the couple down the road," she said. "It is time to give our loving gay and lesbian couples the right to a marriage license in Washington state."

But the news for same-sex marriage advocates is not all positive. In states where legislators have passed Defense of Marriage Acts, which define marriage as being between a man and a woman only, they are taking defensive action. North Carolina is set to vote in a May primary election on such an act, and Minnesota is to hold such a vote in November.

In 2009, Maine legislators passed a same-sex marriage bill that drew challenges by opponents who pushed for a referendum that ultimately overturned the law with 53% of the vote. Proponents are trying to get it back on the ballot this year. Gay rights advocates have garnered thousands of signatures in an effort to force a second referendum in November.

In California, a 2008 public vote outlawed gay and lesbian couples' right to wed.

Two years later, a federal district court overturned the voter-approved measure known as Proposition 8, saying couples were unfairly denied their rights. A federal appeals court ruled last week against California's ban, arguing that it unconstitutionally singles out gays and lesbians for discrimination.

The ban has remained in place during the appeals process and could soon get a ruling from the U.S. Supreme Court.

Similar battles have unfolded in Maryland, where same-sex marriage opponents have pressed for referenda to counter bills that appear to enjoy growing support in their statehouse.

The National Organization for Marriage, which opposes same-sex marriage, predicted that the referenda will block the marriages from taking place.

"Ultimately, the people are going to decide, and we're confident that the people will vote to protect marriage as the union between a man and a woman," President Brian Brown said. "The legislature's decision is a decision against the will of the people."

Marriage, he said, is by definition the union of a man and a woman. "The state did not create that definition; the state merely recognizes it."

Statewide votes are not the way to handle the issue, according to Thalia Zepatos, director of public engagement for Freedom to Marry. "The question I like to pose to people is: Would you like the entire state to vote on whether you could marry your husband or wife?" she asked.

But the trend among Americans seems to be moving toward acceptance of the practice. A CNN/ORC International Poll carried out in September found that 53% of respondents said marriages between gay or lesbian couples should be recognized as valid, up from 44% in 2009. The poll had a sampling error of plus or minus 3 percentage points.

In September's poll, Democrats favored recognizing them as valid by 67% to 31%, independents by 53% to 46%. Just 30% of Republicans said they favored recognizing same-sex marriage as valid, versus 69% who did not. Those results had a sampling error of plus or minus 6 points.

# BLOOMBERG

## Washington Legalizes Gay Marriage, Extending Patchwork of States

February 14, 2012

*By Esme E. Deprez and Amanda J. Crawford*

Feb. 14 (Bloomberg) -- Governor Christine Gregoire signed a bill legalizing same-sex marriage in Washington, making it the seventh in the patchwork of states granting the right to gay and lesbian couples.

The state House of Representatives approved the legislation Feb. 8 over the opposition of Republicans who said the practice would erode traditional marriage and harm families and children. Opponents are trying to mount a challenge at the ballot box in November.

Gregoire's signature extends to the West Coast the archipelago of states where couples of the same sex may marry. New York, Massachusetts, Connecticut, Iowa, New Hampshire, Vermont and the District of Columbia permit the practice. The New Jersey Senate yesterday passed a bill that would allow gay and lesbian couples to marry, though Republican Governor Chris Christie has said he would veto it.

"It is a day historians will mark as a milestone for equal rights," Gregoire said yesterday at a bill-signing in Olympia, the capital. "A day when we did what was right, we did what was just, we did what was fair."

Gregoire, a 64-year-old Democrat, acknowledged that opponents haven't given up. The law is to take effect in June, though implementation would be delayed if enough signatures are gathered to put a referendum on the ballot, said Karina Shagren, Gregoire's spokeswoman.

'Time Is Now'

"The people of Washington will say marriage equality is right for our state and the time is now," Gregoire said.

Nationwide, voters have rejected gay marriage in all 31 referendums held so far.

At least five other states are dealing with the issue this year: Lawmakers in Maryland and Illinois are weighing legalization, while ballot referendums in North Carolina and Minnesota propose barring the practice. Maine voters may be given a chance to decide whether to extend marriage rights to same-sex couples.

The patchwork of laws leaves gay and lesbian Americans with different rights depending on geography.

Gay couples who wed in Washington and the other states where it's legal wouldn't see their marriages recognized by the federal government or at least 40 other states that either outlaw the practice or don't recognize it, according to Freedom to Marry, a New York-based advocacy organization that supports gay marriage.

That's fine with John Eastman, chairman of the National Organization for Marriage, an advocacy group working to maintain the traditional definition of marriage in the legal code.

### We're Surviving

"We have this system of laboratories called the states where we can try different experiments and see what works well and what doesn't, without imposing a national rule on everybody," said Eastman, a professor at Chapman University School of Law in Orange, California.

"We have patchwork laws on all sorts of things" that vary from one state to another, such as rules on custody and third-cousin marriages, Eastman said in an interview. "It hasn't seemed to have brought us down yet."

For advocates like Evan Wolfson, founder and president of Freedom to Marry, that translates to "a house divided."

"We are one country, not 50 separate kingdoms, and we all deserve equal protection under the law," he said in an e-mail. "Same-sex couples should not have to play 'now you're married, now you're not' depending on which state they are in."

Nor should they be treated as "legal strangers," he said, under the Defense of Marriage Act, a 1996 law signed by President Bill Clinton, a Democrat. The law prohibits the federal government from recognizing same-sex spouses.

### Courts and Votes

Same-sex married couples, for instance, may not file joint federal returns, which lower taxes, because the Internal Revenue Service defines a marriage as "only a legal union between a man and a woman as husband and wife."

The Obama administration said last year it would no longer oppose court challenges to the act.

State laws prohibiting the practice also face legal challenges. A panel of the U.S. Court of Appeals in San Francisco voted 2-1 on Feb. 7 to strike down California's Proposition 8, which defined marriage to be only between a man and a woman, as unconstitutional. Gay nuptials had begun in 2008 after the state's top court overruled a ban passed by voters in 2000.

In Washington, opponents need petitions signed by more than 120,000 registered voters to get a referendum on the November ballot, according to Brian Zylstra, a spokesman for Secretary of State Sam Reed.

## New Hampshire House rejects repeal of gay marriage law

March 21, 2012 | By Kim Geiger



(Jim Cole/Associated Press)

Reporting from Washington — The New Hampshire House of Representatives has rejected a bill to repeal the state’s 2-year-old law allowing same-sex marriage, dealing a blow to activists who had hoped to make the Legislature the first in the country to repeal a gay marriage law.

Lawmakers in the House voted 211 to 116 against the bill, which would have repealed gay marriage and replaced it with a preexisting civil unions law, according to the Associated Press. It also would have made the issue a nonbinding question on the November ballot.

Gov. John Lynch, a Democrat, had promised to veto the bill if it reached his desk, but opponents of gay marriage had hoped to win the two-thirds majorities in the House and Senate to override the veto. Both chambers are controlled by Republicans.

Both the civil unions law and the gay marriage law that replaced it were enacted by Democratic-controlled Legislatures and signed into law by Lynch.

Gay marriage opponents had felt emboldened after Republicans swept into power in the 2010 midterm elections.

Marc Solomon, campaign director at Freedom to Marry, a gay marriage advocacy group, said proponents of the bill “tried to abuse” the 2010 victory by attempting to repeal the gay marriage law.

“We are grateful to Gov. John Lynch for his principled defense of the freedom to marry law, and to the many lawmakers – both Republican and Democrat – who listened carefully to their constituents and recognized that New Hampshire is stronger when all committed couples can share in the freedom to marry.”



## Federal court strikes down key part of federal law banning same-sex marriage

By **Bill Mears**, CNN  
Thu May 31, 2012



Marriage between two males or two females is legal in seven states and the District of Columbia.

**(CNN)** -- A key part of the law banning federal recognition of same-sex marriage was struck down as unconstitutional by a U.S. appeals court Thursday.

The Defense of Marriage Act -- known as DOMA -- defines marriage for federal purposes as unions exclusively between a man and woman.

At issue is whether the federal government can deny tax, health and pension benefits to same-sex couples in states where they can legally marry.

"If we are right in thinking that disparate impact on minority interests and federalism concerns both require somewhat more in this case than almost automatic deference to Congress' will, this statute fails that test," said the three judge panel.

The 1st Circuit U.S. Court of Appeals, based in Boston, did not rule on the federal law's other key provision: that states that do not allow same-sex marriages cannot be forced to recognize such unions performed in other states.

DOMA was enacted in 1996, when Hawaii was considering legalizing same-sex marriage.

Marriage between two males or two females is legal in seven states and the District of Columbia. Many other states have legalized domestic partnerships and civil unions for such couples, including New Jersey, Illinois, Delaware, Rhode Island and Hawaii, a step designed in most cases to provide the same rights of marriage under state law.

But other states have passed laws or state constitutional amendments banning such marriages.

The appeals court said it recognizes how divisive the issue is, and noted it may ultimately be up to the Supreme Court to decide. But this decision is the first at this judicial stage to find the heart of the law unconstitutional.

"Many Americans believe that marriage is the union of a man and a woman, and most Americans live in states where that is the law today," said Judge Michael Boudin, appointed to the bench in 1992 by President George H.W. Bush. "One virtue of federalism is that it permits this diversity of governance based on local choice, but this applies as well to the states that have chosen to legalize same-sex marriage. Under current Supreme Court authority, Congress' denial of federal benefits to same-sex couples lawfully married in Massachusetts has not been adequately supported by any permissible federal interest."

Massachusetts had challenged the law on behalf of a group of same-sex couples. Similar lawsuits have been filed across the country.

DOMA is being officially defended in court by House Republicans, led by Speaker John Boehner, R-Ohio, who stepped in after the Justice Department refused to participate. The Obama administration announced last year it believed the law to be unconstitutional.

Congressional opponents of DOMA hailed the court's opinion.

"It's very good news for those who are fighting discrimination in any place, including in the area of marriage equality," said House Minority Leader Nancy Pelosi, D-California.

The case was argued in Boston last month. The lawyer for the couples said states have long-standing authority to control and define marriage, and that Congress has no right to intervene through DOMA, clearly designed, said the lawyer, as "disrespect" to lesbians and gays.

But Paul Clement, the private attorney hired by Boehner to defend the law, argued a congressionally mandated, uniform standard to define marriage for federal purposes is both proper and practical.

Groups fighting DOMA were ecstatic at the decision.

"All Massachusetts couples should be afforded the same rights and protections under the law, and we hope that this decision will be the final step toward ensuring that equality for all," said the state's attorney general, Martha Coakley, who in 2009 filed the initial lawsuit challenging DOMA.

"As more loving same-sex couples commit their lives to one another in marriage, the harms of this unjust law become more clear," said Evan Wolfson, president of Freedom to Marry, "from service members, risking their lives to protect ours, being denied the ability to protect their own families through military medical insurance or survivor benefits, to senior citizens having to move out of their homes after their partners of many decades pass on because they cannot access Social Security protections afforded any other legally married couple."

The issue has been working along two legal tracks. A federal appeals court earlier this month ruled against California's voter-approved ban on same-sex marriage, arguing the ban unconstitutionally singles out gays and lesbians for discrimination.

In a split decision, a three-judge panel of the 9th U.S. Circuit Court of Appeals found the state's Proposition 8 "works a meaningful harm to gays and lesbians" by denying their right to civil marriage in violation of the 14th Amendment.

Both the California and Massachusetts cases could soon be presented to the U.S. Supreme Court for review. The justices would have the discretion to accept one, both, or neither case -- perhaps deferring judicial review until a later time, after more lower courts have had time to debate the matter.

The case is Massachusetts v. U.S. Dept. of Health and Human Services (10-2204).

## Prison Is Too Violent for Young Offenders



*Gary Scott was arrested at age 15 for second-degree murder and was sentenced to 15 years to life at age 17. He has served 14 and a half years and is currently at San Quentin State Prison. He works with at-risk youth and is studying toward an associate of arts degree.*

June 5, 2012

Like many states, California allows youth offenders as young as 14 to be transferred from the juvenile system to adult courts. From there, most of the teenagers who are tried as adults and sentenced to life in adult institutions are placed in Level 4 maximum-security prisons that are extremely violent.

If rehabilitation is the goal for teenagers who are tried and sentenced as adults, then prison is not the answer.

This happens even though courts have said that juveniles are different from adults and in some situations must be treated differently. For example, in 2005, the Supreme Court [banned the death penalty](#) for juvenile offenders because “people under 18 are immature, irresponsible, susceptible to peer-pressure and often capable of change.” However, the justices have not yet applied this same logic when considering the sentencing and housing of juveniles in the adult system.

In my observation, the incarceration of young prisoners in adult prisons has an extremely destructive effect. Young prisoners are more susceptible to negative influences than adults. Facing the reality of their lengthy sentence and potentially never going home makes them seek protection and try to fit in somewhere in their new world. Because a juvenile’s identity is still developing, he or she can potentially adopt negative behaviors that are the norm in a hostile prison environment. The fear of being victimized or assaulted produces a need for security, which leads many young prisoners to rely on gangs and weapons for survival. Young prisoners overwhelmed by feelings of helplessness and hopelessness cannot focus on changing their thinking and behavior, because they are focused on how to survive. Younger prisoners are also at a disadvantage because they are not as mature (mentally and physically) as older prisoners. The suicide and sexual abuse rates of younger prisoners are [higher](#) than those of the physically mature. How can rehabilitation be possible in such a dangerous environment?

The only way to change the behavior of young prisoners is to provide them with the opportunity to gain insight into why they think and behave the way they do. If rehabilitation is the goal for teenagers who are tried and sentenced as adults, then prison is not the answer. There should be a

different place for youth offenders. Prison is too violent, and the necessary programs that can contribute to young prisoners' rehabilitation are underfunded. Rehabilitation is more possible in an environment that is conducive to education, where young prisoners can gain insight into their behavior to produce a positive transformation



## Guest Comment: Becoming sustainable in policy and practice

Apr 19, 2012

by Becky and Al Courchesne

Frog Hollow Farm

The word “sustainable” gets a lot of play these days. The looming challenges that climate change poses make sustainability more than just a buzz word. California has been working to address and prepare for these challenges by implementing policies like the landmark climate change law, AB 32. We appreciate the state’s leadership on these complicated issues.

At Frog Hollow Farm, we think a lot about sustainability. Most of our decisions are rooted in how to ensure that our business, family, community and natural resources are not only sustained over the long term but actually get stronger and healthier.

Our Brentwood farm started in 1976 on 13 acres of fertile San Joaquin River Delta land. Now we have a thriving 133 acres with hundreds of trees that produce peaches, nectarines, cherries, apricots, apriums, plums, pluots, pears, olives, persimmons, quince, apples and more. Heirloom tomatoes are our newest crop, and we are always planting new things to find out what grows best here.

To make maximum use of our harvest and build in safeguards against crop failures, we diversify our crops. We added a commercial kitchen to produce pastries, preserves and dried fruit. In the face of changing weather, pest and water conditions that come with a changing climate, we are counting on this diversity to help us adapt.

We made the transition to organic practices 21 years ago. Instead of fossil fuel-based synthetic fertilizers, we use seaweed, fish, limestone and compost to build soil fertility. With the help of scientific consultants we pay for out of our farm budget, we recently embarked on an exciting new project to improve our compost production.

We now recycle 100 percent of our waste products – orchard prunings, downed branches, old trees and fruit waste – to make high-quality compost that enhances the soil microbiology. Instead of burning our orchard prunings (creating air pollution and emitting carbon into the atmosphere) or piling up our fruit waste to attract pests, we have healthier soils and use very few soil amendments from off our farm.

The Economic and Technology Advancement Advisory Committee to the California Air

Resources Board found compost can reduce the need for irrigation, fertilizers and pesticides while also increasing crop yields, stating, “This is a cost-effective way to reduce agricultural GHG emissions while sustaining California’s agricultural industry by returning organic nutrients to the soil.”

In addition to addressing the climate crisis, farms like ours also provide community benefits such as open space, limiting urban sprawl and the provision of healthy, locally produced food. We are proud to employ 30 year-round workers and 60 during harvest.

We have implemented sustainable practices throughout our operation; we could do a lot more with some support. And with the right policies and incentives, many more California farms and ranches could make similar contributions and offer multiple benefits to their communities. Frog Hollow Farm will continue to do its part.

Meanwhile, California’s brand-new cap-and-trade program – one component of the larger AB 32 program – will go into effect this year. It will create new opportunities and revenue to support activities that reduce greenhouse gas emissions. It gives the state a powerful tool to move sustainability from individual projects such as ours into the mainstream. That sounds like a sustainable future we all can and should support.

*Becky and Al Courchesne are the owners of Frog Hollow Farm, a 133-acre California Certified Organic Farm located in Brentwood that has been committed to sustainable practices since 1989.*

## OP-ED: Agriculture's climate protection solutions

*April 21, 2012, By Stephen E. Abbors and David Gates*

When we think about ways to slow down climate change and avert the worst impacts of rising temperatures, what usually comes to mind are things like electric cars, weatherizing homes and putting up solar panels. But there are other significant climate solutions to be realized from one of the most important economic sectors in California — agriculture.

Farms and ranches offer unique opportunities to store, or “sequester” carbon dioxide in soil, trees and other woody plants. Research shows that some of the most promising “climate-friendly” farming practices include reducing synthetic nitrogen fertilizer use, managing soil to increase organic matter, pasture-based livestock management that decreases erosion and avoids overgrazing, and integrating perennial crops, forests and hedgerows into the farmscape.

Many climate-friendly farming practices have the added benefits of improving air and water quality, reducing reliance on fossil fuel-based inputs and increasing wildlife habitat and biodiversity.

These advantages serve as a buffer against the extremes of climate change that could hamper agricultural production and impact food security. Preserving farmland near urban areas can also limit the significant greenhouse gas emissions associated with transportation and sprawl development.

But moving from the promise of solutions to their widespread adoption on California's working farm and ranch lands takes resources. We need more agricultural research, technical assistance for farmers and ranchers and, when there may be added risks such as decreases in crop yield, financial incentives to make the business of climate-friendly farming less risky.

That's where innovative state investments can make all the difference between a progressive agricultural economy or one that fails to meet the challenges of a changing climate.

This year, California's long-anticipated cap-and-trade program goes into effect. The ground was laid for the program in 2006 when former governor Arnold Schwarzenegger signed into law AB 32, the Global Warming Solutions Act, the country's most comprehensive climate protection policy. Under the law, California must reduce its greenhouse gas emissions to 1990 levels by 2020.

Beginning this year the first steps of implementing cap-and-trade will get under way with full implementation beginning in January 2013. The program puts a cap on the largest emitters of greenhouse gases, one that declines over time. These emitters must meet their cap by decreasing their actual emissions or by buying “offsets” on the carbon market. Those that emit less than their cap can trade or sell their permits or “allowances” to pollute.

An aspect of cap-and-trade that has been given relatively little attention until now is that the largest greenhouse gas emitters will be required to purchase a small portion of their allowances via an auction. The state will hold the first auction in November 2012 and quarterly auctions each year thereafter, generating hundreds of millions of dollars in public funds this year and increasing to several billions of cap-and-trade program revenue in future years.

How cap-and-trade revenue is invested could make all the difference in the success of the program. Importantly, Gov. Jerry Brown included “sustainable agriculture” in his budget proposal as an eligible allocation for cap-and-trade funds, recognizing both the potential for climate solutions from agriculture and the need for public investments to help maximize them.

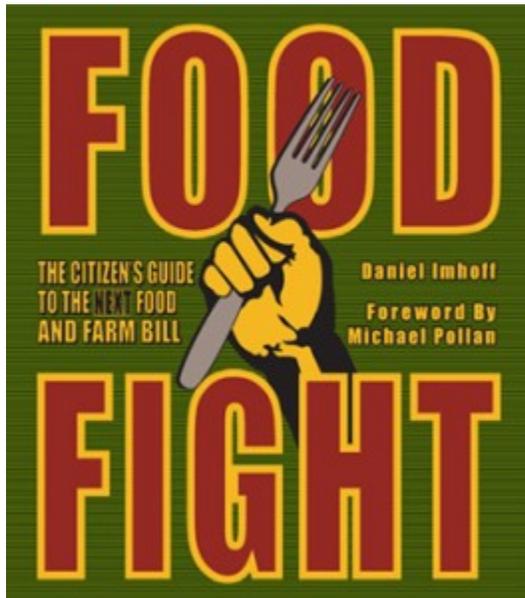
This spring, as the Legislature takes up the question of investment priorities for cap-and-trade revenue, we hope they too will see the wisdom of investing in agricultural solutions to one of most pressing challenges in the years to come.

Stephen E. Abbors is the general manager of the Midpeninsula Regional Open Space District and David Gates is the vice president, Vineyard Operations for Ridge Vineyards, Inc. in Cupertino.



## Farm Bill 101: Pick a Food Fight!

April 23rd, 2012, By Renata Brillinger



Part history text, part socio-political commentary and part call to action, *Food Fight: The Citizen's Guide to the Next Food and Farm Bill* offers something for everyone from the seasoned agriculture advocate to the newcomer on the food systems scene. The newly re-issued book by Dan Imhoff comes just as the federal debate over the 2012 Farm Bill is heating up.

The book is divided into three sections: Why the Farm Bill Matters; Wedge Issues; and Turning the Tables. To set the context, Imhoff summarizes the early history of the farm bill, describing the Dust Bowl, the Great Depression, and the overproduction of crops that led to its creation as a cornerstone of the New Deal. The history lesson continues with a short summary of the impact of the Green Revolution on farm bill policy, as well as the story of how the bill came to include hunger and nutrition programs, and the ebb and flow of conservation programs to incentivize environmental stewardship on the nation's farms and ranches. And because no discussion on the farm bill would be complete without discussing commodity subsidies, that's covered too.

After laying down the foundation, he devotes the rest of the book to strategic topics. He lays out a number of "wedge issues" that could change the terms of the farm bill debate—government

deficits, the increasingly apparent impacts of climate change on agriculture, and other emerging ecological crises, the rise of the local food movement, food security concerns, and more.

The last few pages of the book are devoted to “Turning the Tables” and Imhoff offers a checklist of 25 ideas whose time has come—an aspirational menu for American agriculture. Finally, he provides a succinct activist tool kit with tips on organizing and a resource list of organizations across the country engaged in progressive advocacy on the farm bill and related issues.

Perhaps my favorite quote from the book—maybe because I can relate to it—is this: “I confess, I am a reluctant policy wonk. But these are the issues of our times. If Americans don’t weigh in on the Farm Bill, the agribusiness lobbyists will be more than happy to draft the next one for us as they have done for at least 30 years.”

The book is available online at [Watershed Media](#) where you can also see a number of other of Imhoff’s books. You can also order it on the action-oriented [Food Fight](#) site that features farm bill-related events, news and a “what you can do” section.

*Renata Brillinger is the Executive Director of the [California Climate and Agriculture Network](#), a coalition of sustainable agriculture organizations focused on climate policy.*

## Bill Gates Calls For More Agriculture Research To Fight Hunger



By DONNA GORDON BLANKINSHIP 01/24/12 [AP](#)

KIRKLAND, Wash. — Bill Gates has a terse response to criticism that the high-tech solutions he advocates for world hunger are too expensive or bad for the environment: Countries can embrace modern seed technology and genetic modification or their citizens will starve.

When he was in high school in the 1960s, people worried there wouldn't be enough food to feed the world, Gates recalled in his fourth annual letter, which was published online Tuesday. But the "green revolution," which transformed agriculture with high-yield crop varieties and other innovations, warded off famine.

Gates is among those who believe another, similar revolution is needed now. The Bill & Melinda Gates Foundation has spent about \$2 billion in the past five years to fight poverty and hunger in Africa and Asia, and much of that money has gone toward improving agricultural productivity.

Gates doesn't apologize for his endorsement of modern agriculture or sidestep criticism of genetic modification. He told The Associated Press that he finds it ironic that most people who oppose genetic engineering in plant breeding live in rich nations that he believes are responsible for global climate change that will lead to more starvation and malnutrition for the poor.

Resistance to new technology is "again hurting the people who had nothing to do with climate change happening," Gates said.

Groups resistant to genetic modification and other hallmarks of modern agriculture, such as pesticides and petroleum-based fertilizers, generally object on two grounds – concerns about the environment and the high cost of the seed and chemicals used in modern farming.

Bill Freese, a science policy analyst for the Washington-based Center for Food Safety, said everyone wants to see things get better for hungry people, but genetically modified plants are more likely to make their developers rich than feed the poor. The seed is too expensive and has a high failure rate, he said. Better ways to increase yields would be increasing the fertility of soil by adding organic matter or combining plants growing in the same field to combat pests, he said.

The biggest problem with those alternatives, Freese said, is the same one that Gates cited in high-tech research: A lack of money for development.

In his 24-page letter, the Microsoft Corp. chairman lamented that more money isn't spent on agriculture research and noted that of the \$3 billion spent each year on work on the seven most important crops, only 10 percent focuses on problems in poor countries.

"Given the central role that food plays in human welfare and national stability, it is shocking – not to mention short-sighted and potentially dangerous – how little money is spent on agricultural research," he wrote in his letter, calling for wealthier nations to step up.

The Gates Foundation is heavily engaged in political advocacy to get governments to spend more money on agriculture and improve policies on issues such as trade and land ownership. Along with advocacy and seed research, it spends its money on buying and distributing fertilizer, educating farmers and improving their access to world markets.

Gates said most of the seed research paid for by his foundation involves conventional plant breeding. In those cases, DNA research allows scientists to pinpoint which genes are responsible for desirable traits. He compares the work to changes in modern libraries.

"We used to have to use the card catalogue and browse through the books to find the information we needed," he wrote in his letter. "Now, in the same way we know ... the precise page that contains the piece of information we need, we can find out precisely which plant contains what gene conferring a specific characteristic. This will make plant breeding happen at a much faster clip."

But in some cases, researchers have inserted foreign genes, such as with cassava, a plant that when processed makes tapioca. It is a staple in Africa, but has been stricken by two diseases, causing more widespread hunger. Scientists injected genes from the disease-causing viruses into the plant's DNA to create a vaccine-like effect.

While Gates is a strong supporter of such work, he said scientists and government need to proceed with caution.

"I think the right way to think about GMOs is the same way we think about drugs," Gates said in an interview. "Whenever someone creates a new drug, you have to have very smart people looking at lots of trial-based data to make sure the benefits far outweigh any of the dangers.

"You can't be against all drugs, but drugs in general are not safe."

Gates' letter also addressed the foundation's work on combating AIDS and eradicating polio. He noted India recently celebrated its first polio-free anniversary and expressed optimism during an interview that other countries will soon have similar celebrations.

He said good progress is being made toward developing an AIDS vaccine and on AIDS treatment, and he hopes the U.S. will fulfill its pledge to provide \$4 billion over three years to The Global Fund for AIDS research. It paid only \$1 billion of that pledge in the first year.

Gates expressed in his letter and in person concern that the U.S. and other rich nations continue to support foreign aid during the recession.

"If you ask people should we provide AIDS drugs to people who need them, you get an overwhelming yes. When you ask people, do you believe in foreign aid, you get a very skeptical view," he said. "But the fact is that the biggest single program in foreign aid is providing those AIDS drugs. People need to connect those things."

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Online:

Bill & Melinda Gates Foundation: <http://www.gatesfoundation.org>

Center for Food Safety: <http://www.centerforfoodsafety.org/>

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Associated Press writer Donna Blankinship can be reached at <http://twitter.com/dgblankinship>

February 7, 2012

## Modified Crops Tap a Wellspring of Protest



Ozier Muhammad/The New York Times

A rally in Foley Square in Manhattan in support of a suit by farmers who say they cannot keep genetically modified crops from their fields.

By JULIA MOSKIN

SILENT in flannel shirts and ponytails, farmers from Saskatchewan and South Dakota, Mississippi and Massachusetts lined the walls of a packed federal courtroom in Manhattan last week, as their lawyers told a judge that they were no longer able to keep genetically modified crops from their fields.

The hearing is part of a debate that is coming to life around the country, in courtrooms and Occupy sites, in boardrooms and online, with new petitions, ballot initiatives and lawsuits from California to Maine.

Last year, according to the Department of Agriculture, about 90 percent of all soybeans, corn, canola and sugar beets raised in the United States were grown from what scientists now call transgenic seed. Most processed foods (staples like breakfast cereal, granola bars, chicken nuggets and salad dressing) contain one or more transgenic ingredients, according to estimates

from the Grocery Manufacturers Association, though the labels don't reveal that. (Some, like tortilla chips, can contain dozens.)

Common ingredients like corn, vegetable oil, maltodextrin, soy protein, lecithin, monosodium glutamate, cornstarch, yeast extract, sugar and corn syrup are almost always produced from transgenic crops.

No known health risks are associated with eating transgenic foods (though many scientists say it is too soon to assess the effects), and the Food and Drug Administration classifies them as safe.

But consumer resistance to transgenic food remains high. In a nationwide telephone poll conducted in October 2010 by Thomson Reuters and National Public Radio, 93 percent said if a food has been genetically engineered or has genetically engineered ingredients, it should say so on its label — a number that has been consistent since genetically modified crops were introduced. F.D.A. guidelines say that food that contains genetically modified organisms, or G.M.O.'s, don't have to say so and can still be labeled "all natural."

In California, voters in November will decide on a ballot initiative requiring the labeling of such foods. In October, an online campaign called [Just Label It](#) began collecting signatures and comments on a petition to the F.D.A., requesting rules similar to those in the European Union, Japan, China, India and Australia, stating what transgenic food is in the package. (For example, an ingredients list might say "genetically engineered corn" instead of just "corn.") Six hundred thousand Americans have commented, according to the group.

"You don't have to be a technophobe or think corporations are evil to not want G.M.O.'s in your food," said Ashley Russell, a college student who attended a rally sponsored by [Food Democracy Now](#) after the Manhattan court hearing.

In traditional plant breeding, plants are bred with related organisms to encourage certain naturally occurring traits. In transgenic breeding, genetic material from unrelated organisms can be introduced to create new traits, like resistance to drought, herbicides or pests. For the most part, the spread of transgenic seeds into the American food supply has been purposeful, carried out by farmers and scientists who see enormous advantages in hardier plants.

In January, Bill Gates devoted most of his annual letter on agriculture from the [Gates Foundation](#) to the need for advanced technology. He later said that most people who object to transgenic agriculture live in rich nations, responsible for climate change that he believes has caused malnutrition for the poor.

For many in the food industry, including big players like Whole Foods, the dairy collective Organic Valley and Stonyfield Farm, the inevitability of transgenic food was cemented last year, when the Agriculture Department deregulated a new alfalfa created by Monsanto, the largest producer of genetically modified seed in the United States, despite furious lobbying by the organic industry. Alfalfa, which has a strong tendency to drift from one field to another, is grown as feed for millions of dairy cows, making it one of the country's largest crops. Transgenic alfalfa cannot be used to feed cows that produce organic milk.

“We have understood for a long time that there is potential for contamination of [organic food](#) through pollen drift,” said A. C. Gallo, co-president and chief operating officer of Whole Foods. After the “disappointing” alfalfa decision, he said, the company decided to focus more efforts on labeling transgenic food, rather than trying to stop or slow its arrival into the food supply.

The company, along with others like Nature’s Path, Eden Foods and Lundberg Family Farms, is a major funder (and customer) of the [Non-GMO Project](#), a nonprofit verification service that does lab testing and provides certification for food producers. Organic farmers are responsible for testing their own crops for contamination, and for keeping transgenic pollen and seeds off their land. The Agriculture Department recommends that organic farmers leave a “buffer zone” between their crops and neighboring farms, but that can prove expensive and ineffective.

“Pollen and DNA do not play by the U.S.D.A.’s rules,” said Elizabeth Archerd, a director of a Minneapolis food co-op, the Wedge, that supports labeling of transgenic food.

That is why farmers like Bryce Stephens of Jennings, Kan., made the trip to New York last week.

“I don’t raise corn anymore,” he said, because the prevailing wind on his farm had contaminated his crop with transgenic seed. Without the resources to devote land to a buffer zone, he said that the alfalfa he grows to feed his herd of organic bison would soon be contaminated by his neighbors’ crops.

Like Mr. Stephens, most of the farmers in the Manhattan courtroom were plaintiffs in a class-action lawsuit filed last year by the [Organic Seed Growers and Trade Association](#) against Monsanto. The plaintiffs, none of whom use Monsanto seeds, say that they are afraid that the company will take legal action against them if its patented products appear in their fields. (Monsanto has asserted its agricultural patents in hundreds of lawsuits, most of which have been settled.)

But the real issue here is not patent law; it’s contamination. The point made by the suit is that, according to the regulations that govern American agriculture, it’s these unwilling farmers who must prevent Monsanto’s products from trespassing onto their land.

The company has moved to dismiss the suit, claiming that the plaintiffs lack standing because Monsanto has taken no action against them. The judge, Naomi R. Buchwald, said she would rule on the motion to dismiss by March 31.

Increasingly, though, organic and transgenic seeds are coexisting on American farmland. Last year, the Agriculture Department said that crops would not necessarily lose their organic status if they were found to have some transgenic content.

For consumers, this means that transgenic ingredients may be present in the organic staples they pay a premium for.

“That’s absolutely not what organic buyers want, and not what they are paying for,” Ms. Archerd said.

This article has been revised to reflect the following correction:

**Correction: March 14, 2012**

An article on Feb. 8 about genetically modified (or transgenic) crops misstated the United States Department of Agriculture’s policy on allowing transgenic content in crops labeled organic. The department has a recommended guideline of no more than 0.9 percent transgenic content for organic crops; it does not have an official threshold for transgenic content. This correction was delayed because editors did not follow through when the reporter notified them of the error.

## "Agent Orange" Corn: Biotech Only Winner in Chemical Arms Race as Herbicide Resistant Crops Fail

By Andrew Kimbrell, Executive Director of the Center for Food Safety  
Posted: 02/22/2012

The U.S. Department of Agriculture (USDA) is [currently deciding](#) whether or not to approve an application by Dow Chemical for its controversial genetically engineered (GE) corn variety that is resistant to the highly toxic herbicide 2,4-D, one of the main ingredients in Agent Orange.

Today, the USDA [extended the public comment period](#) on this issue until the end of April 2012, largely due to pressure from the Center for Food Safety (CFS), the nation's leading organization in the fight to regulate GE crops. If approved, CFS has vowed to challenge USDA's decision in court, as this novel GE crop provides no public benefit and will only cause serious harm to human health, the environment, and threaten American farms.

Dow's "Agent Orange" corn will trigger a large increase in 2,4-D use--and our exposure to this toxic herbicide--yet USDA has not assessed how much, nor analyzed the serious harm to human health, the environment, or neighboring farms. This GE corn will foster rapid evolution of resistant weeds that require more toxic pesticides to kill, followed by more resistance and more pesticides--a chemical arms race in which the only winners are pesticide (aka biotechnology) firms.

The advent of Dow's 2,4-D resistant corn is a clear indication that first-generation GE, herbicide-resistant crops--Monsanto's Roundup Ready (RR) varieties--are rapidly failing. RR crops, which comprise 84 percent of world biotech plantings, have triggered massive use of glyphosate (Roundup's active ingredient) and an epidemic of glyphosate-resistant weeds. These resistant "[superweeds](#)" are regarded as one of the major challenges facing American agriculture.

2,4-D corn is only the first of many new herbicide-resistance crops being developed by the biotechnology industry to usher in a new era of increased chemical use that represents a very [significant opportunity](#) for Dow, Monsanto, DuPont, Bayer, and Syngenta. These "biotechnology" companies are actually pesticide firms that have acquired a large portion of the world's seed supply, and they use biotechnology to create synergies between their seed and pesticide divisions. In short, biotechnology = pesticide + seeds. One indication of this is that [nearly two-thirds of GE crops](#) pending approval by our USDA (13 of 20) are herbicide-resistant.

Dow now falsely suggests that 2,4-D crops (2,4-D soybeans and cotton are also under development) are the solution to weed resistance. Far from solving the problem, however, a peer-reviewed study recently published in the prestigious journal *Bioscience*, entitled "[Navigating a Critical Juncture for Sustainable Weed Management](#)," suggests that these new GE crops will foster a huge increase in 2,4-D use, and thereby pour oil on the fire, triggering an outbreak of still more intractable weeds resistant to both glyphosate and 2,4-D. This study validates similar findings made by CFS in a 2008 [report](#) and in Congressional testimony on resistant weeds in 2010.

2,4-D drift and runoff also pose serious risk for environmental harm. Because it is such a potent plant-killer, 2,4-D can harm animals by killing the plants they depend on for habitat and food. The [U.S. Environmental Protection Agency](#) and the [National Marine Fisheries Service](#) have found that 2,4-D is likely having adverse impacts on several endangered species, even now. 2,4-D is currently used to control weeds primarily in cereal grains, golf courses and lawns. Its use in corn has been extremely limited. USDA's approval of 2,4-D resistant GE corn will sharply increase the overall use of this toxic herbicide, worsening these impacts and likely placing many other species at risk.

American farmers are also rightly concerned that the introduction of 2,4-D resistant corn will threaten their crops: [2,4-D drift is responsible for more episodes of crop injury than any other pesticide](#). As Indiana farmer Troy Roush told me: "In my experience, 2,4-D is an herbicide that can and does drift considerable distances to damage neighboring crops. We can expect greatly increased use of 2,4-D with Dow's new corn, and that could wreak havoc with soybeans, tomatoes, and other crops my neighbors and I grow."

If approved, millions of acres of Agent Orange corn could be planted as early as next year, raising concern for its adverse health impacts. 2,4-D was one of the main ingredients in Agent Orange, the chemical defoliant used by the U.S. in the Vietnam War. Agent Orange was contaminated with dioxins, a group of highly toxic chemical compounds, which are responsible for a host of serious medical conditions--from diabetes to cancer to birth defects--in Vietnam veterans as well as Vietnamese and their children. Industry's own tests show that 2,4-D [is still contaminated with dioxins](#).

Many studies show that 2,4 D exposure is associated with various forms of [cancer](#), [Parkinson's Disease](#), [nerve damage](#), [hormone disruption](#) and [birth defects](#), according to Dr. Amy Dean, an internal medicine physician and President-Elect of the American Academy of Environmental Medicine. Dr. Dean believes that because it poses significant health risk, exposure should not be increased, but significantly reduced to protect the public's health.

USDA's public comment period on 2,4-D resistant corn is open until April 27, 2012. Tell USDA that you don't want "Agent Orange" corn. Comments may be submitted to the agency through our action link at: <http://bit.ly/AgentOrangeCorn>. For more information on 2,4-D corn, see our [two-page fact sheet](#) and more extensive [Food Safety Review](#).



## Farmers must spend more on herbicides as effectiveness fades

By Kevin Pieper, USA TODAY

4/17/2012

A much-used herbicide, which for years has helped farmers throughout the United States increase profits, is losing its effectiveness and forcing producers to spend more and use more chemicals to control the weeds that threaten yields.



By Yasuyoshi Chiba, AFP/Getty Images  
Herbicide is sprayed on a soybean field in western Brazil on Jan. 30, 2011.

"I've gone from budgeting \$45 an acre just two years ago to spending more than \$100 an acre now to control weeds," said Mississippi farmer John McKee, who grows corn, cotton and soybeans on his 3,300-acre farm in the Delta.

The problem is Roundup, a herbicide introduced in the 1970s, and its partner, Roundup Ready crop seeds, genetically modified to withstand Roundup's active ingredient, glyphosate. In 1996, Monsanto introduced Roundup Ready soybean, soon touted as a game changer.

"It was an extremely valuable and useful tool for the past 15 years," said Bob Scott, extension weed scientist with the University of Arkansas.

But now, weeds that Roundup once controlled are becoming resistant to glyphosate, Scott said.

"It's a very, very serious issue here in the Delta," licensed crop consultant Joe Townsend said. "We're knee-deep in it."

As overuse of antibiotics led to resistant bugs or superbugs, the almost exclusive use of glyphosate led to resistant populations of weeds, such as pigweed and ryegrass. Glyphosate-resistant weeds have been identified in Australia, South America and China, according to the International Survey of Herbicide-Resistant Weeds.

To combat resistant weeds, farmers are turning to older methods of weed control — more chemicals and more tillage, which leads to increased rates of soil erosion. "I used so many chemicals last year, it made me silly," McKee said. "We're going backwards 15 years."

Bill Freese, science policy analyst at the Center for Food Safety in Washington, D.C., says the use of more chemicals has real public health implications. "It increases the chances they will get into our food and water." Weed resistance to herbicides is not new. But, Freese says, it's happening at a much quicker rate. "Because of the use of a single chemical (glyphosate), it's speeding up evolution." Herbicide-resistant crops are "taking us in the wrong direction. It's just not sustainable."

Rick Cole, weed management technical lead at Monsanto, said the company recommends "multiple modes of action," essentially using more than one chemical, crop rotation and tillage. "I think everybody has learned together. When someone says they're using more chemistry, what we're worried about (is), is it safe? Is it effective?"

On the horizon for Monsanto, Cole said, is Roundup Ready 2 Xtend soybeans, genetically engineered to be resistant to glyphosate and dicamba. Dicamba has been on the market for decades, and Cole says the crops let farmers use more than one chemical on weeds.

Bayer CropScience also produces genetically modified seeds resistant to its herbicide, Liberty, which it touts as a way "to battle glyphosate-resistant weeds."

## Farm group seeks U.S. halt on "dangerous" crop chemicals

By Carey Gillam  
Wed Apr 18, 2012



A field of corn near Monona, Iowa, August 16, 2011.  
Credit: Reuters/Jason Reed

(Reuters) - A coalition of more than 2,000 U.S. farmers and food companies said Wednesday it is taking legal action to force government regulators to analyze potential problems with proposed biotech crops and the weed-killing chemicals to be sprayed over them.

Dow AgroSciences, a unit of Dow Chemical, and Monsanto Co. are among several global chemical and seed companies racing to roll out combinations of genetically altered crops and new herbicides designed to work with the crops as a way to counter rapidly spreading herbicide-resistant weeds that are choking millions of acres of U.S. farmland.

Dow and Monsanto say the new chemical combinations and new crops that tolerate those chemicals are badly needed by corn, soybean and cotton farmers as weeds increasingly resist treatments of the most commonly used herbicide - glyphosate-based Roundup.

"They (farmers) need this new technology," said Dow AgroScience Joe Vertin, global business leader for Dow's new herbicide-protected crops called "Enlist."

But critics say key ingredients in these new herbicides - 2,4-D for Dow and dicamba for Monsanto - already are in use in the marketplace and have proved damaging to "non-target" fields because they are hard to keep on target. Wind, heat and humidity can move the chemical

particles miles down the road, damaging gardens, crops, trees. Many farms have suffered significant damage in recent years even though the chemicals are currently sprayed under tight restrictions.

"These are the most dangerous chemicals out there," said John Bode, a Washington lawyer hired by the Save Our Crops Coalition. Bode served as assistant Secretary of Agriculture in the Reagan administration.

Unlike many other protestors of new biotech crops, the coalition comprises many grower groups that use and support biotechnology. This is not a biotech complaint, they say, but one focused on the danger of the chemicals to be used with the biocrops.

"The danger that 2,4-D and dicamba pose is a real threat to crops...nearly every food crop," said Steve Smith, director of agriculture at Red Gold, the world's largest canned tomato processor, and a leader of the Save Our Crops Coalition.

The coalition represents more than 2,000 farmers and groups such as the Indiana Vegetable Growers Association, the Ohio Produce Growers and Marketers Association, and major food processors Seneca and Red Gold.

Over the last four years, more than \$1 million in damages have been filed in lawsuits and insurance claims by Midwestern growers who have suffered crop losses due to 2,4-D and dicamba that has drifted onto their farms, Smith said.

Those losses would increase with the new herbicide-tolerant crops because farmers would then be spraying more of the herbicides and later in the growing season, the coalition says.

In their legal petitions, the group is asking the Department of Agriculture (USDA) to conduct an environmental impact study on the ramifications of a release of a new 2,4-D tolerant corn that is to be accompanied by Dow's new herbicide mix containing both 2,4-D and glyphosate. It wants a similar environmental impact statement on the dicamba and glyphosate herbicide tolerant crops being developed by Monsanto.

The coalition is also demanding the Environmental Protection Agency (EPA) conduct a Scientific Advisory Panel (SAP) meeting and appoint advisors to the panel to address herbicide spray drift.

The legal petitions are provided for as part of the regulatory process and require a response from the agencies before petitioners can file suit to force a response.

Dow's plans to roll out as early as 2013 its 2,4-D tolerant corn and new 2,4-D based herbicide as the "Enlist Weed Control System" is a hot button issue for many groups because of high profile problems in the past with 2,4-D, which was a component of Agent Orange defoliant used in Vietnam.

A separate petition started by the Center for Food Safety says that 2,4-D, will "likely harm people and their children, including farmers, and the environment" and says USDA has not properly assessed the impacts of Dow's plan for a new 2,4-D based crop system.

Dow AgroSciences executives say the fears are unwarranted as their herbicide formulation does not have the problematic "drift" and volatility problems that other 2,4-D formulations have that cause farms even miles away to be impacted when one farmer sprays the herbicide on his fields.

Dow says as long as farmers use their formulation under their specifications, they would not have the same problems associated with current versions of 2,4-D on the market.

"We're highly into stewardship and want to be sure the farmers get this right," said Dow spokeswoman Kenda Resler-Friend.

"Nobody wants trouble with their neighbor. They want to do the right thing." Kenda Resler-Friend.

Coalition members say no matter how good Dow's formulation might be, generic versions of 2,4-D on the market will be much cheaper and many farmers will use those more volatile versions on the new 2,4-D tolerant crops.



26 Apr 2012

## Meet a pesticide even conventional vegetable farmers fear

By [Tom Laskawy](#)



A still from a promotional video for the herbicide 2,4-D, which is being marketed as a solution for "superweeds" (pictured), which have grown tolerant to other herbicides.

A new coalition is trying to throw sand in the gears of industrial agriculture's chemical treadmill. And this one just may have what it takes to slow it down. I'm referring to the [fight over USDA approval](#) for Dow AgroScience's new genetically modified corn seeds (brand name "Enlist"), which are resistant to the herbicide 2,4-D.

This is part of biotech's "superweed" strategy, by which they hope to address the fact that farmers across the country are facing [an onslaught of weeds](#) impervious to the most popular herbicide in use, Monsanto's glyphosate or RoundUp (and in some cases [impervious to machetes](#) as well!). Of course, this is a problem of the industry's own making. It was overuse of glyphosate caused by the market dominance of Monsanto's set of glyphosate-resistant genetically engineered seeds that put farmers in this fix in the first place.

One of the older herbicides, 2,4-D is a pretty nasty chemical — it's been [linked to cancer, neurotoxicity, kidney and liver problems, reproductive effects, and shows endocrine disrupting potential](#) — which is one of the many reasons farmers prefer the more "benign" glyphosate. In fact, on the basis of the scientific evidence, especially related to human cancers, the Natural

Resources Defense Council (NRDC) petitioned the Environmental Protection Agency (EPA) several years ago to withdraw its approval for 2,4-D. Earlier this month, the petition was [summarily denied](#).

So it's interesting to see this new coalition's opposition to 2,4-D getting so much traction so quickly. Perhaps it's because the group — dubbed [Save Our Crops](#) — isn't made up of environmentalists and sustainable agriculture types, but rather Midwestern and Mid-Atlantic conventional farmers and large food processors (and Organic Valley, the organic co-operative organization which is both a producer and a processor).

The basis of their concern isn't so much the health effects, but the fact that their farms may end up as collateral damage from the increase in the use of 2,4-D that will occur if Dow's seed is approved. After all, the use of glyphosate went [through the roof](#) once Monsanto's RoundUp Ready seeds took over the marketplace. These farmers expect 2,4-D to follow the same path. (Rodale News [estimates](#) a 60 to 80 percent increase.)

The problem has to do with pesticide drift — an issue with many pesticides, but a particular problem with 2,4-D, which unlike glyphosate is highly volatile. While its volatility was [in one context](#) considered a strength, at this point even Dow itself acknowledges that it's a concern. In an [article on the battle over the new seed's approval](#), *The New York Times* offers an illustration of what these farmers have to fear:

To Jody Herr, it was a telltale sign that one of his tomato fields had been poisoned by 2,4-D, the powerful herbicide that was an ingredient in Agent Orange, the Vietnam War defoliant.

“The leaves had curled and the plants were kind of twisting rather than growing straight,” Mr. Herr said of the 2009 incident on his vegetable farm in Lowell, Ind. He is convinced the chemical, as well as another herbicide called dicamba, had wafted through the air from farms nearly two miles away.

As explained by [Rodale News](#), 2,4-D-resistant plants will alter the way farmers use the chemical, encouraging them to apply it later in the season to more kill weeds (you normally wouldn't apply a herbicide on a field full of mature plants). This fact makes it particularly problematic since, as Rodale News put it:

... not only are humidity and temperatures higher, but also neighboring tomato plants are leafing out, making them most susceptible to the drift. If the chemicals don't outright kill plants like tomatoes, potatoes, eggplants, peppers, and other favorites, they could cause severe twisting and other deformities to occur as the plants in the drift's path grow, rendering the harvest useless.

Which is just what farmer Herr saw in his field. Indeed, it is tomato farmers who may be the most at risk. Rodale also reports on a study produced by scientists at Ohio State University, which simulated the effects of 2,4-D drift on tomatoes [[PDF](#)]:

Experts found that the migrating pesticide vapors sparked late bloom, which diminishes the marketable red part of the tomato and stimulated growth of unmarketable green growth, which

can't be sold. In fact, just tiny amounts—1/300th of what was applied to field crops—caused significant field loss on neighboring tomato farms.

Ohio researchers concluded that realistic drift from corn or soy fields treated with either dicamba or 2,4-D will result in a 17 to 77 percent reduction in marketable fruit for neighboring farms and gardens.

These are, of course, estimates from a simulation. But the farmers and processors behind Save Our Crops would rather not be the guinea pigs in the real-world version of this experiment.

For its part, Dow assures the USDA that its new version of 2,4-D doesn't have the same volatility — and the company will “urge” farmers to use the new, branded version rather than the far less expensive generic version of 2,4-D that's been on the market for decades. How reassuring.

Indeed that's where I get worried. If I had to guess, I suspect that the USDA will approve Dow's new seed but with restrictions on things like planting acreage and use of recommended formulations and so on (though there's always the chance the agency will punt the final decision until after the election). In any event, restrictions are only as good as their enforcement, and the USDA doesn't have an inspiring track record. Farmers have routinely [violated planting restrictions](#) on GM seeds in the past — while regulators have a history of [acceding to industry's demands](#) to reduce the restrictions rather than enforce them.

The public comment period on the 2,4-D-resistant seeds ends this Friday. According to the Center for Food Safety [365,000 people have already submitted comments to the USDA](#). An additional 143 farm, environmental, health, fisheries groups and companies will submit [a letter to USDA](#) Secretary Tom Vilsack expressing their opposition to the GMO seeds. Save Our Crops has also already submitted two petitions [[PDF](#)] while the consumer group Just Label It is sponsoring [its own petition](#) to protest USDA approval, so there's still time for the public's voice to be heard.

But the real fight appears to be between commodity farms who want a simple answer to the growing problem of superweeds and fruit and vegetable growers who don't want to see their crops damaged as a consequence. The latter are often treated by the USDA as step-children while growers of the Big Five commodities — corn, soy, wheat, rice, and cotton — receive the overwhelming majority of federal farm subsidies.

I doubt that USDA approval of Dow's new seed, if it comes, will be the end of the story. But it should tell us something that even some large conventional farmers are starting to get angry and scared by the direction industrial agriculture has taken.

*Tom is a founder and executive director of the [Food & Environment Reporting Network](#) and a contributing writer at [Grist](#) covering food and agricultural policy. His writing has also appeared in the [American Prospect](#), [Slate](#), [The New York Times](#) and [The New Republic](#). Follow him on [Twitter](#).*

## Genetically modified crops' results raise concern

By Carolyn Lochhead  
Monday, April 30, 2012

**Washington** -- Biotechnology's promise to feed the world did not anticipate "Trojan corn," "super weeds" and the disappearance of monarch butterflies.

But in the Midwest and South - blanketed by more than 170 million acres of genetically engineered corn, soybeans and cotton - an experiment begun in 1996 with approval of the first commercial genetically modified organisms is producing questionable results.

Those results include vast increases in herbicide use that have created impervious weeds now infesting millions of acres of cropland, while decimating other plants, such as milkweeds that sustain the monarch butterflies. Food manufacturers are worried that a new corn made for ethanol could damage an array of packaged food on supermarket shelves.

Some farm groups have joined environmentalists in an attempt to slow down approvals of genetically modified organisms, or GMOs, as a newly engineered corn, resistant to another potent herbicide, stands on the brink of approval.

### Vote on labels

In November, Californians are likely to vote on a ballot initiative to require labeling of genetically engineered foods, which backers of the measure say would give consumers a voice over the technology that they lack now.

The initiative is part of a nationwide drive to thwart the Obama administration's expected clearance of a new genetically modified corn that could flood the nation's cornfields with 2,4-D, a 1940s-era herbicide used mainly on lawns and golf courses to kill broadleaf weeds.

More than a million people have signed a petition to the Food and Drug Administration to require labeling of genetically engineered food. That is "more than twice the number who have ever commented on any food petition in the history of the FDA," said Gary Hirshberg, chairman of organic yogurt maker Stonyfield and a leader of the "Just Label It" campaign.

The stakes on labeling such foods are huge. The crops are so widespread that an estimated 70 percent of U.S. processed foods contain engineered genes. The U.S. Department of Agriculture has approved more than 80 genetically engineered crops while denying none.

### Mushy corn feared

Organic farmers have long fought the spread of such crops, fearing pollen contamination of their fields. Environmentalists have warned of long-term health and environmental effects.

Now, even biotech supporters fear collateral damage. Vegetable growers warn of plant-killing fogs that they say will accompany the new genetically modified corn. Snack and cereal makers fear that a new corn engineered for ethanol may escape its fields and turn their corn chips and breakfast cereals to mush.

Midwest fruit and vegetable growers this month petitioned the Department of Agriculture to block approval of the 2,4-D-tolerant corn, called Enlist and made by Dow AgroSciences. Similar crops, including a soybean engineered by Monsanto to tolerate dicamba, a similar herbicide, wait in the regulatory pipeline.

Current forms of the herbicides are prone to vaporization and can travel miles from their target, falling back to Earth with rain or fog. Vegetable growers predict the new corn will unleash rampant use of 2,4-D and dicamba, potentially damaging every broadleaf plant in their path other than those engineered to tolerate them.

"Suddenly we are looking at a very dangerous system, because more dangerous herbicides in America are going to be far more extensively used," said John Bode, executive director of the Save Our Crops Coalition, a group working to protect nontargeted plants from herbicides. It has asked the USDA to conduct a full environmental impact analysis.

### **Preliminary OK**

The USDA's Animal Plant Health Inspection Service, which has chief regulatory authority over genetically engineered crops, has given a preliminary recommendation that the new corn be fully commercialized without restriction.

Michael Gregoire, who heads the agency, said any genetically modified crop that does not meet the definition of a "plant pest," which attacks other plants, falls outside the agency's authority.

"Once we determine that a genetically engineered plant is not a plant pest based on a risk assessment, our jurisdiction and our authority to continue to regulate that ends," Gregoire said.

The Environmental Protection Agency has found that 2,4-D poses "a reasonable certainty of no harm," but will evaluate the effects of using it with genetically modified crops later in the growing season after plants have leafed out and temperatures are higher.

If approved, the new corn could be planted as early as next spring. Charles Benbrook - a former head of the agriculture board of the National Academy of Sciences who is chief scientist of the Organic Center, a Colorado group that researches the environmental benefits of organic farming - projects a 1,435 percent increase in the amount of 2,4-D applied, or 283 million pounds, within seven years.

### **Hardier weeds evolve**

Corn and soybean farmers are clamoring for the new genetically engineered crops because those now in use have spawned an infestation of "super weeds" now covering at least 13 million acres

in 26 states. The crops are engineered to tolerate glyphosate, commonly known by its Monsanto trademark Roundup. They greatly simplified weed control by allowing farmers to apply the herbicide to their fields yet leave their corn and soybeans unharmed.

The crops led to a 400-million-pound net increase in herbicide applications throughout corn, soybean and cotton growing regions, according to Benbrook.

The resulting overexposure to glyphosate encouraged the evolution of hardier weeds that can tolerate it. Dave Mortensen, a weed ecologist at Pennsylvania State University, said the number of "super weed" species grew from one in 1996, when genetically modified crops were introduced, to 22 today.

Scientists warn that the next generation of genetically modified crops will likewise encourage overuse of 2,4-D and dicamba, creating still hardier weeds that can tolerate virtually every herbicide on the market.

"It's like pouring gasoline on a fire," Benbrook said.

"We're talking about a lot of pesticide," Mortensen said. "Whether it moves as a vapor or physical drift or surface water runoff or comes down in rainwater, the more of something you use, the greater the likelihood you will see it appearing in places where you did not apply it."

Mortensen worries that 2,4-D and dicamba will damage not just fruit and vegetable crops, but also wild plants on field edges that harbor pollinators. In the Midwest, where there is little plant diversity, "those field edges become critically important reservoirs for hosting beneficial insects," Mortensen said.

### **Butterflies in decline**

Last month, scientists definitively tied heavy use of glyphosate to an 81 percent decline in the monarch butterfly population. It turns out that the herbicide has obliterated the milkweeds on Midwest corn farms where the monarchs lay their eggs after migrating from Mexico.

Iowa State University ecologist John Pleasants, one of the study's authors, said the catastrophic decline in monarchs is a consequence of the genetically engineered crops that no one foresaw.

Andrew Kimbrell, executive director of the Center for Food Safety, a nonprofit group that has waged a litigation battle against biotechnology companies, said the new crops are part of "a chemical arms race, where biotechnology met Charles Darwin."

Dow AgroSciences spokesman Garry Hamlin said the company has created new formulas for 2,4-D that reduce vaporization by 92 percent and that farmers using the new corn will be obligated to use the new formulation. Dow will also train farmers to make sure they correctly use the new seed and herbicide package, which Hamlin said is needed.

"Farmers haven't been able to control certain difficult weeds because of resistance," Hamlin said. "That resistance issue is going to get worse if the new technology doesn't come into play to intercept it."

### **Food makers worry**

Food manufacturers and grain millers lost a three-year battle at the USDA against a new genetically modified corn approved last year for ethanol. Hailed by ethanol backers as "Trojan corn," it turns its own starch to sugar and so speeds the process of making ethanol to fuel cars. Food manufacturers worry that even a tiny contamination of food corn by the new crop could turn their corn chips and cereals soggy.

Made by Swiss-based Syngenta under the trademark Enogen, the corn was approved over the objections of the biggest names in the U.S. snack and cereals industry. Syngenta tests show that one kernel in 10,000 can liquefy grits.

Jack Bernens, head of marketing for Syngenta, said products like corn puffs can have as much as 14 percent contamination before the foods would show any change in consistency. He said strict contracts with farmers and a sophisticated set of controls will keep the corn contained. Contamination is unlikely, he said, because of the wide geographical separation between ethanol and food-corn regions.

Still, food manufacturers and grain millers remain worried that the corn will spread through pollen or inadvertent mixing. Genetically modified crops have escaped at least six times in the past, according to a 2008 General Accounting Office report, in one case leading to produce recalls and more than \$1 billion in losses to rice farmers. The agency said that "the ease with which genetic material from crops can be spread makes future releases likely."

For food manufacturers, the ethanol corn that dissolves starches is "a disaster about to happen," said Lynn Clarkson, president of Clarkson Grain, a grain dealer in Cerro Gordo, Ill.

"We are face to face with a corn that won't process the way it's processed for the last 150 years," Clarkson said. "We have a corn that ruins food for starch uses. If it goes into shipments to Japan, if you were the Japanese, would you want to be buying from an area that grew this corn, that approved this corn?"



A harvester works through a field of genetically modified corn near Santa Rosa. Approval of a new corn may lead to heavy use of a 1940s-era herbicide.  
Photo: Rich Pedroncelli / Associated Press

## GMO Labeling Gets on California Ballot as Agent Orange Corn Nears Approval

05/01/2012

Today, volunteers are delivering the signatures needed to put a proposition on California's ballot that requires mandatory labeling of genetically modified (GMO) foods.

If the California Right to Know proposition passes this November, the state will join over 40 countries including all of Europe, Japan and even China that have mandatory GMO labeling laws.

Vermont is hesitating to pass the same bill - which has the support of 90% of residents - because [Monsanto has threatened to sue the state if legislators pass H.722](#).

A coalition of nearly 400 businesses and organizations filed a [legal petition with the U.S. Food and Drug Administration \(FDA\) to require mandatory labeling of GMOs](#). Last month, the *Just Label It* campaign [delivered over one million comments in support of labeling to the FDA](#). It hasn't budged.

[Worldwide opposition to Monsanto and "the agro-industrial model it represents" is growing](#), with recent actions in France, India, Haiti, South Africa and the US.

### Agent Orange corn

On a national level, the U.S. Department of Agriculture (USDA) received comments from 140 farm, environmental, health, fisheries groups and more than 365,000 citizens urging them to reject [Dow Chemical's GMO corn](#), which is resistant to the hazardous herbicide 2,4-D.

The product is entering the final stages of regulatory approval and could be sprayed on fields in 2013.

Although it's well known that 2,4-D causes cancer, hormone disruption, genetic mutations, neurotoxicity, Parkinson's Disease, and birth defects, the Environmental Protection Agency (EPA) chose not to ban or limit its use, paving the way for USDA approval. Instead of relying on independent research, the EPA relied on contradictory evidence submitted by the herbicide's manufacturer, Dow Chemical.

If this Agent Orange corn is approved, it will increase the use of 2,4-D 50 times over. The manufacture and use of 2,4-D is the 7th largest source of dioxin pollution. Dioxin is the most toxic compound synthesized by man.

A coalition of more than 2,000 U.S. farmers and food companies is taking legal action against the [USDA to force it to analyze the environmental ramifications of using this toxic herbicide](#). They are also demanding the EPA conduct a Scientific Advisory Panel meeting and appoint advisors to the panel to address herbicide spray drift.

'Enlist,' is a genetically modified corn able to withstand being doused with 2,4-D - one of the components of Agent Orange - so that farmers can spray the herbicide to kill weeds without killing the crop.

Agent Orange was used to defoliate forests and croplands during the Vietnam War and is widely associated with increased cancer risks.

It's intended to kill resistant superweeds that have become immune to spraying of Monsanto's Round-Up Ready. The rapidly spreading herbicide-resistant weeds are choking millions of acres of US farmland.

A recent peer-reviewed study published in the prestigious journal *Bioscience* shows using Enlist is likely to lead to even more intractable weeds, however.

For decades now, Monsanto has sold its Roundup-Ready seeds as a way to reduce pesticide use, but the opposite has occurred. Farmers have used way more Roundup to kill the ever-increasing, resistant weeds. Now that's no longer working and even more hazardous, potent herbicides are needed - Dow's Enlist is the first of in a planned series of new herbicide-tolerant crops.

Monsanto has sold farmers and regulators a bill of goods - their Roundup-Ready GMO seeds now comprise 90% of soy, 95% of cotton and 75% of corn crops in the US.

They also sold [Roundup as "benign," which research increasingly shows it's not](#). This most commonly used herbicide in the world is linked to serious human health effects, including birth defects, increased cancer risk and neurotoxicity, and it disrupts the hormones in amphibians, causing deformity.

And the pesticides don't go only on the crops they're intended for - wind, heat and humidity moves them miles away, damaging gardens, crops, trees, streams, fish and animals. If an organic farm is nearby, it lands there too, nullifying organic certification.

"American agriculture stands at a crossroads. One path leads to more intensive use of toxic pesticides, litigious disputes in farm country over drift-related crop injury, less crop diversity, increasingly intractable weeds, and sharply rising farmer production costs," says Andrew Kimbrell, Executive Director of the Center for Food Safety. "This is the path American agriculture will take with approval of Dow's 2,4-D resistant corn, soybeans and the host of other new herbicide-resistant crops in the pipeline. Another path is possible, but embarking upon it will take enlightened leadership from USDA."

"It's clear that this new generation of GE herbicide-resistant seeds is the growth engine of the pesticide industry's sales and marketing strategy," says Marcia Ishii-Eiteman, Senior Scientist at

Pesticide Action Network. "These seeds are part of a technology package explicitly designed to facilitate increased, indiscriminate herbicide use and pump up chemical sales."

Learn more about these GMO crops and the role of the GMO industry in the Obama Administration: [www.sustainablebusiness.com/index.cfm/go/news.display/id/23302](http://www.sustainablebusiness.com/index.cfm/go/news.display/id/23302)

## Labeling to go before voters

By Georgina Gustin

May 3, 2012

A proposal that would require labels on foods containing genetically modified ingredients is on track to go before California voters -- and the biotechnology industry, including Creve Coeur-based Monsanto, is already pushing back.

On Wednesday a group called California Right to Know delivered nearly 1 million signatures to state officials, well in excess of the roughly half-million required for a statewide referendum. If the signatures are verified, the measure will go before voters Nov. 6.

"Today we celebrate that almost a million people have spoken up in California," said Albert Straus CQ, who runs an organic dairy in northern California. "I believe people have the right to know where their food comes from, and if this initiative succeeds in November, we'll take a big step toward that."

But the grocery and biotechnology industries have started a formal campaign to push against the measure, saying labels would drive up food prices and open the door for lawsuits against farmers.

Last week, a group backed by the biotechnology and grocery industries, called Stop the Costly Food Labeling Proposition, formed in anticipation of the labeling initiative. Monsanto, the world's largest producer of genetically modified seed, said it supports the group, calling potential labels misleading and expensive.

"It's going to be very costly to small farmers, any farmer," said Kathy Fairbanks, of Bicker, Castillo & Fairbanks, the public relations company running the anti-label campaign. "The measure sets up a system whereby a trial lawyers can sue anyone along the food chain for labeling violations."

Earlier this year, the Washington-based Center for Food Safety submitted a petition with 1.1 million signatures to the U.S. Food and Drug Administration, calling for mandatory nationwide labeling. The agency is reviewing the petition and has so far counted 900,000 signatures, according to Gary Hirshberg, chairman of Stonyfield Farms, and co-founder of the national Just Label It! Campaign.

"There's really a tidal wave of support for transparency in our food system," Hirshberg said.

Proposals in 19 states have also called for similar requirements, but those have yet to gain much traction with lawmakers. Lawmakers in Vermont, where a labeling measure was voted out of

committee, said the measure could only pass if California voters approved their own labeling law first.

As the world's eighth-largest economy, and the state closest to getting a labeling measure before voters, "all eyes are on California," said Stacy Malkan, of the California Right to Know campaign.

# Food Safety News

## Breakthrough Offers Promise of Improved GMO Testing

by [Cookson Beecher](#) | May 07, 2012

Does this food contain genetically modified organisms?

That's what many consumers, including overseas trading partners, want to know about the food they're buying.

A prime example of that is the [recent initiative](#) in California, dubbed the "Right to Know" campaign, which calls for food manufacturers in the Golden State to identify genetically engineered ingredients on the labels of food products sold in that state.

With almost as many as 1 million signatures gathered on the petition in time for the April 22 deadline, organizers predict that the measure will appear on the Nov. 6 ballot. (The state requires just over a half million valid signatures for an initiative to qualify to be on the ballot.)

On a global level, 40 countries, including all of Europe, Japan and China, require labeling of foods, or of certain foods, containing GMOs. The U.S. has resisted labeling, and in 1992 the Food and Drug Administration established a policy declaring there is no substantial or material difference between genetically engineered foods and foods that haven't been genetically engineered.

### Sleuthing for GMOs

The question arises: How in the world



**GMOs**  
Genetically Modified Organisms

In the plant world, genetically modified organisms, often referred to as GMOs, are those whose genetic material (DNA or RNA) have been altered in ways that would not occur under natural conditions or natural processes. Unlike typical plant breeding strategies such as hybridization, which are used to develop more productive plant varieties, for example, genetic engineering is the deliberate modification of the characteristics of an organism by manipulating its genetic material. Sometimes it involves inserting a foreign gene into a plant or changing the positions of its genes.

Genetic engineering is generally done to boost production, improve a crop's ability to survive in specific environments, give it better resistance to pests and diseases, improve its nutritional qualities, or to give it immunity to certain herbicides.

Advocates of requiring labels on foods that contain GMOs say that up to 80% of packaged foods in the United States contain GMOs.

Examples of genetically modified crops that are used to make processed foods are corn and soybeans.

(c) Food Safety News

do scientists determine if foods contain GMOs?

There are technologies that can do that, of course. But the conventional method, referred to as a PCR system (polymerase chain reaction), has some distinct disadvantages. It requires complex DNA extraction procedures, relatively expensive equipment, and assays that need to be carried out in a laboratory. It has also proven difficult to design cost-effective portable devices for PCR.

In what has been called "a major breakthrough" in GMO detection and monitoring, scientists at [Lumora Ltd.](#) in the United Kingdom have developed a method they say is far more practical because it's simpler, quicker, more precise and less expensive than PCR.

An article about this breakthrough, which uses a combination of two technologies -- [bioluminescence](#) and [isothermal DNA amplification](#) -- was recently published in BioMed Central's open access journal, [BMC Biotechnology](#).

Lumora's bioluminescence technology, known as BART, uses luciferase, the same enzyme that lights up fireflies. As part of the detection procedure, the luciferase is coupled to DNA detection so as to light up when it detects specific DNA and RNA sequences. By using DNA signals that are specific to genetically modified crops, the system can detect even low levels of contamination.

Lumora CEO Laurence Tisi told **Food Safety News** that compared to a lab-based PCR system, "Lumora's hardware is probably a lot less than 1/10 the cost."

He also said that Lumora's new system can detect even very low levels of GMO ingredients.

Another advantage of this technology is that GMO detection can be done out in the field as well as in a food processing center.

As such, it may offer the advantage of being a "field-ready" solution for monitoring genetically modified crops and their interaction with wild plants or non-GM crops, as well as in food processing facilities.

Tisi said that the technology detects DNA and because all plants have DNA, it can detect GMO from any plants.

This comes as good news for those who want, or require, labeling for genetically engineered crops or for processed foods that contain genetically engineered crops. While genetically modified foods may be relatively safe by science-based approaches to risk assessment, the issue of labeling GMO foods is about public confidence and also about market protection.

Tisi said that people want to know what they are eating, for all sorts of reasons. Being able to assess where their food comes from has value to consumers, buyers and others, he said, since it means "they can be confident they are getting what they pay for."

He pointed out that where there are regulations on food labeling, the producers need to be sure that their products comply with regulations. This varies from country to country, but in order to be able to state that a crop is non-GMO it is necessary to show that less than a certain percentage of the product contains any GMOs. In the European Union, for example, that percentage is 0.9 percent.

Lumora's new technology can recognize GM presence as low as 0.1 percent in corn.

"In fact," Tisi said, "there are DNA signatures in plants that can even tell you what variety the crop is and sometimes even where it came from."

The work that Lumora has done on GMO detection was part of a much bigger EU-wide consortium known as [Co-Extra](#), a project that looks at the co-existence and traceability of genetically modified crops.

"This project came to be as a direct consequence of the desire to better regulate GMO material in the EU," Tisi said.

When it comes to GMOs, the challenge for growers, processors and buyers is that even if a crop hasn't been genetically engineered, it can be contaminated, often through pollen drift or cross-pollination, by a crop that has.

For wheat growers in Washington state, for example, that can spell the doom of their livelihoods since most of the wheat grown in that state is exported to countries that won't accept shipments that contain any traces of GMOs.

For organic growers and processors, GMO contamination of their food is equally troubling since any food or food items that contain GMOs are not allowed to carry USDA's "organic" label.

While concerns continue to swirl around whether foods containing GMOs can be harmful to the environment and human health, Tisi said that one common health concern is whether or not a GMO crop could produce an allergen.

On the food-safety front, Lumora's GMO-detection technology can also be used to test for and identify pathogens such as Salmonella, which Tisi said "can have an enormous economic, and indeed, human impact."

He also predicts that increasingly the focus will also be on livestock, "since there could be more of a shift towards testing animals themselves to determine if they are carriers of pathogens such as E. coli O157, as well as Campylobacter in chickens."

"More testing on the livestock and their environment may help prevent down-stream contamination in food-processing," he said.

Backing him up on that, the UK's Food Standards Agency is calling for proposals and research and development to increase [molecular surveillance of Campylobacter](#) in chickens, which is the most common source of bacterial food poisoning in the U.K.

Lumora's technology has been out-licensed for certain applications, but Tisi said he couldn't comment on this except to say that the company would welcome commercialization partners for the GMO tests it has developed.

## **Welcome news**

Jaydee Hanson, senior policy analyst for the [Center for Food Safety](#), told Food Safety News that Lumora's GMO-detection technology is an example of efforts to make gene detection easier and cheaper.

"The good news for us who are tracking food safety is that this technology will help quickly identify if food contains GMOs as well as track pathogens like Salmonella quickly," he said. "This is one of many technologies scientists are working on."

Hanson also said it would be good for farmers to have a cheap reliable way to test products for GMOs that they're shipping out. And it would allow testing by more agents, which would provide statistically valid results showing that a crop is not a GMO product or that it's GMO-free.

It will also be a tool food processors can use, said Hanson, although the "ideal technology" probably needs to be even simpler and cheaper than this new technology developed by Lumora.

"But if they get this right, it could be used by the big food processors," he said.

Mark Kastel, co-founder of [The Cornucopia Institute](#) told Food Safety News that Lumora's new test "would have great utility" if it's reasonably priced and quick enough."

"There are a lot of organic companies that want to ascertain whether or not any of their products have become contaminated by genetically modified organisms," he said.

Organic manufacturers that do a fair amount of testing generally find very low incidental levels of contamination -- less than 1 percent.

But that's not always the case. "When we find higher levels of contamination, they directly point to gross mismanagement or fraud," he said. "And we quite frankly would like to be able to have a cost-effective mechanism to hold people responsible."

The need to do that came to the forefront when Cornucopia tested some foods marketed as "natural foods" and found high levels of GMO commodities -- up to 100 percent -- in them.

In a news release about these findings, Cornucopia's research director Will Fantle said that as part of that testing, the institute bought a readily available box of Kashi's Go Lean cereal from a

Whole Foods store. It then sent a sample to an accredited national lab for testing and found that the soy in what was billed as a "natural cereal" was 100 percent GMO.

In its defense, Kashi, which is owned by the Kellogg Company, put out a video that said that any genetically engineered contamination in its food was from incidental sources rather than crops intentionally grown from GMO seed.

While acknowledging that over 80 percent of the soybeans grown in North America are GMO, the company explained that "practices in agricultural storage, handling and shipping have led to an environment where GMOs are not sufficiently controlled."

But Kastel calls that "a smoke screen and a feeble attempt at damage control," and points out that if a company wants to buy non-GMO crops, it can.

Kashi was not the only cereal put under Cornucopia's microscope that failed to meet the test of being GMO-free. Some others were Barbara's (Weetabix), Bare Naked and Peace.

The institute provides a rundown of cereal products it tested in "[Cereal Crimesreport](#)" as well as a [video](#) about its testing of "natural" products in the breakfast aisle in supermarkets.

Kastel told Food Safety News that when it published "Cereal Crimes," it spent quite a bit of money on GMO testing.

"We had to pick and choose products because of the cost," he said. "A more reasonably priced testing protocol would be highly advantageous for organic industry watchdogs like the Cornucopia Institute and high-integrity manufacturers."

Biotech industry response Karen Batra, spokesperson for [Biotechnology Industry Organization](#) told Food Safety News that the organization has not yet taken a position on Lumora's new technology.

## FDA nanotechnology draft guidance represents ‘marginal progress’ – petition group

By Mark Astley, 09-May-2012

**US Food and Drug Administration (FDA) draft guidance on the use of nanotechnology in food and food contact substances represents only “*marginal progress*” towards regulation of the technology, a petition group has claimed.**

In response to the FDA guidance, the Center for Food Safety (CFS), Friends of the Earth (FoE), the Institute for Agriculture and Trade Policy (LATP) and the International Center for Technology Assessment (ICTA) have called for the introduction of further regulations to cover the food sector’s use of the technology.

The FDA document pinpointed factors that should be considered when trying to determine whether changes in manufacturing process, such as the intentional reduction in particle size to the nanoscale, can affect the safety of food.

Once finalised, *Draft Guidance for Industry: Assessment the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that are Colour Additives* will represent the FDA’s current thinking on the topic.

The Center for Food Safety (CFS), which campaigns against harmful food production technology, has urged the FDA to issue more than just voluntary guidance on the issue.

### “Marginal progress”

The campaigners, which are all currently working on nanotechnology oversight, have called on the FDA to further the so-far “*marginal progress toward regulation of products made with this new technology.*”

The draft guidance followed a lawsuit filed in December 2011 by the group, regarding the FDA’s failure to respond to their 2006 petition. The FDA responded to the groups’ lawsuit in April 2012.

“In its formal response to the groups’ lawsuit, FDA acknowledged that there are differences between nanomaterials and their bulk counterparts, and the nanomaterials have potential new risks and may require new testing,” said the group’s statement.

“However, the agency declined to enact mandatory regulations at this time.”

“Despite already being commercially available, nanomaterials in sunscreens, cosmetics, foods and food contact substances are unlabelled and largely untested and largely untested for their human health effects,” added the statement.

Existing research has flagged-up several potential nanotechnology-related health risks, including the dangers surrounding the ability of nanomaterials to enter the bloodstream through skin contact, ingestion and inhalation.

### **Mandatory regulations**

While agreeing that the FDA stance on nanotechnology “*has improved*”, CFS attorney George Kimbrell called on the Agency to implement more than just voluntary guidance.

“As these new responses show, the agency is no longer ignoring the scientific consensus that these nanomaterials have the capacity to be fundamentally different, and can create new and novel risks, necessitating new testing,” said Kimbrell.

“Unfortunately, the agency has thus far only taken a voluntary rather than mandatory regulatory approach, despite the failure of voluntary approaches to elicit industry cooperation to regulate nanomaterials.”

“Much more than voluntary guidance is needed, and we will remain vigilant in our efforts to drag the agency towards responsible regulation,” he added.

## Bloomberg

### **Monsanto Crop Bans by Courts Would Be Reversed in Bill**

By Jack Kaskey on June 19, 2012

A House of Representatives committee voted to let farmers grow genetically modified crops developed by Monsanto Co. (MON) and its competitors during legal appeals of the approval process.

The U.S. Department of Agriculture would be required to permit modified crops to be planted and sold into the food supply after the agency's approvals have been invalidated by a court, under a provision in the fiscal 2013 agriculture spending bill approved by the House Appropriations committee today.

The one-paragraph provision in the 90-page bill would circumvent legal obstacles that have slowed commercialization of engineered crops, sometimes for years, benefiting Monsanto, the world's largest seed company. Planting would be permitted until USDA completes any analysis required by a judge.

"A stream of lawsuits" have slowed approvals and created uncertainties for companies developing the modified plants, James C. Greenwood, president of the Biotechnology Industry Organization, whose members include Monsanto and Dupont Co., said in a June 13 letter to Congress. "The regulatory certainty provided by this legislative language would address an immediate threat to the regulatory process."

The bill is similar to the accommodation the USDA made last year in allowing farmers to plant Roundup Ready sugar beets while the agency completed a court-mandated environmental impact statement. U.S. District Judge Jeffrey White in San Francisco ruled in 2009 that the USDA erred in approving the crop without undertaking the additional scrutiny.

### **Providing Assurance**

The American Soybean Association, one of nine U.S. agriculture groups supporting the House provision, said the legislation would give farmers assurance they can plant and harvest modified crops during legal challenges.

The Center for Food Safety, which has sued over USDA approvals of biotech crops, called the bill's language a "Monsanto profit assurance provision" that interferes with judicial oversight of agency decisions and has the potential to disrupt the global grain trade.

The bill would "empower a single corporation and a few of its industry friends to move beyond the control of the U.S. courts, USDA and public review to make their own rules and profit from slippery back door politics," Andrew Kimbrell, executive director of the center, said today in a statement.

## Opposition Groups

The center joined today with dozens of other watchdog groups and organic associations in opposing the provision in a letter to Congress.

Monsanto supports the provision, along with the American Farm Bureau Federation, Sara Miller, a spokeswoman for the St. Louis-based company, said in an e-mail today.

The USDA's approval of Roundup Ready alfalfa was overturned in 2007 by U.S. District Judge Charles Breyer in San Francisco, who banned further plantings pending the completion of a more thorough environmental impact statement. The U.S. Supreme Court overturned the planting ban in June 2010, and the USDA re- approved the crop in January 2011 after completing the court-ordered study.

The appropriations bill now goes to the full House for consideration.

## Biotech Appropriations Provision Receives Criticism

*Consumer groups oppose the "Farmer Assurance Provision" in the FY13 Ag Appropriations Bill, calling it potentially unconstitutional; Ag groups say it provides certainty for farmers.*

Janell Baum

Published: Jul 3, 2012

Thirty-eight food and consumer groups issued a [letter](#) to House Committee on Appropriations Chairman Rep. Hal Rogers (R-Ky.) and ranking member Rep. Norm Dicks (D-Wash.) calling for elimination of the "Farmer Assurance Provision" (Sec. 733) in the FY2013 Agriculture Appropriations bill last month.

The groups, including Food Democracy Now, Center for Food Safety, and the Farm and Ranch Freedom Alliance, say the provision would be unconstitutional, undermining USDA's oversight on genetically engineered crops and setting limitations on judicial review.

As written in the [bill text](#), the provision allows continued plant cultivation, commercialization and other specifically enumerated activities (including measures to mitigate potential adverse environmental effects) while the Secretary of Agriculture grants temporary deregulation subject to provisions in the Plant Protection Act.

According to Danielle Stuart, spokesperson for Monsanto, the bill "provides an assurance for farmers growing crops which have completed the U.S. regulatory review process that their harvest won't be jeopardized by subsequent legal disputes."

But, groups opposed to the legislation argue that this provision inherently allows farmers to continue to grow scrutinized crops during legal appeals of crop approvals.

"The provision represents a serious assault on the fundamental safeguards of our judicial system and would negatively impact farmers, the environment and public health across America," the groups wrote.

Joining Monsanto, the American Soybean Association backs the measure. In a [letter to Reps. Rogers and Dicks](#), ASA and eight other agricultural associations voiced support for section 733.

"Section 733 provides certainty to growers with respect to their planting decisions. If enacted, growers would be assured that the crops they plant could continue to be grown, subject to appropriate interim conditions, even after a judicial ruling against USDA."

Their letter said 733 was a positive step to ensure that U.S. farmers and the food chain are shielded from supply disruptions caused by litigation over procedural issues unrelated to the safety of biotech crops.

Opposing groups, however, say the provision eliminates judiciary authority to resolve USDA violations and "compel USDA to take actions that might harm farmers and the environment."

Additional groups supporting the provision removal are the ACLU, Alliance for Humane Biotechnology, Food and Water Watch, Organic Consumers Alliance, Sustainable Living Systems, and the Union of Concerned Scientists, among others.

## Congress' Big Gift to Monsanto

*Big Ag's big bucks get results on GMO labeling.*

By [Tom Philpott](#) | Mon Jul. 2, 2012

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If you want your crops to bear fruit, you have to feed the soil. Few industries understand that old farming truism better than ag-biotech—the few companies that dominate the market for genetically modified seeds and other novel farming technologies. And they realize that the same wisdom applies to getting what you want in Washington, DC.

According to [this 2010 analysis](#) from Food & Water Watch, the ag-biotech industry spent \$547.5 million between 1999 and 2009. It employed more than 100 lobbying firms in 2010 alone, FWW reports, in addition to their own in-house lobbying teams.

The gusher continues. The most famous ag-biotech firm of all, Monsanto, spent \$1.4 million on lobbying in the first three months of 2012, after shelling out \$6.3 million total last year, "more than any other agribusiness firm except the tobacco company Altria," [reports](#) the money-in-politics tracker OpenSecrets.org. Industry trade groups like the [Biotechnology Industry Organization](#) and [Croplife America](#) have weighed in with \$1.8 million and \$524,000, respectively.

What fruits have been borne by such generous fertilizing of the legislative terrain? It's impossible to tie the fate of any bit of legislation directly to an industry's lobbying power, but here are two unambiguous legislative victories won on the Hill this month by Monsanto and its peers.

- As part of a flurry of last-minute activity ahead of last week's Senate farm bill vote, Sen. Bernie Sanders (I-Vt.) brought up an amendment that would have explicitly allowed individual states to do something the industry has long vigorously opposed: require the labeling of foods containing GM ingredients.

In doing so, Sanders was likely responding to events in his home state—the Vermont Legislature recently considered a wildly popular bill that would have required labeling of GMOs, but it [collapsed amid fears among lawmakers that Monsanto would sue the state](#). A congressional statement on the right of states to label GMOs would go a long way toward allaying those fears.

The Sanders amendment might have been expected to draw bipartisan support. Polls consistently show that more than [90 percent](#) of Americans, [Democrats and Republicans alike](#), favor labeling of GMO foods. In addition, there was something in it for both sides: for Republican senators, an affirmation of states' rights; for Democrats, a thumb in the eye to a powerful industry that would have energized the lefty base.

Yet Sanders' amendment proved unpopular on both sides of the aisle, crashing by a vote of 73-26. (A listing of individual senators' votes can be found [here](#).)

To fight the push to label GMO foods, Big Ag lobbying groups have rolled out the Coalition Against the Costly Food Labeling Proposition.

The battle over labeling now shifts to California, where voters will consider a GM-labeling proposition in November. Tony Corbo of Food & Water Watch told me that the defeat of the Sanders amendment means that a successful California proposition could be nullified in court, based on the argument that states can't require more rigorous labeling than the FDA does.

Yet the ag-biotech industry is leaving nothing to chance. It rolled out the Coalition Against the Costly Food Labeling Proposition with "major funding by [Council for Biotechnology Information](#) and Grocery Manufacturers Association," as the group's [website](#) puts it. In just the first three months of 2012—before the labeling proposition even made it to ballot—those two organizations had already donated \$625,000 to the coalition, according to the [California Department of State](#). That's the most recent number available—I'll be checking in for updates as the November election draws nearer.

- The second recent gift to the industry emerged from the other chamber of Congress, the House. There, while the House agriculture appropriations subcommittee mulled a bill on ag spending for 2013, subcommittee chair Jack Kingston (R-Ga.) inserted a pro-industry provision that has nothing to do with agriculture appropriations.

The provision Kingston added—a single paragraph buried in a 90-page bill, Bloomberg [reports](#)—would allow farmers to plant GM crops even during legal appeals of the USDA's approval process, and even if a federal court orders that the crops not be planted. The provision addresses one of the ag-biotech industry's most persistent complaints: that the USDA approval process keeps rubber-stamping its novel products, but an anti-GMO group called the Center for Food Safety keeps launching, and winning, lawsuits charging that the USDA didn't properly assess the environmental impact of the novel crops, thus delaying their release into farm fields. (I described the process in detail in this [2011 post](#)).

Kingston had already established himself as a friend of the industry. In April, the [Biotechnology Industry Organization](#), whose members include ag-biotech giants Monsanto and DuPont, [named](#) him its "legislator of the year for 2011-2012." BIO declared Kingston a "champion of America's biotechnology industry" who has "helped to protect funding for programs essential to the survival of biotechnology companies across the United States." BIO has deep intimate institutional knowledge of how Congress works—its president and CEO, James C. Greenwood, has crept through the revolving door between government and industry, taking his current position in 2005 [immediately after a 12-year run as a US congressman from Pennsylvania](#).

Before Kingston's subcommittee voted on the bill, Greenwood lobbied in favor of it, Bloomberg [reports](#).

A "stream of lawsuits" have slowed approvals and created uncertainties for companies developing the modified plants, James C. Greenwood, president of the Biotechnology Industry Organization...said in a June 13 letter to Congress. "The regulatory certainty provided by this legislative language would address an immediate threat to the regulatory process."

The bill, complete with its gift to the industry, sailed through the ag appropriations subcommittee and will likely be taken up by the full House soon after the July 4 recess. Food & Water Watch's Tony Corbo told me the provision has a solid chance of making it into law. Meanwhile, [Rep. Peter DeFazio](#) (D-Ore.) has signaled he will [sponsor an amendment](#) to the ag appropriations bill that would nullify Kingston's Monsanto-friendly provision.

If the provision survives DeFazio's amendment and makes it to the Senate, what are its chances of becoming the law of the land? Corbo suggested that voting on Sanders' labeling amendment might serve as a proxy for how the upper chamber would treat the House ag subcommittee's gift to ag biotech. In other words, the Senate is fertile ground for the provision.

## **Environmental, Grain Groups Object to Farm Bill Changes on Seed Regulation**

10 Jul 2012

By Ian Berry

Provisions in a pending U.S. House farm bill that would accelerate the review process for genetically modified crops are raising objections from environmental groups and a major grain industry organization.

The provisions would lead to new crops being approved before they have been fully assessed, the Center for Food Safety, an advocacy group in Washington, D.C., said in a letter Tuesday co-signed by other environmental and consumer safety groups, including the Sierra Club.

The legislation would block the U.S. Department of Agriculture from using certain federal laws, such as the National Environmental Policy Act, as a basis for rejecting a proposed seed variety.

The proposal also would impose a one-year deadline for the USDA to assess new biotech seeds, after which they would be automatically approved.

Seed companies have argued that opponents of genetically modified seeds have been needlessly delaying new crops with legal challenges, which threatens to discourage additional investment in the sector.

The environmental and consumer groups argue in a letter to ranking members of the U.S. House Agriculture Committee that the new rules would "make a mockery" of the USDA's crop reviews. The committee is set to finalize the bill Wednesday, and could vote on it this week.

"They've been losing in court, and they're trying to change the rules," George Kimbrell, senior attorney at the Center for Food Safety, said in an interview.

A spokeswoman for a biotechnology trade group representing seed companies such as Monsanto Co. (MON) and DuPont Co. (DD) couldn't immediately be reached for comment.

The National Grain and Feed Association, which represents grain elevators and some of the country's largest grain merchandisers, such as Archer Daniels Midland Co. (ADM) and Cargill Inc., said in a statement Monday that the provisions fail "to encompass the concerns of grain handlers, grain millers and processors, and the food industry over appropriate stewardship practices and other concerns related to

premature commercialization of biotech traits."

The NGFA is working with other groups, including the Grocery Manufacturers Association, which includes food companies such as Kellogg Co. (K) and PepsiCo Inc. (PEP), to address these concerns, according to the statement. NGFA officials couldn't be reached for comment Tuesday.

Grain exporters and food manufacturers are sensitive to biotech-seed policies because some countries, such as China and South Korea, are slow to accept crops with genetically modified traits that have already been approved in the U.S.

Mr. Kimbrell said one of the new farm bill provisions would require the USDA to establish for the first time standards to allow a certain low level of genetically modified material in crops deemed not genetically modified.

Opponents of genetically modified crops argue that they cause environmental problems by increasing herbicide use and fostering pests that are resistant to the traits, and have unknown health effects. Proponents of the technology say they help reduce soil erosion and ensure better yields, boosting global food security.

## Dispute over drug in feed limiting US meat exports

By Helena Bottemiller on January 25, 2012, [The Food and Environment Reporting Network](#)



Pigs are often fed ractopamine up until slaughter to promote growth

*Updated on March 23:* The FDA on March 14 issued a statement in response to this report, saying it had reviewed its previously published adverse drug effect numbers on ractopamine. After excluding reports of ineffectiveness, meat abnormalities and fertility abnormalities, it said the number of animals with reports of adverse effects was 160,917. The story reflects this recent analysis by the FDA.

*Updated on Feb. 22:* A clarification to the Jan. 25, 2012, story “Dispute over Drug in Feed, Limiting US Exports” has been issued, making clear that the adverse drug effects for ractopamine were reported to the FDA. The story adds that the FDA says such data do not establish that the drug caused these effects.

A drug used to keep pigs lean and boost their growth is jeopardizing the nation’s exports of what once was known as “the other white meat.”

The drug, ractopamine hydrochloride, is fed to pigs and other animals right up until slaughter and minute traces have been found in meat. The European Union, China, Taiwan and many others have banned its use, citing concerns about its effect on human health, limiting U.S. meat exports to key markets.

Although few Americans outside of the livestock industry have ever heard of ractopamine, the feed additive is controversial. Fed to an estimated 60 to 80 percent of pigs in the United States, it has resulted in more reports of sickened or dead pigs than any other livestock drug on the market, an investigation of Food and Drug Administration records shows.

Growing concern over sick animals in the nation's food supply sparked a California law banning the sale and slaughter of livestock unable to walk, but that law was [struck down by the Supreme Court Monday](#). Meat producers had sued to overturn California's ban, arguing that the state could not supercede federal rules on meat production. The court agreed.

The FDA, which regulates livestock drugs in the United States, deemed ractopamine safe 13 years ago and approved it, setting a level of acceptable residues in meat. Canada and 24 other countries approved the drug as well.

U.S. trade officials are now pressing more countries to accept meat from animals raised on ractopamine -- a move opposed by China and the EU. Resolving the impasse is a top agricultural trade priority for the Obama administration, which is trying to boost exports and help revive the economy, trade officials say.

U.S. exports of beef and pork are on track to hit \$5 billion each for the first time, the U.S. Meat Export Federation estimates. Pork exports to China quadrupled from 2005 to 2010 to \$463 million but are still only 2-3 percent of the market.

"China is a potentially huge market for us," said Dave Warner, spokesman for the National Pork Producers Council.

Part of a class of drugs called beta-agonists, ractopamine mimics stress hormones, making the heart beat faster and relaxing blood vessels. Some beta-agonists are used to treat people with asthma or heart failure, but ractopamine has not been proposed for human use.

In animals, ractopamine revs up production of lean meat, reducing fat. Pigs fed the drug in the last weeks of their life produce an average of 10 percent more meat, compared with animals on the same amount of feed that don't receive the drug. That raises profits by \$2 per head, according to the drug's manufacturer, Elanco, a division of Eli Lilly. It sells the drug under the brand name Paylean.

Ractopamine leaves animals' bodies quickly, with pig studies showing about 85 percent excreted within a day. But low levels of residues can still be detected in animals more than a week after they've consumed the drug.

While the Department of Agriculture has found traces of ractopamine in American beef and pork, they have not exceeded levels the FDA has determined are safe.

But because countries like China and Taiwan have no safety threshold, traces of the drug have led to rejection of some U.S. meat shipments. The EU requires U.S. exporters to certify their meat is ractopamine-free, and China requires a similar assurance for pork.

Some U.S. food companies also avoid meat produced with the feed additive, including Chipotle restaurants, meat producer Niman Ranch and Whole Foods Markets.

The FDA ruled that ractopamine was safe and approved it for pigs in 1999, for cattle in 2003 and turkeys in 2008. As with many drugs, the approval process relied on safety studies conducted by the drug-maker -- studies that lie at the heart of the current trade dispute.

Elanco mainly tested animals -- mice, rats, monkeys and dogs -- to judge how much ractopamine could be safely consumed. Only one human study was used in the safety assessment by Elanco, and among the six healthy young men who participated, one was removed because his heart began racing and pounding abnormally, according to a detailed evaluation of the study by European food safety officials.

When Elanco studied the drug in pigs for its effectiveness, it reported that "no adverse effects were observed for any treatments." But within a few years of Paylean's approval, the company received hundreds of reports of sickened pigs from farmers and veterinarians, according to records from the FDA's Center for Veterinary Medicine.

USDA meat inspectors also reported an increase in the number of "downer pigs" -- lame animals unable to walk -- in slaughter plants. As a result of the high number of adverse reactions, the FDA requested Elanco add a warning label to the drug, and it did so in 2002.

The company also received a warning letter from the FDA that year for failing to disclose all data about the safety and effectiveness of the drug.

Since the drug was introduced, more than 218,000 pigs taking ractopamine were reported to have suffered adverse effects, as of March 2011, according to a review of FDA records. The drug has triggered more adverse reports in pigs than any other animal drug on the market. Pigs suffered from hyperactivity, trembling, broken limbs, inability to walk and death, according to FDA reports released under a Freedom of Information Act request. The FDA, however, says such data do not establish that the drug caused these effects.

"I've personally seen people overuse the drug in hogs and cattle," said Temple Grandin, a professor at Colorado State University and animal welfare expert. "I was in a plant once where they used too much ractopamine and the pigs were so weak they couldn't walk. They had five or six people just dedicated to handling the lame pigs."

But she noted that producers have since scaled back use in response to the rash of illnesses.

"Our company takes adverse event reporting very seriously and is overly inclusive on the information we submit to ensure we're meeting all requirements," Elanco spokeswoman Colleen Par Dekker said. She said the label change in 2002 resulted from an ongoing process of evaluating adverse effects of the drug, adding that an industry trend towards heavier pigs contributed to rising numbers of lame animals in this period.

By 2003, with ractopamine rolling out across the livestock industry, U.S. trade officials began pressing to open world markets for meat produced with the feed additive. Their effort focused on a relatively obscure corner of the trade world -- the U.N.'s Codex Alimentarius Commission, which sets global food-safety standards.

Setting a Codex standard for ractopamine would strengthen Washington's ability to challenge other countries' meat import bans at the World Trade Organization.

The issue has reached the last step in Codex's approval process, but since 2008 the commission has been deadlocked over one central question: What, if any, level of ractopamine is safe in meat?

The EU and China, which together produce and consume about 70 percent of the world's pork, have blocked the repeated efforts of U.S. trade officials to get a residue limit. European scientists sharply questioned the science backing the drug's safety, and Chinese officials were concerned about higher residues in organ meats, which are consumed in China.

"The main problem for us is that the safety of the product could not be supported with the data," said Claudia Roncancio-Peña, a scientist who led the European food safety panel studying the drug.

U.S. trade officials say China wants to limit competition from U.S. companies, and the EU does not want to risk a public outcry by importing meat raised with growth-promoting drugs, which are illegal there.

The issue also has strained the U.S.-Taiwan trade relationship, since Taiwan -- the sixth-largest market for U.S. beef and pork -- began testing for ractopamine last year. It found traces in American beef and pork and pulled meat from store shelves, according to local press reports.

In the U.S., residue tests for ractopamine are limited. In 2010, for example, the U.S. did no tests on 22 billion pounds of pork; 712 samples were taken from 26 billion pounds of beef. Those results have not yet been released.

*This article was produced by the [Food and Environment Reporting Network](#), an independent, non-profit news organization providing investigative reporting on food, agriculture and environmental health.*

## Farming communities facing crisis over nitrate pollution, study says

By Stett Holbrook on March 13, 2012, [The Food and Environment Reporting Network](#)



A tractor fertilizing a field in the Salinas Valley, CA

Nitrate contamination in groundwater from fertilizer and animal manure is severe and getting worse for hundreds of thousands of residents in California's farming communities, according to a study released today by researchers at UC Davis.

Nearly 10 percent of the 2.6 million people living in the Tulare Lake Basin and Salinas Valley might be drinking nitrate-contaminated water, researchers found. If nothing is done to stem the problem, the report warns, those at risk for health and financial problems may number nearly 80 percent by 2050.

The report is the most comprehensive assessment so far of nitrate contamination in California's agricultural areas.

“The problem is much, much, much worse than we thought,” said Angela Schroeter, agricultural regulatory program manager for the Central Coast Regional Water Quality Control Board, a state water agency.

High nitrate levels in drinking water are known to cause skin rashes, hair loss, birth defects and “blue baby syndrome,” a potentially fatal blood disorder in infants. A recent National Institutes of Health study linked increased risk of thyroid cancer with high nitrate levels in public water supplies.

Nitrate-contaminated water is a well-documented fact in many of California’s farming communities. The agricultural industry, however, has maintained that it is not solely responsible because nitrates come from many sources.

But according to the UC Davis report, 96 percent of nitrate contamination comes from agriculture, while only 4 percent can be traced to water treatment plants, septic systems, food processing, landscaping and other sources.



San Jerardo resident Horacio Amezcua stands near the cooperative's water source near Salinas, CA. The water is piped in from a clean well some distance away.

In addition to health risks, tainted water will exact a growing financial toll, the report said. The researchers project that utilities and citizens in the two regions will pay \$20 million to \$36 million per year for water treatment and alternative supplies.

According to the study, more than 1.3 million people in the two areas currently face increased costs as residents seek alternative sources of water and providers pass on the costs of treatment to ratepayers.

The five counties in the study area – among the top 10 agricultural producing counties in the United States – include about 40 percent of California’s irrigated cropland and more than half of its dairy herds, representing a \$13.7 billion slice of the state’s economy.

The Central Coast Regional Water Quality Control Board has produced several reports of its own that show “large-scale degradation” of drinking water aquifers due to nitrates from fertilizer.

“If we don’t address this, we’re going to have a very serious issue in California,” Schroeter said.

Nitrates are odorless, tasteless compounds that form when nitrogen from ammonia and other sources mix with water. While nitrogen and nitrates occur naturally, the advent of synthetic fertilizer has coincided with a dramatic increase in nitrates in drinking water.

Rural residents are at greater risk because they depend on private wells, which are often shallower and not monitored to the same degree as public water sources. Current contamination likely came from nitrates introduced into the soil decades ago. That means even if nitrates were dramatically reduced today, groundwater would still suffer for decades to come.

According to the report, removing nitrates from large groundwater basins is extremely costly and not technically feasible. One relatively low-cost alternative is called “pump and fertilize:” pulling nitrate-saturated water out of the ground and applying it to crops at the right time to ensure more complete nitrate uptake.

Representatives of the California Farm Bureau Federation, the state’s largest agricultural association, would not comment on the report until it was released. But in a written statement, spokesman Dave Kranz said farmers and ranchers have worked on better nitrate management for years.

“Clean drinking water is a high priority for everyone, especially people who live in rural areas,” Kranz said. “Most farmers live where they work and want to be certain that they, their families, their employees, and their neighbors have access to safe water.”

Farmers and ranchers will continue to adapt to new information, technology and science to address nitrate problems, he said. But he said it’s important to “make sure nitrate management programs look at all possible sources to achieve the goal of safe drinking water.”

The safety of groundwater, which is the largest source of drinking water, is managed through the state’s Clean Water Act. But each source of contamination is handled differently, says Schroeter of the Central Coast water board, and agriculture is more lightly regulated than other industries.



Sonja Lopez and her son Leonardo at their home at the San Jerardo Cooperative in Salinas, CA. Sonja moved to the cooperative to be assured of clean drinking water for herself and her family.

**For the 250 people** living in San Jerardo, a farm-worker cooperative southeast of Salinas, the threat posed by nitrates is all too familiar. San Jerardo residents live in refurbished old barracks that have been converted into tidy homes.

Sonia Lopez moved into San Jerardo with her parents and five siblings in 1987. The four-bedroom, four-bathroom house was a big improvement over the two-bedroom apartment they once shared. “This was our American dream,” she said.

But something went wrong about nine years ago. Her skin became red and itchy. Her eyes burned. Her hair started falling out. Her family had the same symptoms, and she learned other San Jerardo residents were afflicted, too.

“I got very concerned because some of the residents started passing away from cancers,” she said. “People were dying, and we didn’t know who was going to be next.”

While they did not find a cause for the cancers, Lopez and fellow resident Horacio Amezcuita learned from health officials that nitrates in their well water had made their eyes red and their hair fall out.

The community also learned that its water had been contaminated with nitrates since at least 1990; over the years, three wells had been drilled and eventually were found to be tainted. Drinking water regulations limit nitrates to less than 45 parts per million. One well measured 106 ppm, more than double the limit.

After repeatedly asking Monterey County officials to help, Lopez and Amezcuita finally got a filtration system in 2006, and in 2010, the community connected to a new well two miles away that doesn’t need to be purified. The cost to Monterey County was about \$5 million. San Jerardo residents used to pay about \$25 a month for water; now, they pay as much as \$130 a month.

Lopez still worries about her health, and like the UC Davis researchers, she warns the nitrate problem will only get worse.

“Our problem is going to be your problem,” she said. “It’s everyone’s problem. There are solutions, but we need the people in charge of our communities to do something about it.”

UC Davis hydrologist Thomas Harter led the team of researchers from the Center for Watershed Sciences that prepared the report, which took 20 months to complete and involved 26 scientists. The report had been requested by the Legislature in 2008.

Water-quality experts said the study provides a new and comprehensive look into the sources of the contamination, the chemicals in the water and the people affected.

Laurel Firestone, co-executive director of Tulare County’s Community Water Center, a nonprofit that helps communities with poor drinking water, said not only does the study show that the nitrate problem isn’t limited to a few isolated rural communities, but it also places responsibility squarely on agriculture’s shoulders. Firestone hopes there will now be the political will to tackle the issue.

“This isn’t a new problem,” she said. “We’ve known it for decades, but we’ve failed to do anything about it.”

The report lists a few solutions to help pay for the cleanup of contaminated water, including a fee on fertilizer sales and greater “mill fees” on the production of fertilizer. In California, farmers do not pay sales tax on fertilizer, while water districts and communities bear the cost of cleaning up tainted wells.

Firestone said a fertilizer fee could be a powerful tool because there's currently no disincentive to use fertilizer and few incentives to switch to safer agricultural practices.

"I think it's clear that to address this problem, we need agriculture to lead the way," she said.

Because of the might of the state's agricultural industry, there has been little political will to tackle the nitrate problem. It will be up to the Legislature to decide how to respond to Harter's report, but regulatory change might be coming as soon as this week.

The Central Coast water board, one of several regional water agencies that enforce the state's Clean Water Act, will hold a highly anticipated meeting tomorrow to decide on new agricultural regulations aimed at reducing the release of nitrates, pesticides and other chemicals into aquifers, as well as creeks, rivers, lakes and the Pacific Ocean.

"We justify these regulations based on very severe threats to water quality," said Schroeter, agricultural regulatory program manager for the water board. "We have the most toxic water in the state."

Despite the report's grim news, water policy expert Jennifer Clary said she believes change is coming. She is a program manager for Clean Water Action, a national environmental advocacy group. She said the Central Coast water board's plan would be a first step toward regulating groundwater contamination.

While she said the proposed rules aren't perfect, "it's going to be better than nothing. You can't continue with nothing."

Harter, the UC Davis researcher, said the study's long-term projections for nitrate contamination reveal "just how extensive and interconnected these impacts are." While his report outlined a number of policy choices, he doesn't recommend one particular course of action.

"We can certainly do better, but it's going to take an investment that we will all have to share. ... That's a discussion I hope we have."

*This story was distributed in conjunction with [California Watch](#), a nonprofit investigative news group founded by the [Center for Investigative Reporting](#).*

## Major sources of nitrate pollution

Of the human-generated nitrate pollution sources in the Tulare Lake Basin and a portion of the Salinas Valley, 96 percent come from cropland. Where the cropland-related pollution comes from:



Source: UC Davis Center for Watershed Sciences report, "Addressing Nitrate in California's Drinking Water"

BRIAN CRAGIN / CALIFORNIA WATCH

## Almost all nitrate pollution comes from cropland



Percentage of human-generated nitrate sources to groundwater that come from cropland in the Tulare Lake Basin and a portion of the Salinas Valley

[Click to see entire graphic](#)

## If the food's in plastic, what's in the food?

By Susan Freinkel, April 16, 2012, [The Food and Environment Reporting Network](#)



Bisphenol-A, a common chemical used in plastic, had been proven to pass into foods

In a [study](#) published last year in the journal *Environmental Health Perspectives*, researchers put five San Francisco families on a three-day diet of food that hadn't been in contact with plastic. When they compared urine samples before and after the diet, the scientists were stunned to see what a difference a few days could make: The participants' levels of bisphenol A (BPA), which is used to harden polycarbonate plastic, plunged — by two-thirds, on average — while those of the phthalate DEHP, which imparts flexibility to plastics, dropped by more than half.

The findings seemed to confirm what many experts suspected: Plastic food packaging is a major source of these potentially harmful chemicals, which most Americans harbor in their bodies. Other studies have shown phthalates (pronounced THAL-ates) passing into food from processing equipment and food-prep gloves, gaskets and seals on non-plastic containers, inks used on labels — which can permeate packaging — and even the plastic film used in agriculture.

The government has long known that tiny amounts of chemicals used to make plastics can sometimes migrate into food. The Food and Drug Administration regulates these migrants as “indirect food additives” and has approved more than 3,000 such chemicals for use in food-contact applications since 1958. It judges safety based on models that estimate how much of a given substance might end up on someone’s dinner plate. If the concentration is low enough (and when these substances occur in food, it is almost always in trace amounts), further safety testing isn’t required.

Meanwhile, however, scientists are beginning to piece together data about the ubiquity of chemicals in the food supply and the cumulative impact of chemicals at minute doses. What they’re finding has some health advocates worried.

This is “a huge issue, and no [regulator] is paying attention,” says Janet Nudelman, program and policy director at the Breast Cancer Fund, a nonprofit that focuses on the environmental causes of the disease. “It doesn’t make sense to regulate the safety of food and then put the food in an unsafe package.”

### **A complicated issue**

How common are these chemicals? Researchers have found traces of styrene, a likely carcinogen, in instant noodles sold in polystyrene cups. They’ve detected nonylphenol — an estrogen-mimicking chemical produced by the breakdown of antioxidants used in plastics — in apple juice and baby formula. They’ve found traces of other hormone-disrupting chemicals in various foods: fire retardants in butter, Teflon components in microwave popcorn, and dibutyltin — a heat stabilizer for polyvinyl chloride — in beer, margarine, mayonnaise, processed cheese and wine. They’ve found unidentified estrogenic substances leaching from plastic water bottles.

Finding out which chemicals might have seeped into your groceries is nearly impossible, given the limited information collected and disclosed by regulators, the scientific challenges of this research and the secrecy of the food and packaging industries, which view their components as proprietary information. Although scientists are learning more about the pathways of these substances — and their potential effect on health — there is an enormous debate among scientists, policymakers and industry experts about what levels are safe.

The issue is complicated by questions about cumulative exposure, as Americans come into contact with multiple chemical-leaching products every day. Those questions are still unresolved, says Linda Birnbaum, director of the National Institute of Environmental Health Science, part of the National Institutes of Health. Still, she said, “we do know that if chemicals act by the same pathway that they will act in an additive manner” — meaning that a variety of chemicals ingested separately in very small doses may act on certain organ systems or tissues as if they were a single cumulative dose.

The American Chemistry Council says there is no cause for concern. “All materials intended for contact with food must meet stringent FDA safety requirements before they are allowed on the market,” says spokeswoman Kathryn Murray St. John. “Scientific experts review the full weight of all the evidence when making such safety determinations.”

## Hard to measure

When it comes to food packaging and processing, among the most frequently studied agents are phthalates, a family of chemicals used in lubricants and solvents and to make polyvinyl chloride pliable. (PVC is used throughout the food processing and packaging industries for such things as tubing, conveyor belts, food-prep gloves and packaging.)

Because they are not chemically bonded to the plastic, phthalates can escape fairly easily. Some appear to do little harm, but animal studies and human epidemiological [studies](#) suggest that one phthalate, called DEHP, can interfere with testosterone during development. Studies have associated low-dose exposure to the chemical with [male reproductive disorders](#), [thyroid dysfunction](#) and subtle behavioral changes.

But measuring the amount of phthalates that end up in food is notoriously difficult. Because these chemicals are ubiquitous, they contaminate equipment in even purportedly sterile labs.

In the first study of its kind in the United States, Kurunthachalam Kannan, a chemist at the New York State Department of Health, and Arnold Schechter, an environmental health specialist at the University of Texas Health Science Center, have devised a protocol to analyze 72 different grocery items for phthalates. Schechter won't reveal the results before they're published — later this year, he hopes — except to say he found DEHP in many of the samples tested.

Perhaps the most controversial chemical in food packaging is BPA, which is chiefly found in the epoxy lining of food cans and which mimics natural estrogen in the body. Many researchers have correlated low-dose exposures to BPA with later problems such as breast cancer, heart disease and diabetes. But other studies have found no association. Canada declared BPA toxic in October 2010, but industry and regulators in the United States and in other countries maintain that health concerns are overblown.

Last month, the FDA denied a petition to ban the chemical, saying in a statement that while “some studies have raised questions as to whether BPA may be associated with a variety of health effects, there remain serious questions about these studies, particularly as they relate to humans and the public health impact.”

The fact that a plastic bottle or bag or tub can leach chemicals doesn't necessarily make it a hazard to human health. Indeed, to the FDA, the key issue isn't whether a chemical can migrate into food, but how much of that substance consumers might ingest.

If simulations and modeling studies predict that a serving contains less than 0.5 parts per billion of a suspect chemical — equivalent to half a grain of salt in an Olympic-size swimming pool — FDA's guidance does not call for any further safety testing. On the premise that the dose makes the poison, the agency has approved a number of potentially hazardous substances for food-contact uses, including phosphoric acid, vinyl chloride and formaldehyde.

## Emerging science

But critics now question that logic. For one thing, it doesn't take into account the emerging science on chemicals that interfere with natural hormones and might be harmful at much lower doses than has been thought to cause health problems. Animal studies have found that exposing fetuses to doses of BPA below the FDA's safety threshold can affect breast and prostate cells, brain structure and chemistry, and even later behavior.

According to Jane Muncke, a Swiss researcher who has reviewed decades' worth of literature on chemicals used in packaging, at least 50 compounds with known or suspected endocrine-disrupting activity have been approved as food-contact materials.

"Some of those chemicals were approved back in the 1960s, and I think we've learned a few things about health since then," says Thomas Neltner, director of a Pew Charitable Trusts project that examines how the FDA regulates food additives. "Unless someone in the FDA goes back and looks at those decisions in light of the scientific developments in the past 30 years, it's pretty hard to say what is and isn't safe in the food supply."

FDA spokesman Doug Karas in an e-mail interview said that before approving new food-contact materials, the agency investigates the potential for hormonal disruption "when estimated exposures suggest a need." But FDA officials don't think the data on low-dose exposures prove a need to revise that 0.5 ppb exposure threshold or reassess substances that have already been approved.

Another criticism is that the FDA doesn't consider cumulative dietary exposure. "The risk assessments have been done only one chemical at a time, and yet that's not how we eat," Schechter notes. (Karas counters that "there currently are no good methods to assess these types of effects.")

"The whole system is stacked in favor of the food and packaging companies and against the protecting of public health," Nudelman, of the Breast Cancer Fund, says. She and others are concerned that the FDA relies on manufacturers to provide migration data and preliminary safety information, and that the agency protects its findings as confidential. So consumers have no way of knowing what chemicals, and in what amounts, they are putting on the table every day.

It's not just consumers who lack information. The companies that make the food in the packages can face the same black box. Brand owners often do not know the complete chemical contents of their packaging, which typically comes through a long line of suppliers.

What's more, they might have trouble getting answers if they ask. Nancy Hirshberg, vice president of natural resources at Stonyfield Farm, describes how in 2010, the organic yogurt producer decided to launch a multipack yogurt for children in a container made of PLA, a corn-based plastic. Because children are particularly vulnerable to the effects of hormone disrupters and other chemicals, the company wanted to ensure that no harmful chemicals would migrate into the food.

Stonyfield was able to figure out all but 3 percent of the ingredients in the new packaging. But when asked to identify that 3 percent, the plastic supplier balked at revealing what it considered a trade secret. To break the impasse, Stonyfield hired a consultant who put together a list of 2,600 chemicals that the dairy didn't want in its packaging. The supplier confirmed that none were in the yogurt cups, and a third party verified the information.

*Freinkel is the author of "[Plastic: A Toxic Love Story](#)." This article was produced in collaboration with the Food and Environment Reporting Network, an independent, nonprofit news organization producing investigative reporting on food, agriculture and environmental health.*

## Crop insurance a boon to farmers – and insurers, too

By Stett Holbrook, Food & Environment Reporting Network, June 18, 2012



Canny Johnston / AP

When corn fails to grow as high as an elephant's eye, farmers can rely on federally subsidized crop insurance. This scene was shot in Dumas, Ark., this month.

Here's a deal few businesses would refuse: Buy an insurance policy to protect against losses – even falling prices -- and the government will foot most of the bill.

That's how crop insurance works.

The program doesn't just help out farmers, however. The federal government also subsidizes the insurance companies that write the policies. If their losses grow too big, taxpayers will help cover those costs.

In the farm bill now making its way through the Senate, crop insurance will cost taxpayers an estimated \$9 billion a year.

Lawmakers, farm groups and insurance companies say the program is a vital safety net, designed to keep farmers in business when bad weather strikes or markets go haywire. But critics say it's a wasteful and fast-growing subsidy that could have perverse consequences, not just for taxpayers, but for rural lands.

In Washington, where farmers have long been the recipients of government support, the heightened role of crop insurance in the five-year farm bill is being described as reform.

"This is not your father's farm bill," says Sen. Debbie Stabenow, a Michigan Democrat who chairs the Senate Agriculture Committee. "This farm bill represents the greatest reform of agriculture policy in decades."

To be sure, the Senate version of the bill -- which awaits action by the House -- does cut spending by about \$24 billion over the next decade to a total of \$969 billion. It does so largely by eliminating direct payments to farmland owners, which are paid whether they grow crops or not.

These direct payments, amounting to about \$5 billion a year, have been assailed for years by taxpayer advocates and environmentalists who complain that they flow mostly to large farms that grow commodity crops like corn and soybeans. They accounted for about 10 percent of the farm sector's \$109 billion in income last year, with more than half going to farmers making more than \$100,000 a year.

Now that direct payments are on the way out, farm-state legislators and industry groups say an expanded crop insurance program is needed to protect farmers from risk in an inherently volatile industry. Without it, they might not produce commodity crops such as corn, soybeans, wheat, and cotton at the levels, and prices, the nation has enjoyed.

Crop insurance helps farmers and ranchers manage risk and ensure an "ample and stable U.S. food, fiber, feed and fuel supply," said Tim Weber, president of the crop insurance division at Cincinnati-based Great American Insurance Co. in congressional testimony in May.

But critics say the fast-growing crop insurance program will cost as much as or more than the direct payments that it would replace. That's because the government covers nearly 60 percent of farmers' premiums and subsidizes the costs of private insurance companies, including those based overseas, to write the coverage for farmers. If insurers suffer a loss, the government will backstop the losses, much as a big reinsurance company assumes the risks of individual insurers. It also assumes most of the risk for policies placed in a special assigned risk fund.

Crop insurance is "a very wasteful approach to risk management," says Vincent Smith, an agricultural economist at Montana State University. "The agriculture and insurance industries are stunningly overcompensated."

Because the insurance reduces risk so dramatically, it encourages farmers to expand into marginal lands and ecologically sensitive areas like prairie grasslands. While farmers who accepted direct payments had to follow conservation measures, there are no such conditions attached to crop insurance, to the dismay of environmentalists and former government officials who say such measures were a success.

Crop insurance took root in the late 1930s after the devastating impact of the Dust Bowl. For decades, the government supported a modest program that covered farmers' losses from bad weather or pests. New crops and insurance products were added over the years but, as recently as 2000, crop insurance cost the government just \$951 million, according to a Government Accountability Office report.

Since then, the program has grown dramatically. Last year, the price tag hit \$7.3 billion. The annual subsidy for premiums for existing crop-insurance programs will grow to about \$9 billion a year, or about \$90 billion over the next decade, the Congressional Budget Office estimates.

Furthermore, a provision in the Senate bill would add a so-called "shallow loss" provision that would cover losses as small as 10 percent, effectively subsidizing farmers' insurance deductibles.

Critics say the shallow loss program could cost \$8 billion to \$14 billion a year, which is more than the direct payments it replaces. Farm-bill supporters say it will cost less. If commodity prices were to fall dramatically from their current levels, the government's exposure would be bigger.

None of this has received much scrutiny outside the agricultural policy world because crop insurance is but one element of the complex, 1,010-page, five-year, \$480-billion farm bill. The law cobbles together food stamps and nutrition programs for the poor, which account for about 80 percent of the spending, rural community development, agricultural research, forestry and conservation programs. But in places like Iowa, which gets more farm subsidies than any other state but Texas, people are paying attention.

### **Odd bedfellows**

Farm politics makes odd bedfellows.

The American Enterprise Institute is a free-market think tank that wants the government to leave business alone. The Environmental Working Group favors regulation of products ranging from cell phones to sunscreen.

Both oppose the expansion of crop insurance.

To marshal support for their cause, the two groups turned to America's leading critic of crop insurance, a wiry, matter-of-fact agricultural economist from Iowa named Bruce Babcock. Ironically, he helped create an early form of crop insurance for the Department of Agriculture.

Babcock, 54, has a unique perspective on the farm economy. He's a faculty member at Iowa State University in Ames, who also farms. He also understands the labyrinthine world of obscure agencies, acronyms and special interests that make up U.S. agricultural policy.

Crop insurance as currently designed has "zero benefit" to the public, Babcock said in a recent interview in his university office. It's become unjustifiably expensive because of the extraordinary costs to deliver to program.

He believes farmers would do just as well with a scaled-back version of the program that offers a base level of coverage at no cost, and then lets growers buy additional insurance out of their own pocket.

Still, as a farmer who grows corn and soybeans on 200 acres of gently rolling farmland not far from campus, he is a recipient of the very crop insurance subsidies he criticizes. Refusing the assistance would be like leaving money on the table, he says. As long as it's offered, farmers will take it.

His farming partner, Travis Wearda, 35, farms 2,700 acres of corn and soy. He, too, recognizes that the crop insurance subsidies that he receives would be hard to justify to someone in another line of work. "I honestly don't think I would be able to," he says.

Because Wearda has to sink so much money into his fields before harvest -- in rent, seeds, herbicides, fertilizer, labor and production costs -- crop insurance gives him the comfort that he will at least break even if his land is hit by drought or grain prices go haywire. Without the subsidies, he says, he would buy less insurance and maybe take a more conservative approach to farming, say, by planting later in spring when the weather tends to be more predictable.

Skewing farming to more risky practices is a reason for concern, the critics say. If the bets pay off, then the farmer wins. But if they do not, then the government program makes up the losses so the farmer can bet again the following year. It's a system of "socialized losses and privatized gains," says Montana State's Smith.

Despite repeated requests, neither the crop insurance industry association, National Crop Insurance Services, nor Sen. Stabenow were available for comment.

Speaking for insurers at a House subcommittee hearing in May, Weber of Great American Insurance Co., said: "We firmly believe that crop insurance should remain (farmers') core risk management tool, and we are committed to the public-private partnership of program delivery, which directly supports more than 20,000 private sector jobs across the country."

### **A bonanza for crop insurers**

The biggest crop insurance program, known as "federal crop," is administered by the USDA's Risk Management Agency in a partnership with 15 private insurance companies. This is the \$7.3 billion-a-year program under which taxpayers pick up about 60 percent of farmers' premiums and cover about 18 percent of insurance companies' operating costs.

The program has been a bonanza for crop insurance companies and the independent agents who sell the policies, according to Babcock, who has authored two reports critical of crop insurance for EWG.

He found that for every \$2 the government spends on crop insurance, \$1 goes to the insurance industry. Montana State's Smith -- who worked with Babcock and another economist on a report for the American Enterprise Institute -- differs a bit: He estimates the industry gets \$1.44 for every \$1 in premium subsidies that flow to farmers.

Even in bad years, the insurers do fine, partly because premiums have risen in lockstep with crop prices. Last year, for example, was a tough one for farmers, with droughts in the southern Plains, hard freezes in Florida and flooding along the Mississippi and Missouri rivers. But the crop insurance companies posted nearly \$2 billion in profits in 2011, according to Babcock and his colleagues.

Between 2001 and 2011, the industry generated \$11.8 billion in profits, their studies found. Participating companies include Wells Fargo, John Deere Insurance Co., Switzerland's Ace Ltd. and Australia's QBE Insurance Group.

Among the 486,867 farming operations that got federal crop insurance last year, more than 10,000 received federal subsidies of \$100,000 to \$1 million, according to USDA data released this month under a Freedom of Information Act request filed by the Environmental Working Group. Twenty-six got more than \$1 million. The farmers' names were not disclosed.

"Can you tell me another industry that enjoys this level of protection?" asks Craig Cox, senior vice president for agriculture and natural resources for Environmental Working Group.

Following the disclosure, Sens. Jeanne Shaheen, D-N.H., and Pat Toomey, R-Pa., introduced an amendment to cap insurance subsidies that an individual farmer can receive at \$40,000 per year. It would save \$5.2 billion over 10 years.

While that measure will be debated, even critics realize the underlying program has a tremendous amount of support. "Crop insurance is the holy grail of the farm bill," said Ferd Hoefner, policy director of the National Sustainable Agriculture Coalition, an advocate for policy reform.

*This report was produced by [Food & Environment Reporting Network](#), an independent, non-profit news organization producing investigative reporting on food, agriculture and environmental health.*



By Jim Avila

Jul 11, 2012

## **REPORT: Superbug Dangers in Chicken Linked to 8 Million At-Risk Women**

[Video report: <http://abcnews.go.com/blogs/health/2012/07/11/superbug-dangers-in-chicken-linked-to-8-million-at-risk-women/>]

A growing number of medical researchers say more than 8 million women are at risk of difficult-to-treat bladder infections because superbugs – resistant to antibiotics and growing in chickens – are being transmitted to humans in the form of E. coli.

“We’re finding the same or related E. coli in human infections and in retail meat sources, specifically chicken,” said Ameer Manges, epidemiologist at McGill University in Montreal.

If the medical researchers are right, this is compelling new evidence of a direct link between the pervasive, difficult-to-cure human disease and the antibiotic-fed chicken people buy at the grocery store.

“What this new research shows is, we may in fact know where it’s coming from. It may be coming from antibiotics used in agriculture,” said Maryn McKenna, reporter for the [Food & Environment Reporting Network](#), working on a joint investigation with ABC News.

The Food and Drug Administration says 80 percent of all antibiotics sold in the United States are fed to livestock and even healthy chicken to protect them from disease in cramped quarters. It also helps the chickens grow bigger and faster.

“We’re particularly interested in chickens. They, in many cases, are getting drugs from the time that they were in an egg all the way up to the time they are slaughtered,” Manges said.

The [chicken industry](#) disputes the researchers’ conclusions, and quoted Dr. Randall Singer, associate professor epidemiology at the University of Minnesota’s Department of Veterinary and Biomedical Sciences, who said: “These studies have nothing to do with antibiotics in poultry product and further changes to antibiotic use in poultry will not change the potential human health risks associated with these foodborne E.coli.”

Researchers acknowledge that there is no study showing a definitive link between the E.coli in chicken and infection in women, but point out that a study like that would be unethical because it would require intentionally exposing women to the bacteria.

They say that there is persuasive evidence that chicken carries the same bacteria with the highest levels of resistance to medicine as causes the drug resistant infection in women.

See the National Chicken Council's [full statement](#) on the ABC News report.

Adrienne LaBeouf, 29, is among the women suffering from a constant infection.

“It feels like I have some kind of infection that just won’t go away,” she said.

LaBeouf of Washington, D.C., has visited her doctor about her persistent bladder infection. “It was cured for a little while,” she added, “and then it comes back with a vengeance.”

*ABC News’ Brian Hartman contributed to this report.*

March 23, 2012

## Companies Pick Up Used Packaging, and Recycling's Cost

By STEPHANIE STROM



Allen Brisson-Smith for The New York Times

Last year, some 11 million six-ounce No. 5 yogurt cups were collected through a recycling program, according to Stonyfield Farm, the New Hampshire yogurt maker

Brushing your teeth with a yogurt container? Wiping your mouth with a coffee cup?

You might be doing both, as a result of a new trend in recycling, courtesy of the manufacturers who make the original products. A growing number of large food and beverage companies in the United States are assuming the costs of recycling their packaging after consumers are finished with it, a responsibility long imposed on packaged goods companies in Europe and more recently in parts of Asia, Latin America and Canada.

Several factors are converging to make what is known as “extended producer responsibility” more attractive and, perhaps, more commonplace in the United States.

“Local governments are literally going broke and so are looking for ways to shift the costs of recycling off onto someone, and companies that make the packaging are logical candidates,” said Jim Hanna, director of environmental impact at the [Starbucks Corporation](#). “More environmentally conscious consumers are demanding that companies share their values, too.”

Perhaps most important, he said, “companies are becoming more aware that resources are limited and what they’ve traditionally thrown away — wow, it has value.” It is now cheaper to recycle an aluminum can into a new can than it is to make one from virgin material, and the same is becoming true for plastic bottles.

“Shredding, melting, recasting and rerolling used aluminum beverage cans into new aluminum can sheet saves 95 percent of the energy that it takes to make can sheet from raw ore,” said Beth Schmitt, director of recycling at Alcoa.

The principle is the same with used plastic bottles, which are made from petroleum — and are one of the country’s largest exports to China, where they are used to make fabric fibers. “Tuna cans, cereal boxes, laundry detergent bottles — all of it has value in end markets that are thirsty for it,” said Michael Washburn, director of sustainability at Nestlé Waters North America, a bottled-water producer.

So far, company-sponsored recycling efforts are voluntary in the United States. Many states have laws requiring companies to take responsibility for spent products like batteries and mercury switches, but so far, only [Maine has a law](#) that might shift the cost of discarded packaging to business. Passed in 2010, it established a framework that allows the state to add products, including packaging, to the list of those for which manufacturers must assume the costs of disposal. So far, however, no new products have been added.

Opposition to mandated responsibility for packaging after use is widespread, even among companies that are already required to do it abroad. “We’re not convinced there’s compelling evidence that it’s the most appropriate solution for the U.S.,” said Meghan Stasz, director of sustainability at the Grocery Manufacturers Association, which represents more than 300 food, beverage and packaged goods companies.

Nonetheless, a few prominent food and beverage companies are moving on their own to recapture their packaging after their customers are done with it.

Coca-Cola has a whole subsidiary, [Coca-Cola Recycling L.L.C.](#), devoted to its stated goal of ensuring the recycling of 100 percent of its cans and bottles in North America by 2015 and 50 percent in the rest of the world. To that end, seven factories owned wholly or in part by the company toil away around the globe recycling plastic, including one in Spartanburg, S.C.

Coke is also experimenting with nonpetroleum-based packaging materials. Products like Dasani and Sprite come in PlantBottles made of polyethylene terephthalate, or PET, which are up to 30 percent plant-based and can go through the same process that regular, 100 percent oil-based PET bottles go through. The packaging has won awards and last year became a new source of revenue

for Coke when the H. J. Heinz Company licensed it for use in its ketchup bottles. The company also places bins at events and locations like Nascar races to collect bottles for recycling.

Asking customers to return packaging to bins is a growing trend among companies. Starbucks now has bins in which customers can deposit their cups at 18 percent of its stores in the United States and Canada, up from 5 percent just a year ago. The company has a goal of 100 percent by 2015.

In Chicago, the company has developed a closed-loop system in which cups from its stores are trucked to a recycling facility in Green Bay, Wis., where they are mixed with other recycled material and turned into paper napkins that it uses in its stores.

“There are financial benefits to doing this,” said Mr. Hanna of Starbucks. “It lowers operating costs, and we also save money because it helps us retain good people every year and builds brand reputation at no cost to the marketing budget. It makes business sense.”

Starbucks did a pilot project with a paper mill in Mississippi to prove that used cups could be recycled into new paper cups in much the same way that PET bottles and aluminum cans can be recycled into new bottles and cans. But there still is little demand from recyclers for used cups, and many communities lack the infrastructure to collect and process them.

Stonyfield Farm, the New Hampshire yogurt maker, has had more success with its containers. By chance, Eric Hudson, the founder of [Preserve](#), a company created in 1996 to create products out of recycled materials, bumped into an executive from Stonyfield Farm. Stonyfield has the kind of customers who “call asking, ‘Have you considered putting your products in glass?’ ” according to Amy Elkes, its brand program and consumer insights manager, and it was eager to find a way to recycle its yogurt cups.

Despite its wholesome image, yogurt, one of the most widely sold dairy products, is largely sold in polypropylene, or No. 5, plastic cups, which most municipalities do not recycle.

After a meeting with Mr. Hudson, Stonyfield told its customers that they could mail in their used cups for recycling. About 200 customers responded.

Finally, in 2008, the company struck a deal to put collection bins in Whole Foods stores, and the effort took off. Customers can take any No. 5 container to Whole Foods stores — margarine tubs, other brands’ yogurt containers — where they are collected, taken to a plant for processing, and then turned into toothbrushes and razors by Preserve.

Last year, some 11 million six-ounce No. 5 yogurt cups were collected through the program, up from 2.3 million in 2009, according to Stonyfield.

Two other large producers of yogurt in No. 5 cups, General Mills and Danone, would not comment, but they, like almost all other consumer packaged goods companies, are no doubt keeping a wary eye on Walmart, the giant retailer, which already requires its suppliers to tell it the composition of their packaging.

Brooke Buchanan, a Walmart spokeswoman, said the company did not favor legislation that would mandate extended producer responsibility. But environmental advocates say the impact would be enormous if the company were to require its suppliers to participate in, say, a program in which consumers returned packaging to its stores.

Bill Sheehan, executive director of the Product Policy Institute, a nonprofit group that works to build support for extended producer responsibility, said, “Walmart is doing some pretty good things environmentally all on their own, and because of their size, they’re able to have a broad effect on what suppliers do.”

By Amy Westervelt, 4/27/2012

## How Corporate America Might Just Save Recycling



Earlier in the week, this blog looked at some of the ways in which the [U.S. recycling system has become dysfunctional](#). Today, we look at what might happen if recycling started to really work in this country, and turn to a potential solution—one that is being promoted by some of the very companies responsible for creating the country’s packaging waste.

Called Extended Producer Responsibility (EPR), this legislation would essentially set requirements for companies to collect and recycle a certain percentage of the packaging waste they generate, but would leave how they go about doing it up to the companies themselves. Companies like it because it gives them some control, and environmentalists like that it could drastically improve U.S. recycling rates (while rates are decently high for paper and aluminum, for other materials—particularly plastic—they are low, and overall only 33 percent of municipal solid waste is diverted from landfills). A recent report from the Blue-Green Alliance found that increasing recycling rates in the United States to 75 percent for all municipal solid waste would create 1.5 million jobs. For consumers, who, at the end of the day, are the ones that actually pay for recycling, EPR promises a more effective, efficient system, one that delivers better value for taxpayer dollars. While the cost of EPR would be built into the cost of consumer products, the legislation would eliminate the fee consumers currently pay for city- or county-provided recycling.

All of which is not to say that EPR is without its detractors. Some municipal governments worry about handing control of recycling systems over to industry, and some industries are loathe to see any sort of government regulation of packaging, even if it’s legislation that leaves implementation up to industry.

EPR programs have been implemented throughout Europe for years, starting in Germany in the 1990s, and have been hugely successful at both increasing recycling and improving access to quality recycled materials. Canada has also adopted successful EPR programs. In the United

States, recycling systems are largely a local government affair, wherein programs in neighboring cities can differ dramatically. Perhaps surprisingly, Nestlé Waters North America has been spearheading the drive toward EPR legislation for packaging in the United States. The company's director of sustainability, Michael Washburn, says part of the reason is that the company wants to use more recycled PET plastic in its bottles, but it is currently expensive because supply of the stuff is low and demand is high. If they could collect and recycle a larger proportion of their bottles, that problem would be solved.

We have found that packaging is the largest part of our environmental footprint, so from a sustainability perspective, we have an incentive to increase our use of rPET [recycled PET], but can't because of the limited supply and high cost," Washburn says.

He adds that purely as a resource management issue, it makes sense for the company to reuse its packaging materials. "The idea that we're taking valuable material out of production by putting it in the ground or burning it should concern all of us," he says. "We also think this [EPR] could help take some volatility out of the markets and out of our supply chain – remember plastic is an oil-based product."

Some early coverage of EPR proposals has pitted EPR laws against container deposit laws (also called "bottle bills"), which are currently active in 10 states. Bottle bills have been extremely effective at increasing recycling rates, but Washburn points out that they only deal with bottles, whereas EPR gets at the broader issue: packaging writ large. Paul Gardner, executive director of [Recycling Reinvented](#), and a former Minnesota legislator with some experience dealing with EPR legislation, echoes that statement. "Beverage containers actually make up a small part of the waste we have; with EPR, vs. bottle bills, we would get at five or six times more material than just bottles," Gardner says. "Let's think bigger."

EPR isn't entirely new in the United States, it just hasn't been applied to packaging yet. EPR laws are on the books in various states for paint and batteries. In 2006, Natural Resources Council of Maine teamed up with Hewlett Packard to pass the [first EPR electronics recycling law](#), and since then 23 other states have followed suit. "It's one of the most effective policy tools out there for addressing waste and pollution of various kinds," says Matt Prindiville, associate director of the Product Policy Institute and co-founder of the [Cradle2 Coalition](#), a coalition of organizations and businesses pushing for EPR recycling laws of various kinds. Prindiville was involved in the passage of the Maine EPR electronics recycling law, and has been working on bringing EPR to the United States since 2003.

"There have been a variety of EPR laws passed throughout the country, governing everything from paint to batteries to specific toxic ingredients like mercury," Prindiville says. "But what we're realizing is that EPR shouldn't just be applied to one particular type of product. It needs to be applied to the entire waste stream."

Applying EPR to packaging is a slightly different animal, Gardner points out, because packaging materials are commodities. "These recyclables are a commodity whereas other types of waste that have been governed by EPR legislation are a liability, both environmentally and financially," he says. "Packaging and paper are traded on the global commodities markets,

people have invested money and taken risks to handle these materials. For them, EPR transforms the financing component; it ideally raises recycling rates and acts as a rising tide that lifts all boats.”

Because EPR is not prescriptive about implementation, it provides incentives for businesses to voluntarily reduce packaging and get innovative with materials and design. At the outset, however, some companies are balking at the idea of any sort of regulation on packaging, particularly companies that attract less attention than the Nestlés and Coca Colas of the world for their packaging. “As far as we can tell publicly, if you’re Procter & Gamble or General Mills you love living in a world where the beverage industry guys take it on the chin and nothing is asked of you if you make a tuna can or a cereal box or a laundry bottle,” Washburn says. “All of these materials have value and costs associated with collecting them at scale, all on the back of taxpayers.”

And in fact the Grocery Manufacturers Association, a trade group that represents a variety of grocery manufacturers, including Kellogg, Procter & Gamble, and PepsiCo, has come out in opposition to EPR for packaging, as has a new group called the Product Management Alliance (a coalition of trade groups, including the American Forest and Paper Association, Toy Industry Association and Carpet and Rug Institute), which is arguing instead for what it calls a “voluntary” form of EPR. According to proponents of EPR, however, without the initial government requirement as a lever, voluntary programs are unlikely to succeed.

Every voluntary program tried in this country is expensive if you bring it down to cost per container,” Washburn says. “You end up with the bigger players running the program, paying the freight and so on, and then you get the free riders. If we’re going to have an efficient system, everyone needs to be in, no free riders, and if you spread it across all waste streams then everyone’s burden is smaller.

That’s where Prindiville and company come in. “One of the things I’m trying to do is help corporate America see that [EPR] is not as scary as it sounds,” Prindiville says. “This is not a tax on your products, it’s about figuring out how to get stuff back and do something with it, and you figure out the financing yourself. It is a market-based system.”

Plenty of businesses do see Prindiville’s point. In addition to Nestlé Waters, Gardner says manufacturers who use recycled material have “literally been begging the public sector to increase recycling, but local governments are not really equipped to get supply to meet demand.”

Packaging manufacturers that use a lot of recycled content – plastic and glass in particular – are saying we will support anything that will get us new supply right now,” Gardner adds. “Glass plants are cheaper to run with recycled glass because it takes less heat to work with recycled glass than virgin materials. The same is true for plastic, and really all of the commodity recyclables—it requires less energy, fewer chemicals, and less water to make stuff out of recycled materials. Those plants are saying we’ll support anything that gets us more material at a price that’s reasonable.

Currently, organizations like the Cradle2 Coalition and Recycling Reinvented are focusing on outreach and education, talking to companies about the nuts and bolts of EPR and encouraging them to weigh in on what U.S. EPR legislation could and should look like. Gardner says the earliest we're likely to see legislation proposed is 2013, and it's still unclear which state will be the guinea pig, although it won't be a bottle-bill state since EPR proponents want to steer clear of anything that would pit bottle bills against EPR.

"Coca Cola a couple years ago wanted to introduce EPR-like legislation in Vermont, a bottle bill state, and passage of that legislation would have required getting rid of the state's bottle bill," Prindiville says. "It wasn't really the best way to go about things because it made the discussion combative, and it made it seem like the only interest beverage companies have in this is getting rid of bottle bills. Actually, container deposits and producer responsibility are not mutually exclusive, you could easily have both."

What we definitely won't see is a national EPR proposal. Gardner explains that dealing with waste issues at the federal level has historically been problematic. Instead the strategy is to roll EPR out in a few states, fine tune those programs so that other states have a model, and then watch the legislation spread, as it has in the case of other products.

"We're targeting states that have robust curbside recycling in their cities now, and reasonable distribution in rural areas (Minnesota and Maryland for example)," says Washburn. "So we're not starting from zero. The idea is to first get it [EPR] into a handful of states. What happens then? Companies whine about there being different system in Minnesota than Wisconsin and so forth, so we need to unify. Great, that's when we take it national. But we don't want to start with national."

## California's Real Rural tells hidden stories

Stories, photos by Lisa M. Hamilton

Sunday, January 29, 2012



Angel, 11, one of the amateur boxers from Thermal in Riverside County, has won three belts in just nine months of fighting, and epitomizes rural Californians' grit.

Photo: Lisa M. Hamilton / Lisa M. Hamilton

I traveled nearly 10,000 miles around California last year, to and from places most of us have never heard of. Surprise Valley. Lost Hills. Mecca.

As a writer and photographer, this is what I do: bring stories from the corners of the room to the group in the center.

With this project, my original intention was to explore the health of rural communities, to discuss why some places survive while others wither and disappear, all for an urban audience.

But as I explained the work to people around me in non-rural California, I realized I hadn't factored in two important pieces:

First, people in our cities generally don't know much about "the rest of California," have barely ventured off Interstate 5.

Second, they don't really care. Surprise Valley? Lost Hills? Mecca? Why should it matter what happens in these distant, faceless places? Why, in fact, did I care about these places, so many of which I had never even seen? I thought about it as I traveled those many miles.

The month I was born, John Denver had a No. 1 Billboard single. "Well, I wouldn't trade my life for diamonds or jewels," he sang, "I never was one of them money-hungry fools/I'd rather have my fiddle and my farmin' tools/Thank God I'm a country boy."

Thirty-six years later, as I traveled from one end of California to another, the radio was heavy with contemporary variations on that same, seemingly timeless theme: how life in rural America is superior to life in the city.

To the question of why anyone should care about these places, the songs offered an easy, familiar answer: Rural America is our heartland, the repository of our collective soul. While on the surface we might view these places with apathy or even contempt (particularly in a blue/red election year), deep in most of our brains lies an almost genetic inclination to believe they possess something innately wholesome and meaningful - something those of us in non-rural America lack.

That is, of course, B.S. There is plenty of integrity in cities and no shortage of dysfunction in rural areas. The treacly country songs are harmless, but this greater nostalgic fiction is dangerous because it prevents us from understanding rural places and communities for what they actually are.

That's why, somewhere along the road, I revised my intention. With these stories, I would simply reintroduce rural California to the rest of us. The result is not a comprehensive survey - that would be a life's work or more. Nor is it a portfolio of outliers and unusual looking people, as is often the case with portraits of unfamiliar places.

Those whose stories held me captive were people you might walk past in the supermarket and not notice at all. What seized me was their passion, that each of them believed in something deeply enough to scrap, struggle and sacrifice for it. Guadalupe Diaz, who as a young immigrant to the San Joaquin Valley lived under a tree with her husband and infant. Charley Custer, a pot grower who has gone public in order to help put morality into the marijuana industry. Sebastian,

a tiny, 9-year-old boxer who insists he can be a world champion. "Even if my nose gets ripped off," he told me, "I'll still fight."

This commitment, in all its forms, is perhaps the most important story for the rest of California to hear and see. That's because it reflects another, larger experience shared by rural people from Surprise Valley to Mecca: Most messages in our world today tell rural people to leave where they are in search of something better. If they want to stay there and thrive, they have to fight for it. Or, as in Sebastian's case, if they want to thrive enough to leave, they have to fight for that, too.

There is no reason rural California matters more than the rest of the state, but likewise there is no reason it matters less. What voices like those of Guadalupe, Charley and Sebastian tell us is that "the rest of California" should not be dismissed, ignored or forgotten. Partly, that is because the stories there are unique, born of the distinctive experience of rural life; but it is also because, on a higher level, those stories are universal - and, to our surprise, nearly indistinguishable from our own.

## **Other presentations**

"Real Rural: Stories and Photographs from the Rest of California" can be viewed at [realrural.org](http://realrural.org). Its photographs will comprise a campaign on BART trains beginning Monday, and will be exhibited at the California Historical Society and on public transit in Los Angeles and Sacramento this fall.

"Real Rural" is the work of writer and photographer Lisa M. Hamilton in collaboration with the Creative Work Fund, Roots of Change, and the Bill Lane Center for the American West.

We share our state. We depend on each other. It is good to get to know each other better. That is why we at the Bill Lane Center decided to support Hamilton's project. It brings the rural West home to those of us living in the city.

*- Jon Christensen, executive director of the Bill Lane Center for the American West at Stanford University*

*Lisa M. Hamilton is a Bay Area writer and photographer.*



## A Fair Deal for California's Farm Workers

April 10th, 2012 By Brie Mazurek



Photo courtesy of Swanton Berry Farm

When we think about the people behind our food, the familiar faces at the farmers market may readily come to mind. But the many other individuals who do the hard work of planting, growing, and harvesting that food may remain only a distant picture for us. These agricultural workers, who often have specialized skills and many years of experience, are generally among the least recognized and respected members of our food system.

As socially conscious eaters know, farmworkers are [excluded](#) from federal labor laws that guarantee the right to organize and, in some cases, they are not afforded basic protections such as minimum wage, overtime pay, and workers' compensation. According to the [US Department of Labor](#), three-fourths of agricultural workers earn less than \$10,000 annually. At many farms, the employment terms are not spelled out on paper, leaving even greater room for abuses. People of color and undocumented workers [fare the worst](#) in this system. Even on organic farms, although workers are exposed to fewer toxic chemicals, the labor conditions [aren't necessarily much better](#).

As recently reported in [Grist](#), however, a growing "domestic fair trade" movement aims to formally recognize and reward farms that are working to address social justice. The Agricultural Justice Project (AJP) has developed a set of fair labor guidelines under the [Food Justice Certified](#) label, which was born out of dissatisfaction with the US National Organic Program's failure to address workers' dignity and rights.

While more than 70 Canadian farms are Food Justice Certified, only eight in the United States have received certification. There is now a burgeoning effort to bring the label to California, with Santa Cruz County-based strawberry grower [Swanton Berry Farm](#) among those leading the way.

## **Farming with Dignity**

Last week, the AJP conducted a certification training at Swanton Berry Farm for representatives from such organizations as [California Certified Organic Farmers \(CCOF\)](#) and [Líderes Campesinas](#). Over the last few years, Swanton has been a testing ground for the Food Justice Certified program, providing input as AJP has developed their standards.

“They (Swanton) have put a lot of attention into making the relationship between the farmers and managers and the people who work on the farm different from what you so often see in agriculture,” says AJP co-founder Elizabeth Henderson, who helped lead the training.

As the first organic farm to sign a contract with the [United Farm Workers of America](#), the nation’s largest farm labor union, Swanton has is considered a model of [fair agricultural labor practices](#). Workers are guaranteed a decent pay scale as well as benefits such as health insurance, a retirement plan, and paid time off, plus access to affordable housing. The farm helps workers avoid repetitive strain injuries (the most common type of injuries in agriculture) by offering a variety of work. In addition, Swanton makes an effort to involve workers in business decisions. Swanton was also the first farm to offer its employees the opportunity to [own stock](#) in the company.

While the farm still has some work to do before they can brandish the Food Justice Certified label, co-owner Sandy Brown says that they are firmly committed to the process. “We think it’s a worthwhile investment because it helps us think through our management systems,” she notes. “It’s another set of eyes looking at the operation and helping us figure out how to do a better job.”

Certification requires both a third-party certifier and a worker organization to conduct interviews and verify that employers’ claims are true. From the initial assessment to the final audit, the whole process can take about a year. If CCOF signs on as a certifier, they plan to offer Food Justice Certification as an adjunct to their organic inspection, making the process less onerous and costly for cash-strapped organic farmers.

“It’s a time commitment, and it’s a financial commitment,” admits Brown. “Farms are busy, just trying to get through the day, and it’s hard to think about adding more on.”

Despite the red tape, Brown feels that the Food Justice Certified label offers the best package for socially conscious farms and eaters. “There are plenty of certification programs that don’t really do much,” she continues. “One of the reasons we’ve stuck with AJP is they have incorporated into their program the idea that workers’ ability to exercise a collective voice is critical to the enforcement of fair labor standards.”

## **Building Momentum**



To share the costs of getting the certification program up and running in California, it will take a team of dedicated stakeholders. AJP and Swanton have participated in outreach to regional farms and organizations to build awareness about the program, but Brown admits that they have much more work to do in order to achieve a critical mass. “A lot of farms don’t see the need because there isn’t a whole lot of consumer demand,” Brown observes.

For eaters who want to see the Food Justice Certified label, she recommends opening a conversation with farmers, food vendors, grocery stores, and restaurants, as well as reaching out to organizations invested in sustainable agriculture. Getting buy-in from all levels of the food chain, particularly institutional and retail purchasers, is crucial. “The good news is there’s growing interest in the social relations of organic production and agriculture in general,” she adds.

But the onus does not rest solely on farmers, many of whom struggle to make a living themselves. “The biggest hurdle is the United States’ cheap food policy,” says Henderson. “People are used to paying low prices for food. There’s constant downward pressure on farms and food businesses, and as a result, the people who do the basic work aren’t paid well.”

For AJP, the ultimate goal is to transform not just labor on farms but all aspects of the food system, which represents 20 million workers, most of whom are among the lowest paid in our workforce. They hope to expand the program by working with organizations such as [Restaurant Opportunities Centers United](#) and [Food Chain Workers Alliance](#).

While creating a socially just food system is a long row to hoe, Henderson sees the Food Justice Certified label as an important first step. By offering [tools](#) and support for farmers to evaluate and improve their labor policies, the AJP intends to raise awareness about the vital role workers play in a sustainable food system.

“Our emphasis is on changing the relationship, so that people who do this work are treated with respect and have decent standards of living,” she says. “Farm work is wonderful work, and it is absolutely necessary to the human race.”

*Brie Mazurek is Online Education Manager at the [Center for Urban Education about Sustainable Agriculture](#), which operates the San Francisco Ferry Plaza Farmers Market. She is also a consultant for [Nourish](#), a nonprofit educational initiative designed to engage people in the story of our food.*

## Rural California Report

# The Central Valley: Rising Like a Phoenix?

Monday, 30 April 2012, by [Edith Jessup](#)

The poverty of the Central Valley of California and the abundance of the region's agriculture is a conundrum. Even though there has been a decrease in community-based access to healthy food, and a rise in chronic disease in the heartland of the state of California, and the nation, we are beginning to see people and agriculture coming together for the good of both.

The exciting change arising in the Central Valley, honoring our agricultural roots and reinventing our regional economy, has been led by the smart growth investments of [Smart Valley Places](#), with support from the U.S. Department of Housing and Urban Development (HUD), the Environmental Protection Agency (EPA) and the U.S. Department of Transportation. These buds of change are blossoming into a new triple-bottom-line Central Valley economy that honors the environment, equity and economics. Environmentalists, supporters of the organic movement, and advocates for social justice, are not the only ones talking the regional food system talk anymore. [The Fresno Business Council](#), the [California Partnership for the San Joaquin Valley](#) and regional cities are choosing smart growth and healthy communities and realizing that the Central Valley, a place with the capacity to feed the nation, can also feed our region. Institutions (such as schools, hospitals and city and county governments) are looking at their ability to access healthier, affordable local food, and the ability for local purchasing to drive their economies home.

This new food regionalism has been a long-term process. Organizations like the Central California Regional Obesity Prevention Program ([CCROPP](#)), the eight County Public Health Departments in the Central Valley, and the statewide food movement organized through [Roots of Change](#), have spearheaded bringing healthy people and healthy farms to the forefront of intentional community policy and systemic changes. Fresno will be the host to the next Urban-Rural Roundtable, resulting in a food policy council. This will ensure that the values are in place to focus on regional food. [The Fresno Food Systems Alliance](#) has been working across the food system for over a year, and has committed to a [Farm to School](#) effort in Fresno County this year.

CCROPP will coordinate with innovative rural school systems to expand the new Central California cooperative of rural school districts that buy local food in Tulare County (Earlimart and Exeter). Farmers markets and produce stands are targeting low-income food deserts, creating the ordinances and zoning options that allow local small farmers to vend today's fresh produce, in communities where people do not have access to healthy food, and struggle to make a living.

None of this is magic, but times have changed. Demand for healthy fresh food is up, and somehow a tipping point has been reached in an area that before could not see itself as a market for its own goods and produce.



This revised self-image of the Central Valley of California as a valuable region in the state has changed the participation of collaborations grounded in "Valley ways," and now the region is taking its place in forging a new state future. Because most of the growth increase in California is projected to be where the food is grown, some rethinking of the food system is natural, and potentially the Central Valley can lead the state in assuring that prime farmland does not become parking lots, that our urban places grow up instead of out, and that investment in our rural communities can assure that the environmental degradation of past agricultural practices will be reversed.

In this scenario, the Central Valley becomes the place where the food commons, a regionalization of food and farming, will be piloted with the support of the business world. A new vision for our values and ability to grow healthy food here is emerging, and based in the communities that have historically been left behind by change instigated in urban centers.

In April, at a Fresno City Council meeting, the proposals for the city's future general plan (that included forward thinking transit corridors, infill preferences, and green building rewards) were presented to the city. Over 87 community residents (of 300 in attendance), with interpretations in Spanish and Hmong, spoke to their preference for smart growth and a plan to revitalize the city center. Then, on April 19, the Fresno City Council voted 5-2 to approve this version for infill, not sprawl, leading the region in smart growth planning, and denying expansion of the city's sphere of influence.

Cities are passing [Healthy Eating Active Living Resolutions](#). The state is committed to [Health in All Policies](#), and traditional community-based organizations are looking to whole food systems that will create health and access to good food for all, through policy changes and changes in the built environment.

Our grassroots community leaders are asking their schools to implement healthier meals, sourced more locally. They are demanding access to clean, free water for students all day, and requesting safe neighborhoods in which residents can be active.

CCROPP, in eight counties, graduated another 80 new leaders in April (from a year-long leadership curriculum) and the Smart Valley Places' community leadership institutes are bringing in new members, to 14 separate communities, who care about where their food comes from. These residents also seek ways for their communities to be walkable, bikeable, and have more access to open space and parks. These new leaders from low-income communities of color want community gardens, local produce in their corner stores and the ability to be entrepreneurs in the new food system.

I cannot put my finger on exactly when the economic driver of our region (Agriculture with a Capital A) began to notice that despite a record production of exports, the people here, harvesting that bounty, were hungry. Or, when our elected leadership began to realize that their constituents were consumers, and could be part of an economic stimulus. But for this to occur residents needed access to, and the ability to purchase, local produce. If the [Supplemental Nutrition Assistance Program](#) (SNAP, formerly called food stamps, and is called [CalFresh](#) in California) were fully utilized by eligible families to buy local food, and if Central Valley institutions could purchase from local farmers rather than purchase local produce that had been shipped away, (then shipped back again and processed) the local economy could benefit. I also do not know when local businesses realized that the Central Valley is predicted to be the highest growth area of the state in the next 20 years, and that there are jobs to be created in value-added foods. But this realization is beginning to emerge.

I would not say that things have to get worse before they get better. I would say though, while we are waiting for future general plans, or an infusion of much needed resources from the federal and state government, we are recognizing what we have, and how we can use what we have, to better the health of our communities. The remaining question is: How can we take existing pilot projects and successful models to scale? Here, where healthy food is grown for the nation, and our residents live in poverty, we want to create a place where access to healthy food is the norm for all our neighbors, especially those who are the experts in growing our food.

The reversal of the current fact of hunger and ill health in the land of plenty is what I am watching for this year.

## Senate farm bill a small step forward for California

Carolyn Lochhead

Monday, May 28, 2012



Sen. Debbie Stabenow, D-Mich., heads the Agriculture Committee.  
Photo: Carlos Osorio / Associated Press

**Washington** -- The Senate is poised to take up a new farm bill in the coming weeks that will set the nation's food policy for the next five years and cost nearly \$1 trillion over a decade.

But California, the nation's largest farm producer and a strong voice in environmental and health policy, is destined to cede billions of dollars to entrenched commodity interests in the Midwest and South.

The state's fresh fruit and vegetable growers are pleased that the Senate bill preserves hard-fought gains in the last farm bill in 2008, including research for organics and produce, farmers' markets and more fruit and vegetable purchases for school lunches and other federal food programs.

This year, California Democrats are weighing into the debate earlier and more forcefully than in the past. Still, the great bulk of federal support for farms remains focused on such commodities as corn, soybeans, wheat and cotton, just as farm bills have since 1933.

Programs rooted in the Depression and Dust Bowl of the 1930s, and never aimed at fresh fruits and vegetables, took on a life of their own, leaving California to chart its own way separate from the rest of farm country.

Subsidies in the new legislation would encourage corn and other commodity crops that are a major component of processed foods and animal feed rather than the produce that is the staple of a healthy diet.

### **State generally bit player**

Despite its productivity, California historically has played a bit part in farm bills, ceding control of the powerful House and Senate Agriculture Committees to the Midwest and South.

"The bill does not restructure the food system for the 21st century," said Michael Dimock, president of Roots of Change, a San Francisco philanthropy intended to move the farm economy to more localized production of fresh food.

Dimock said Senate Agriculture Committee Chairwoman Debbie Stabenow, D-Mich., the first committee chair to hail from a produce-growing state, "has done the best she can given the realities in Congress right now. But there are people in my world who are going to fight like hell to make it painful for Congress, and they should."

### **Specialty crops rule**

Rep. Sam Farr, D-Carmel, the top Democrat on the House Appropriations panel that doles out farm spending and one of the few Californians with a big voice in farm policy, called the Senate bill "a small step forward, but certainly not as much as California would like and that California is already doing for itself."

Since 1933, when federal farm support began during the Great Depression and a quarter of Americans still lived on farms, Congress has written five-year bills to control the prices and quantities of corn, wheat, rice, cotton and other commodity staples in an effort to boost farm incomes.

Over the decades, the programs hastened the concentration and industrialization of agriculture into fewer and larger farms focused on single crops.

California produce growers never participated in these programs, priding themselves on their independence. Because they did not rely on federal payments, California fruit and vegetable growers led the country in innovative farming methods, adapting to market demand and diversifying risk.

This year, they are happy to preserve the research, marketing and other small programs they won in 2008. Tom Nassif, president of Western Growers, which represents California produce farmers, called the Senate bill "outstanding for the speciality crop industry."

Most of the bill's spending goes for the Supplemental Nutrition Assistance Program, or SNAP, formerly known as food stamps, which aid the poor and provide a market for farmers. But a big chunk, \$142 billion over 10 years, would go to support corn and other commodities at a time when farmers are riding a historic commodity boom.

## **New entitlements**

Senate leaders plan to take up the farm bill in June. Under pressure to cut the federal deficit, the committee cut farm spending by \$23.6 billion over 10 years, partly by eliminating so-called direct payments, billions of dollars in checks that are sent to commodity growers for no reason other than that they received federal aid in the past.

From 1995 to 2010, commodity growers received \$41.5 billion in direct payments. Direct payments were so widely disparaged after the last farm bill that commodity groups concluded they were dead politically.

Yet at the same time, the bill creates a new entitlement program for commodity growers to protect them from "shallow losses," or small dips in their income of the kind that other businesses routinely weather without federal aid.

In addition, the bill expands subsidies for crop insurance, a program whose costs have grown explosively as corn, wheat and other grain prices have skyrocketed. The government pays on average 62 percent of the cost of the premiums, and also subsidizes the agents and companies that sell crop insurance.

Crop insurance is not well suited to many California growers. Weather-related losses are less of an issue on irrigated land, and insurance is costlier for a multiplicity of small crops with relatively small markets such as pears or Brussels sprouts compared to one large crop such as corn.

## **Spending on commodities**

The Government Accountability Office projected that crop insurance subsidies will cost almost \$90 billion over the next decade, even as net farm income reached a record \$98.1 billion last year. As a result, total spending on commodity crops in the Senate bill "virtually remains unchanged" from 2008, said Kari Hamerschlag, a senior analyst for the Environmental Watchdog Group.

Commodity farmers "have been making more money than they ever had in their lives," said Daniel Sumner, a farm economist at UC Davis. "It's kind of nice, so they want to guarantee that."

Of critical importance to California are farm bill conservation programs to protect wildlife habitat, soils, air, water and wetlands. The farm bill covers more than a billion acres, greater than half the U.S. contiguous land mass, making it one of the biggest pieces of environmental legislation that Congress considers.

### **Cuts in conservation**

The Senate bill cuts conservation by \$6.4 billion. "It's a very substantial 10 percent cut," said Ferd Hoefner, policy director of the National Sustainable Agriculture Coalition, a group that supports smaller, diversified farms.

Dimock said Congress lags years behind California in moving toward healthier food and farming.

"The underlying problem in the food economy is that industrialization destroys diversity," Dimock said. "That leads to ecological impacts, human health impacts and economic impacts." He said the Senate bill, "as it stands, has only very small portions that focus on that."



Rep. Sam Farr, D-Carmel, has a big voice in farm policy.  
Photo: Anonymous / ASSOCIATED PRESS

# Los Angeles Times

Op-Ed

## America needs a farm bill that works

It's time to reform agriculture, and make Americans healthier.

By Dan Imhoff and Michael Dimock  
June 8, 2012



A farm worker hoes a row in a lettuce field near Salinas. In California, fertilizer and manure pollution have so contaminated the Salinas and lower San Joaquin valleys that the groundwater will be undrinkable for the next 30 to 50 years. (Los Angeles Times / June 9, 2010)

In 1933, when President Franklin D. Roosevelt signed the very first farm bill, formally called the Agricultural Adjustment Act, he told the nation that "an unprecedented condition calls for the trial of new means to rescue agriculture." That legislation, passed as the country struggled to emerge from the Depression, was visionary in the way it employed agricultural policy to address significant national issues, including rural poverty and hunger.

It may not seem obvious while standing in the aisles of a modern grocery store, but the country today faces another food and farming crisis. Forty-six million people — that is, 1 out of 7 Americans — signed up for [food stamps](#) in 2012. Despite some of the highest commodity prices

in history, the nation's rural regions are falling deeper into poverty. In 2010, according to the U.S. Department of Agriculture, 17.8% of those living in rural counties fell under the poverty line. Unemployment in Fresno County, the nation's top agricultural producing county, stood at 17.4% in March of this year. Industrial agriculture has become a leading cause of soil and water pollution. In California, for example, fertilizer and manure pollution have so contaminated the Salinas and lower San Joaquin valleys that the groundwater will be undrinkable for the next 30 to 50 years.

After 80 years, the time has come to rescue agriculture from the farm bill — and to improve the health of Americans in the bargain.

Numerous food access and healthcare advocates, family farm organizations, sustainable agriculture nonprofits, celebrity chefs and even local governments (including Seattle, New York and Los Angeles) have entered the fray and are calling for reform as Congress works to draft legislation to replace the 2008 farm bill, which expires at the end of September. But the U.S. Senate's first draft of the omnibus legislation — which will be debated over the next few weeks — falls short.

The draft legislation makes it clear that the farm bill remains in the control of powerful agribusiness interests and anti-hunger advocates whose thinking is rooted in the last century.

Throughout the '60s, '70s and '80s, the farm bill provided incentives for farmers to "get big or get out," ushering in our contemporary industrial system of food production. Resulting harm to the environment, human health and rural communities was largely ignored. Unfortunately, current farm bill proposals would continue to disproportionately favor huge operators who have blanketed the land with monocultures.

This year's farm bill will allocate somewhere in the range of \$100 billion a year, enough money to target such challenges as the [obesity](#) epidemic, water pollution, the loss of soil and biodiversity, and the need to usher in a new generation of farmers, ranchers and land stewards. But that would require at least four fundamental shifts.

**Supporting food, not feed.** Crop subsidies and federal insurance should be aimed at the foods humans should eat. Currently, the lion's share of subsidies goes to commodity crops used to feed livestock or to produce ethanol or overly processed foods. A shift in what is subsidized should be accompanied by changes to the Supplemental Nutrition Assistance Program to include incentive programs for fruit and vegetable purchases that would help Americans avoid diet-related disease. California's Department of Food and Agriculture, working with nonprofits, has proved these programs can work. Shifting federal dollars from commodities to nutritious foods could save the nation trillions of dollars in health costs in the decades ahead.

**Focusing on safeguarding the land.** As with the original farm bill, government investments in agriculture should promote conservation and good stewardship. Currently, the farm law can meet only 40% of requests from California farmers and ranchers seeking cost-share dollars for projects to protect water quality, soil health and endangered species. These are investments that

benefit us all. The new legislation should shift billions of dollars from subsidies and insurance discounts to conservation programs.

**Adding labor to the equation.** The farm bill desperately needs a labor policy. Some 6 million farmworkers do the backbreaking work of putting food on America's tables, yet there is no portion of the 1,000-page farm bill that explicitly addresses their need for protection from exploitation. Immigration policy has to be part of the discussion too, since an estimated half of the nation's agricultural workers are undocumented immigrants.

**Increasing research.** The farm bill is the nation's largest source of funding for agriculture and food research, and at present that is insufficient. This portion of the bill should be greatly expanded with an emphasis on helping food producers and businesses discover and implement solutions to climate change, water scarcity, species degradation, hunger and obesity. If the public won't pay for research that serves us all, large corporations will pay for research that serves only them. At that point, we are in danger of losing control of our food system. Today's concentrated ownership of seed patents justifies this concern.

Every five years or so, the farm bill's renewal presents a tremendous opportunity. In the past, we have often squandered the chance to use it to prepare for a world with more people, less oil, an unpredictable climate and numerous resource challenges. This time, let's get it right.

*Dan Imhoff is the author of "Food Fight: The Citizen's Guide to the Next Food and Farm Bill."  
Michael Dimock is president of Roots of Change and chairman emeritus of Slow Food USA*

## **Farm bill splits produce growers, food activists**

Carolyn Lochhead

Monday, June 18, 2012 (Updated on June 27, 2012)

**Washington** -- Five years ago, California farmers were a powerful ally of the new food movement's crusade to get Washington to stop subsidizing corn and start promoting the fresh fruits, vegetables and nuts that are the mainstay of the state's huge farm sector.

This year, Bay Area food activists are on their own.

The fight is over a new farm bill, now before the Senate, that will spend nearly \$1 trillion over the next decade, set national nutrition policy for a country staggering under the rising cost of obesity, and determine environmental policy on the 40 percent of the U.S. land mass, including a quarter of California, that is farmed.

California growers are not agitating for major changes in the focus or direction of farm policy because the bill preserves their key programs.

"We don't get into the pros and cons of other commodities," said Tom Nassif, president of Western Growers, which represents California's fruit and vegetable growers. "We just try to deal with what's happening to our industry, and let commodities fight their own battles, and we fight ours."

California Democrats Dianne Feinstein and Barbara Boxer both cited the California produce industry's backing as a key reason the senators support the overall bill. "The specialty crops are all for it," Feinstein said.

Boxer issued a statement that she is "pleased that the bill takes great steps forward on specialty crops."

### **Farm vs. food bill**

This month, 70 leading food activists, including UC Berkeley's Michael Pollan and Berkeley restaurateur Alice Waters, signed a letter saying the \$969 billion bill that the Senate Agriculture Committee touts as a major, money-saving reform still "falls far short" of turning the farm bill into a food bill, to use Pollan's formulation. To do that would require shifting taxpayer support from large corn, soybean and other commodities to fresh food and conservation.

"The food movement realizes that there's not going to be the huge structural change in the farm bill that's needed, so they're playing the long game," trying to win public support for their cause,

said Michael Dimock, president of Roots of Change, a San Francisco group pushing to make California agriculture more sustainable.

### **Working to keep gains**

"Western Growers and the commodity groups are playing the short game," he said, securing their interests in the current bill.

California produce growers, having won support for fruit, nut and vegetable research, pest management, and marketing in the 2008 farm bill want to hold onto those gains as the Senate seeks to trim spending overall.

Western Growers is unhappy with the bill's \$6.5 billion cut in conservation funding, including the elimination of a program that helped Central Valley farmers convert old diesel engines to cleaner engines that cut air pollution as much as 75 percent. Nonetheless, the Senate bill extends key fruit and vegetable programs that California won in 2008, and the growers want to keep those gains.

"We'd like to see it passed with no amendments," Nassif said.

### **'Bait and switch'**

While the bill saves \$50 billion by eliminating several discredited giveaways to large corn and other commodity growers, it plows most of those savings into different subsidies to the same crops. The biggest of these is crop insurance, which would cost an estimated \$95 billion over the next decade. Taxpayers pay 62 percent of the premiums, and additional subsidies to the companies and agents that sell it. Unlike the old programs, crop insurance has no income limits, no subsidy caps, and no requirements to conserve soil, wetlands or grasslands.

"It's a classic bait and switch," said Ferd Hoefner, policy director of the National Sustainable Agriculture Coalition, a group supporting conservation and sustainable farming. "They say, 'Oh, we're going to reform commodities, which is going to go down slightly in dollars, but we're not going to do any reform on crop insurance, which is going to go up in dollars.'"

In addition, the bill creates new entitlement programs that would protect some growers from even small dips, or "shallow losses," in their incomes. With farmers reaping a record \$98 billion in net income last year, some experts said the new program could end up costing taxpayers more than the old programs if prices return to their historical averages.

### **Redirect subsidies**

Having failed to make big changes in a bill that came out of the Agriculture Committee, food and environmental activists, joined in part by fiscal conservatives, are waging a new battle on the Senate floor, pushing a series of amendments that would scale back commodity subsidies and use the savings to boost fresh fruit and vegetable consumption, increase conservation, and aid organic and local farming.

Kari Hamerschlag, an analyst with the Environmental Working Group, an advocacy group that opposes crop subsidies, said just 600 farmers in California, or 2 percent, receive 33 percent of the crop insurance subsidies going to the state, an average of \$98,000 apiece. Capping the subsidies at \$40,000 per farm would save \$33 million in California alone, Hamerschlag said. That would be enough, she calculated, to provide the fresh fruit and vegetable snack program for poor children to 1,178 schools, or quadruple the money for local and regional food programs in the state, or increase a conservation incentive program by half.

"As a nation we have to decide, is it more important to subsidize high profits for crop insurance companies, or healthy food for kids?" Hamerschlag said.

### **Proposed farm bill amendments**

The Senate is expected to resume debate this week on a new farm bill that will cost \$969 billion over the next decade. Food and environmental activists, and fiscal conservatives are following several key amendments. Among them:

-- Sens. Jeanne Shaheen, D-N.H., and Patrick Toomey, R-Pa., would cap crop insurance subsidies at \$40,000 per farmer, saving \$5.2 billion over a decade. Only 4 percent of the nation's largest farms would be affected, according to the General Accountability Office.

-- Sens. Tom Coburn, R-Okla., and Dick Durbin, D-Ill., would reduce crop insurance premium subsidies for farmers earning more than \$750,000 a year, or \$1.5 million for married couples.

-- Sen. Kristen Gillebrand, D-N.Y., would reduce subsidies that go to crop insurance companies and agents to offset planned cuts in the Supplemental Nutrition Assistance Program, or SNAP, formerly known as food stamps, and a fresh fruit and vegetable program for poor school children.

-- Sen. Dianne Feinstein, D-Calif., has offered four amendments:

-- To restore a program that helps Central Valley farmers convert old diesel engines to more efficient ones that cut air pollution up to 75 percent.

-- To apply California's rules requiring humane treatment of egg-laying hens to egg producers nationwide.

-- To change the formula that distributes subsidies to crop insurance companies so that California's produce farmers have the same access to the program as farmers in the rest of the country.

-- To require a study to examine the feasibility of using crop insurance to cover losses by produce growers who have been damaged by, but are not responsible for, food safety recalls.

## **SPUR, David Chiu push SF urban gardens**

Stephanie M. Lee

Monday, April 23, 2012

The craze over planting cabbage and carrots in the backyard has taken root in San Francisco in such a big way that it's grown well beyond the backyard.

Almost 100 edible gardens have sprouted throughout the city, on both public and private land. Waiting lists for patches of soil can be two years, sometimes longer.

But while urban agriculture may be wildly popular, starting a neighborhood garden from scratch in San Francisco means tangling with as many as seven city agencies.

Although the city changed zoning rules last year to allow gardeners to grow and sell food, its approach to urban farming could be simpler and reap greater benefits, the San Francisco Planning and Urban Research Association, or SPUR, says in a report being released Monday. Legislation that attempts to streamline the process will be introduced to the Board of Supervisors this week.

"There are more people who want space to grow food than there is space to grow that food," said Eli Zigas, who oversaw the analysis as food systems and urban agriculture program manager for the smart-growth think tank.

### **More space**

The report, the result of a six-month study of the budding small-business model, makes the case for increasing that space. It calls on city agencies, including the Recreation and Park Department and the Public Utilities Commission, to provide more land to urban farmers, including existing public areas that are underused.

The report identifies about 50 potential, and sometimes unconventional, spots where farms could grow, such as parks, rooftops, median strips and vacant lots.

Urban farms will never be able to produce enough to feed every San Franciscan, Zigas said. But, he said, they yield benefits that go beyond fresh crops. They bring neighbors together, serve as potential sites for learning, absorb rainwater and can save the city from spending money to landscape and weed a site.

In its report, SPUR recommends assigning the management of urban gardens to a single body. According to the report, eight agencies or organizations, not including school gardens, spent an average of \$580,000 on ongoing or one-time expenses related to urban farms from 2006 to 2011.

## **'The next steps'**

"There are people who want to start projects who find it difficult to do so because they don't know who to talk to," Zigas said. "Or they approach an agency, and the agency doesn't know how to respond because that's not what they do."

On Tuesday, Supervisor David Chiu plans to introduce legislation that calls for creating and housing such a program within either a city agency or a nonprofit organization by the end of the year.

"What we've all been thinking about with the urban agriculture community is: What are the next steps to ensure that San Francisco remains on the forefront of the urban agriculture movement?" he said. "We are doing what we can to give our residents an opportunity to grow and invest in our open spaces."

A year ago in the Diamond Heights neighborhood, waist-high weeds plagued a 2,500-square-foot patch of land next to the San Francisco Police Academy. Resident Richard Craib, exasperated with the sight, thought the area would be better off as a community garden.

## **Little Red Hen**

But there was no straightforward process for getting started, Craib said. He went to the mayor's office, where he was told he needed to be a registered nonprofit organization.

He ended up working with the Police Department, which owns the property, and the community group Friends of Glen Canyon Park to clear the land and raise more than \$3,000.

In May, the Little Red Hen Community Garden opened with 25 plots, each 54 by 12 inches. Demand was so great, the number of spaces quickly grew to 39, then to 50.

Two dozen people are waiting for a spot to plant their own crops - and some have waited since the garden opened 11 months ago.

"The wait list just keeps growing," Craib said.

Now, rows of planter boxes overflow with gleaming stalks of chard and kale. Strawberries, snap peas and mushrooms are ripe for the picking.

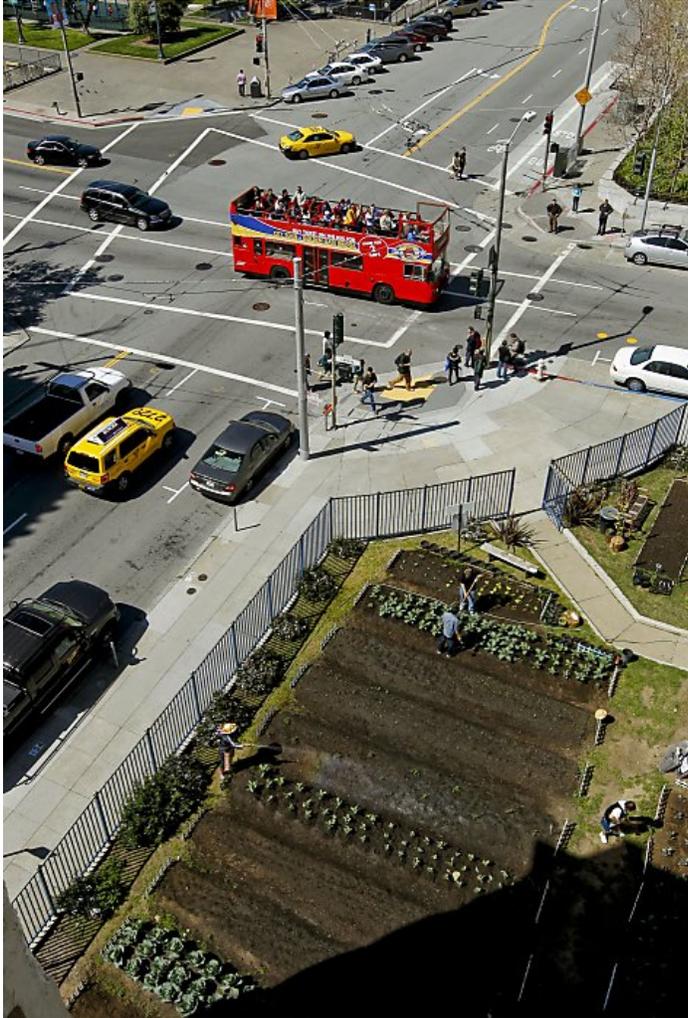
"It's fun seeing people enjoy the fruits of their efforts," Craib said. "It's fun seeing things grow by your own hand."



Bob Chase prunes fruit trees at the Tenderloin People's Garden on the corner of McAllister and Larkin streets in San Francisco. Almost 100 edible gardens have sprouted up throughout the city.  
Photo: Michael Macor / The Chronicle



Nella Manuel tends to cabbage in the Tenderloin garden. A report out Monday identifies about 50 more potential farming sites.  
Photo: Michael Macor / The Chronicle



Above: The Tenderloin People's Garden in S.F. sits next to a busy intersection. Demand for plots can be so high that there are waiting lists.

Photo: Michael Macor / The Chronicle



Volunteer Nella Manuel waters the vegetables at the Tenderloin People's Garden on the corner of McAllister and Larkin Streets, in San Francisco, Ca., on Friday April 20, 2012.

Photo: Michael Macor / The Chronicle



Volunteer Clemencia Paclibar cultivates the earth against a row of cabbage at the Tenderloin People's Garden near City Hall, on the corner of McAllister and Larkin Streets, in San Francisco, Ca., on Friday April 20, 2012.

Photo: Michael Macor / The Chronicle



Farmer, Jo-Ann Butler plants spinach at the Little Red Hen Community Garden in the Diamond Heights neighborhood, in San Francisco, Ca., on Friday April 20, 2012.

Photo: Michael Macor / The Chronicle



Flowers grow at the Little Red Hen Community Garden in the Diamond Heights neighborhood, in San Francisco, Ca., on Friday April 20, 2012. The craze over planting kale and carrots in your backyard has taken root in San Francisco in a big way so big, in fact, it extends way beyond the backyard. Aspiring urban farmers sit on waiting lists for two years to use public plots of land. Starting a neighborhood garden from scratch means tangling with potentially seven agencies. Although the city changed zoning rules last year to allow gardens, its approach to urban agriculture could be simpler and reap better benefits, suggests a report to be released Monday by the San Francisco Planning and Urban Research Association. Supervisor David Chiu plans to introduce legislation to simplify the process.

Photo: Michael Macor / The Chronicle

## Helping communities make S.F. bloom

By Andrea Koskey | 04/23/12  
*SF Examiner Staff Writer*



S.F. Examiner file photo

**Seeds of change:** Legislation proposed by Board of Supervisors President David Chiu would create a city staff position to guide budding community gardeners.

The process of creating urban gardens on underutilized San Francisco property could be streamlined under a new city employee if legislation to be introduced today is approved.

The proposed legislation by Board of Supervisors President David Chiu would add a position in The City that would deal solely with the urban agriculture process, helping organizations receive approval to use land and even get started.

“We need to do better as a city,” Chiu said. “It’s uncoordinated, uncentralized and understaffed.”

There are nearly 75 San Francisco property sites, each an acre or less in size, that are not being used, according to a report released by the San Francisco Planning and Urban Research Association. Many of them are small strips of land next to libraries or medians on major streets that could be better maintained by communities hoping to beautify their neighborhoods through gardens or other urban agricultural uses.

City agencies, including the Department of Public Works, the Recreation and Park Department and the San Francisco Public Utilities Commission, all own land that could be used for urban agriculture, but the process for approval differs from agency to agency.

Chiu's legislation is in response to the SPUR report, which highlighted the need for more organization within San Francisco government.

"Depending on who you talk to, you might hear a different thing on how to get started," said SPUR food program and urban agriculture manager Eli Zigas. "This legislation would dedicate a staff person to coordinate it, which was one of our recommendations."

Urban garden backers say some neighborhood initiatives have taken up to two years to get projects started because of approvals needed before work can begin.

"Those who have time and are tenacious will succeed," Zigas said.

Chiu said increased agriculture and a simpler land acquisition process will ultimately benefit The City.

"It reduces consumer costs, increases public health and even certain economic developments benefit from urban agriculture," he said. "It builds local economy and provides better use of public lands."



30 Apr 2012

## San Francisco's urban ag-spansion

By Brie Mazurek



Photo by Jeff C.

Mary Davis started feeling the squeeze of city life about a year ago. She had grown up gardening and spent a stint working on an organic farm while attending grad school in Missouri. Now an architect living in San Francisco's Mission District, she longed to reconnect with her gardening roots, but her small apartment was lacking in the dirt department. "There was no garden, no outdoors," she says. "I really wanted a place with some soil."

She started looking around her neighborhood and fell in love with the historic [Dearborn Community Garden](#). But when she inquired about getting a plot, she was told there was a 22-year waiting list.

She signed up nonetheless and continued her search, adding her name to the Potrero Hill Community Garden's list as well, which had a comparatively modest seven-year wait. Since then, Davis has moved into a house with a shared backyard garden, but she still longs for a plot of her own.

Davis' experience is not uncommon among would-be gardeners in San Francisco. Most of the city's community gardens have waiting lists of two years or more, according to [Public Harvest](#), a new report by [San Francisco Urban Planning + Urban Research Association](#) (SPUR). The most comprehensive report of its kind in recent years, it paints a sweeping portrait of the current urban

agriculture landscape and presents a bold agenda to help San Francisco meet the demands of a burgeoning movement.

From commercial urban farms to rooftop plots and shared gardens, more than two dozen private and public urban agriculture projects have sprouted up in the city over the last four years as a result of the resurgence of interest in gardening. “We need to start looking to our public land to meet this demand,” said SPUR program manager Eli Zigas at a recent press event at Michelangelo Playground Community Garden in Nob Hill (pictured below).

Since the dissolution of the [San Francisco League of Urban Gardeners](#) (SLUG) in 2004, there have been no centralized city-funded efforts to maintain or expand urban agriculture. Residents hoping to start new projects face many bureaucratic hurdles, since public land and urban agricultural activities are managed by multiple agencies, with little coordination.



Photo by Adam Alpern.

While [San Francisco Recreation & Parks](#) oversees 35 community gardens on public land, those gardens are generally operated by volunteers, not staff. “The gardens are run by gardeners,” says Andrea Jadwin, a founding and active member of [San Francisco Garden Resource Organization](#) (SFGRO), which offers support and training for community gardeners throughout the city. “That’s good and that’s bad because some gardens aren’t very well run.” Garden managers are often inadequately prepared to deal with issues like vandalism or garden members who neglect their plots while waiting lists grow. “If there were an agency helping people run the gardens better, it’d be easy to keep them going with minimal budget,” she adds.

According to SPUR’s findings, San Francisco’s urban agriculture program is middling compared to other large cities. With an annual operating budget of \$800,000, or about \$6,600 per site, San Francisco spends more than New York but far less than Seattle, which invests \$11,900 per site.

Taking SPUR’s findings and recommendations to heart, San Francisco Supervisor David Chiu has proposed new legislation that would create a strategic plan and a centralized program to streamline the management of urban agricultural projects, either through the city or a city-funded nonprofit.

The proposed ordinance includes a six-month audit of city-owned building rooftops that could be used for urban agriculture, the creation of a “one-stop shop” for individuals and organizations looking to engage in agricultural activities, and the establishment of garden resource centers that would provide residents with compost, seeds, and tools. By 2014, Chiu aims to develop at least 10 new urban agricultural projects on public land and reduce waiting lists for plot-based gardens to one year.

Zigas emphasizes the minimal cost of such a program for the returns it offers to the city of San Francisco, such as greening the urban landscape and reducing stormwater runoff, which in turn reduce public spending on landscaping and sewage treatment.

He also notes the benefits of urban agriculture for San Francisco residents and the food system at large, connecting city dwellers with the miracles and challenges of growing food. “I think many gardeners in San Francisco have a great appreciation for a fresh tomato because they know how hard it is to grow a tomato,” says Zigas. “There are a lot of people in the city who learn about food and how it’s produced through that process.”

Having been a member of White Crane Springs Community Garden in the Sunset for nine years, Jadwin has witnessed the benefits that such spaces offer by bringing neighbors together.

“People garden for the same reasons they go to the farmers market,” she observes. “You see your friends and neighbors. You talk about the weather and what’s in season. It not only allows people to have a broader connection to food, but it also builds community.”

*Brie Mazurek is the Online Education Manager at the [Center for Urban Education about Sustainable Agriculture \(CUESA\)](#), which operates the San Francisco Ferry Plaza Farmers Market. She is also a consultant for Nourish, a nonprofit educational initiative designed to engage people in the story of our food.*

## “BITTER SEEDS”: AN INTERVIEW WITH DIRECTOR MICHA X. PELED

By Daniel James Scott  
on Thursday, February 9th, 2012



Ram Krishna of Bitter Seeds

Monsanto, the agriculture biotech company maligned in such docs as *Food, Inc.* and *King Corn*, found renewed opposition this month with the launch of an online petition gone viral called “[Tell Obama to Cease FDA Ties to Monsanto](#).” The petition protests the president’s 2009 appointment of the company’s former VP, Michael Taylor, to the position of senior advisor to the FDA. That this years-late call to action has inspired more than 380,000 signatures attests to the toxicity of this particular marriage between government and a multinational corporation.

If you’ll remember, Monsanto is the company that brought us DDT and Agent Orange, both of which were banned at some point for their harmful effects on people and the environment. As the world’s largest producer of genetically modified (GM) crops, the company has achieved its position through a means of [strong-arm tactics](#), [ambitious mergers](#), and, as the petition points out, collusions with the U.S. government.

If these points don’t spark your indignation, then *Bitter Seeds* will. The documentary, directed by **Micha X. Peled**, traces Monsanto’s sizable footprint on an agrarian community in central India. The film has been traveling the festival circuit since last year, winning the “Green Screen Competition” Award at the 2011 IDFA (in a jury presided over by Joe Berlinger). After garnering acclaim at last month’s Palm Springs International Film Festival (PIFF), it is featured in the “Meet the Docs” series at the Berlin Film Festival.

*Bitter Seeds* sets down in remote village in the state of Maharashtra, where locally grown, renewable seeds have been phased out by genetically-modified, non-renewable seeds. In a region where the majority of farmers are rain-dependent and unable to pay for the fertilizers that GM seeds require, the influx of the new product into the marketplace has caused extreme indebtedness, leading as many as 25,000 farmers to take their lives since 1997. *Bitter Seeds* asks the question of whether a cotton farmer, Ram Krishna, will “be next.”

If that sounds sensational, it’s because it partly is. Contrary to the film’s conspicuous marketing, however, the documentary is among the most subtle and artful condemnations of the food industry’s Darth Vader. The film parallels two subjects: **Ram Krishna**, a cotton farmer struggling to pay for a dowery for his daughter; and **Manjusha Amberwar**, an aspiring journalist covering the farmer suicide crisis that claimed the life of her father. Micha X. Peled, an Israeli immigrant to the U.S., patiently observes Ram Krishna’s year from sowing to harvest, letting Manjusha’s journalistic process place his situation in a broader context. Where her inquiry reaches its limits, Peled picks up by interviewing a range of subjects from seed providers to environmental activists. The end result is an indictment of the agricultural biotech industry tightly wrapped within a gripping character-based narrative.

*Filmmaker* sat down with Micha X. Peled in Amsterdam last year to discuss the evolution of *Bitter Seeds*, the Indian farmer suicide crisis, and his status as an outsider living in the United States. Peled’s films are distributed through ITVS.



Micha X. Peled, director of *Bitter Seeds*

**Filmmaker:** *Bitter Seeds* comes after *Store Wars: When Wal-Mart Comes to Town* and *China Blue*, films that make up your Globalization Trilogy. How would you contextualize this film within that framework?

**Peled:** The Globalization Trilogy has three films. The first focuses on consumerism in the United States. It’s a story about Wal-Mart trying to get into a small town, and the residents of that town organizing to stop the largest retail company in the world from coming in. The second looks at how the cheap goods that Wal-Mart sells are made. So that took us to China, and it’s the story of

one girl who has to leave her village to get a job, and ends up in a jeans factory where she descends into sweatshop hell. The third one takes us to the raw materials. I filmed this in India, in an area of cotton growers where their harvest gets exported to China's garment factories where they make the jeans that Wal-Mart sells. So that's the connection between the three. And in each step we found the globalization angle, where a Western corporation is dominating the lives of everyday people somewhere far away.

**Filmmaker:** Did you tackle all these projects with the theme of globalization in mind, or did they incidentally fit into that framework?

**Peled:** I'm primarily a storyteller. That's where I start from. And the overall theme is globalization because I think that that is the overriding theme of our times. And unfortunately, I think that economics determine a lot of the calls that our leaders make at this day in age. As far as the particular topic goes for each of the films, I was looking for something that I didn't know about, figuring that I would be sort of representing my audience. "If I haven't heard of it yet, then maybe other people haven't."

**Filmmaker:** Were you familiar with the farmer suicide crisis before starting this project?

**Peled:** I was not. Sometimes filmmakers are lucky enough to find their next film in a film festival. And that's what happened here. I was in the Thessaloniki International Film Festival with *China Blue*, and Vandana Shiva, who is a world-renowned environmental activist, was sharing a panel with me and saw my film that evening. And she said, "You should come to India for your third one." And I told her, "Well, actually that's kind of what I had in mind. But what do you got?" And she said, "The farmer suicide crisis. Every 30 minutes a farmer kills himself." And I thought she must be exaggerating, because I had never heard of it. So I started investigating it, and I asked her, "What's the globalization angle?" And she told me, "It's because of the seeds that Monsanto sells." And three months later I went to India, and she made the arrangements for me to meet people and start traveling around.

**Filmmaker:** How did you come across your subjects, Ram Krishna and Manjusha Amberwar?

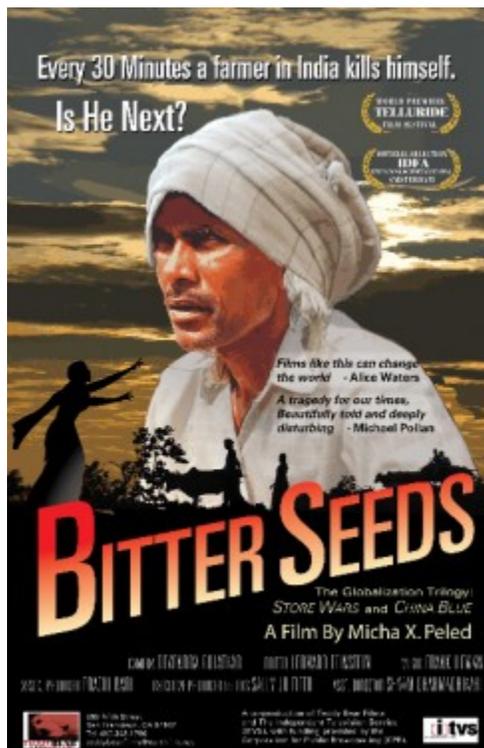
**Peled:** I was looking for a farmer's daughter who would be bright and energetic and an interesting subject for a film before I was looking for the farmer himself. I figured that the farmer probably wasn't going to be able to carry an entire film on his shoulders, because they struck me as taciturn and often depressed. So I was going to a lot of high schools to meet with the female students of the graduating class, because I knew that in a few months they would be marriage candidates, and I was already aware that many of the farmers commit suicide because they cannot afford to marry off their daughters. And when I would find [students] who looked promising, I would ask to go to their villages to meet their family. That's how we did the research. A couple weeks down the line we met Manjusha, and she said, "My dream is to become a journalist." And I just thought, "Wow, this is precious." And in fact, that very day we said, "Are you ready to try something on camera?" And she said, "Sure."

**Filmmaker:** That must have been very fortunate for you, not just because Manjusha was like a field producer built into the narrative, but also because her quest to become a journalist provides some relief from the heavier side of the story, which is Ram Krishna’s plight.

**Peled:** Yeah, I definitely think I had a lot of luck. But I also feel like we create our luck.

**Filmmaker:** To what extent was Ram Krishna informed of your approach? Because the underlying suspense of the film—and it’s explicit in the trailer and the tagline—comes from the question, “Will he be next?” Was he aware of your general angle of the film?

**Peled:** He certainly wasn’t aware that I was wondering, “Will he be next?”



**Filmmaker:** What pretext did he think you had for pursuing the project?

**Peled:** It was very simple. We just said, “We know that you farmers are suffering a great deal. So we want to understand that better and we want to tell your story to the whole world. So we’re going to be following you through entire seasons so we can see exactly what’s going on.” I think one of the challenges is that it’s hard for us to feel connected to people whose lives are so vastly different from ours. When I’m in San Francisco, it’s always hard for me to walk into a restaurant where right in front there are people begging for food or trying to make a bed for the night. That alone is difficult. So to somebody who lives on the other side of the planet, who doesn’t speak your language and who lives a different life, it’s really so much harder. So part of what I’m trying to do is humanize them. It’s easier to absorb one farmer who you spend an hour and a half with—who you see is an honorable man just trying to feed his family—than 3 million farmers who are having a hard time making a living.

**Filmmaker:** Beyond connecting us to an individual farmer, though, you're also making the argument that the genetically modified seeds are contributing to the increase in suicides. Which is a hotly contested position, no?

**Peled:** It is a very complex issue, I agree. To put it in the simplest terms, I would say that the seeds are the main thing that has changed over the last decade or two. Yes, there are many other burdens on the farmer. For example, in the West the price of cotton is kept low because we subsidize the cotton industry so we can dump our product on the global market below the cost of production. But the main new ingredient is the seeds. And the seeds were brought in to supposedly help the farmer by reducing the cost, because they would not require pesticides. Which is plainly not true. Also, it's plainly clear to me why these seeds are not suitable for them. To get a large crop from genetically modified seeds, you have to give the plants a lot of fertilizer and water. However, 90% of the farmers in this region do not have irrigation. They depend on the rain gods. So already, the whole concept of making genetically modified seeds that depend on a regular time table of watering and fertilizer is already wrong for this population. I don't feel that we need to go any farther than that.

**Filmmaker:** Do you think the farmers are adequately informed about the requirements of the GM seeds?

**Peled:** My impression is that they know in general terms, but the instructions are very specific. And on top of that is the financial aspect. The idea of genetically modified agriculture is you put in more money in the beginning of the season, and because you should be getting a big harvest you should be able to more than pay back your expenses. So that requires taking loans, which requires some line of credit. 80% of these farmers cannot go to the bank because they cannot pay the bank for last year's [loan]. So their only recourse is to go to money lenders who charge them very high interest rates. The farming costs are much higher than a corporate farm that would have a lot of credit at the bank. Already they have to bring in a higher income just to pay their expenses.

**Filmmaker:** One question that lingers in the film is, what happens to the surviving family members? Are the existing government subsidies effective?

**Peled:** There is a one-time grant or subsidy to a widow of a farmer who committed suicide because of farming difficulties. However, like everything else in India, it comes wrapped up with a few obstacles. First of all, the way they define a farmer — and it seems reasonable to us — is somebody that can prove they own a piece of land. But many of these farmers never bothered to go to the Deeds office and transfer the land from their father when it was passed to them. And some of them maybe didn't even own their own land to begin with, maybe they worked out a deal with their neighbors. So a large number of them end up not qualifying for the loan. The other element is that there is corruption. When the farmers do qualify for a bank loan, they get a loan of, say, 20,000 rupees. It's completely [conceivable] that the clerk who handles their loan at the bank would actually give them 19,000 rupees and keep 1,000 for himself. And [the farmers] wouldn't dare to say anything because they assume that's how the world turns.

**Filmmaker:** What can be done to remedy this issue, and how would you like your film to function within that cause?

**Peled:** I would be very careful to prescribe solutions, and would rather defer to organizations who have been working on these issues for a long time. I'm also very reticent to figure out solutions for other countries. I'm not qualified to say what we should do in America, but at least there I have opinions, you know? (*Laughs*) Part of what drives me is the fact that the company behind all of this is in the United States, and is enjoying a very privileged relationship with our government. There's one little text point in the film that refers to the fact that [Monsanto] participated in drafting agreements between the U.S. and India. And that's not only with India. There was a Wikileaks cable that recently showed that U.S. diplomats were working on behalf of the agriculture biotech industry in Europe, putting pressure on European countries to relax their regulations against genetically modified crops.

Also, there are ways that this story can raise awareness among American voters. For example, this coming year, there are two statewide ballot initiative campaigns to label food that has genetically modified organisms (GMOs) in it. I believe that a lot more American consumers would turn away from GMOs if they only knew that one product has it and another one doesn't. If you decided that you don't want to eat that stuff, then it's easier to convince you that a farmer on the other side of the world shouldn't be forced to use that in the first place. In this case, these happen to be cotton farmers, but this is affecting farmers in India who are growing anything else. We have to make sure that it starts with what the farmers grow. They should have other options.



## ‘Bitter Seeds’ documentary reveals tragic toll of GMOs in India

By Claire Thompson, 8 May 2012



When home-front battles over [GMO labeling](#), [beekeeping](#), and the [Farm Bill](#) get heated, we can sometimes lose sight of the fact that Big Ag’s influence extends far beyond our own borders. Micha Peled’s documentary [Bitter Seeds](#) is a stark reminder of that fact. The final film in Peled’s “[globalization trilogy](#),” *Bitter Seeds* exposes the havoc Monsanto has wreaked on rural farming communities in India, and serves as a fierce rebuttal to the claim that genetically modified seeds can save the developing world.

The film follows a plucky 18-year-old girl named Manjusha, whose father was one of the quarter-million farmers who have committed suicide in India in the last 16 years. As [Grist](#) and [others](#) have reported, the motivations for these suicides follow a familiar pattern: Farmers become trapped in a cycle of debt trying to make a living growing Monsanto’s genetically engineered Bt cotton. They always live close to the edge, but one season’s ruined crop can dash hopes of ever paying back their loans, much less enabling their families to get ahead. Manjusha’s father, like many other suicide victims, killed himself by drinking the pesticide he spreads on his crops.

Why is Monsanto seen as responsible for these farmers’ desperation? The company began selling Bt cotton in India in 2004, after a U.S. challenge at the WTO forced India to adopt seed patenting, effectively allowing Monsanto to monopolize the market. Bt cotton seeds were — and still are — advertised heavily to illiterate Indian farmers, who have bought the company’s promises of high yields and the material wealth they bring. What the farmers didn’t know until it was too late is those seeds require an expensive regimen of pesticides, and must be fertilized and watered according to precise timetables. And since these farmers lack irrigation systems, and must instead depend on not-always-predictable rainfall, it’s incredibly difficult to control the success or failure of any year’s crops. As farmers bought the Bt cotton in droves, the conventional seed they’d been using — which needed only cow dung as fertilizer — disappeared

in as little as one season. Now, in communities like Manjusha's, it's virtually impossible to buy anything but Monsanto's seed.



Manjusha, the film's protagonist, goes looking for answers after her father commits suicide.

To pay for seeds, pesticides, and fertilizer, farmers must take out loans, but most banks refuse to deal with them, so instead they turn to moneylenders, who charge exorbitant interest rates. Many farmers have nothing to offer as collateral besides their land. If a crop fails and they can't pay back the loans, they lose everything.

The film offers a glimmer of hope in Manjusha, an aspiring journalist in a world where farmers' daughters aren't exactly encouraged to pursue independent careers. Scenes of her first earnest attempts at reporting are intimate and touching ("I had other questions to ask, but I forgot"), and her commitment to telling the story of her family's and her community's struggle always shines through her nervousness. This appealing heroine makes a story of global manipulation more personal, and thus more devastating.

Piece by piece, *Bitter Seeds* lays out the bleak situation in India, using interviews with all players, from condescending seed sales reps and callous Monsanto execs, to activist [Vandana Shiva](#), to farmers, their families, and village old-timers who remember when life as an Indian cotton farmer was not so bitter.

Proponents hail GMO crops as a triumph of science over nature that could provide a solution to world hunger. But this film reveals a society of farmers whose way of life, and very lives, are threatened. If GMOs have any benefits, it would be hard to convince me that they outweigh the human costs portrayed in *Bitter Seeds*.

[Click here to watch a trailer for \*Bitter Seeds\*.](#)

# THE CHRONICLE

of Higher Education

April 8, 2012

## A Future Full of Badges



Michael Morgenstern for The Chronicle

By Kevin Carey

In the grand University of California system, the Berkeley and UCLA campuses have long claimed an outsized share of the public imagination. It's easy to forget that the state system has more than two great institutions of higher education. In the heart of the Central Valley, UC-Davis has grown in a hundred years from being the "university farm" to becoming one of the world's most important research universities. Now it's part of a process that may fundamentally redefine the credentials that validate higher learning.

Throughout the 20th century, scientists at UC-Davis, a land-grant institution, helped significantly increase crop yields while leading research on plant genetics, water conservation, and pest control. When the present century began, Davis leaders knew the times called for not just production but conservation and renewal. So they created a new, interdisciplinary major in sustainable agriculture and food systems. Many different departments were involved in crafting curricula that range across life sciences, economics, and humanities, along with experiential learning in the field.

The university also conducted a detailed survey of practitioners, scholars, and students to identify the knowledge, skills, and experiences that undergraduates most needed to learn. The survey produced answers like "systems thinking," "strategic management," and "interpersonal communication." They sound like buzzwords—and they can be—but if taken seriously are nothing of the kind. Simultaneously understanding the intricacies of hydrology and plant DNA,

the economics of federal agricultural subsidization, and the politics of community development is a high order of systems thinking. The first students enrolled in the program this past fall.

Meanwhile, across the mountains, in Silicon Valley, the Mozilla Foundation was also thinking about the future. Mozilla, a nonprofit organization built around the ethos of the open Internet, created the popular Firefox Web browser, which anyone can download, free. Along with the John D. and Catherine T. MacArthur Foundation, Mozilla is sponsoring a competition for the development of digital "open badges." The first winners were announced last month, and one of them was the UC-Davis sustainable-agriculture program.

What is a digital badge, exactly? The MacArthur foundation says it's "a validated indicator of accomplishment, skill, quality or interest," which calls to mind the colorful pieces of cloth that Girl Scouts sew onto their sashes. But that's a simplification that borders on meaninglessness. The winning Davis entry describes something far more sophisticated and important.

Instead of being built around major requirements and grades in standard three-credit courses, the Davis badge system is based on the sustainable-agriculture program's core competencies—"systems thinking," for example. It is designed to organize evidence of both formal and informal learning, from within traditional higher education and without.

Say you're an employer considering a job candidate. Under "systems thinking," the applicant's badge portfolio would include some of the UC-Davis courses he's passed, along with grades. But it would also include evidence of the applicant's specific skills, like "integrated pest management," which he might have learned working on a farm. Other badges would describe workshops attended, awards won, and specific projects completed. Each badge would allow the employer to click through to more detailed levels of evidence and explanation—documents, assessment results, hyperlinks, video, and more.

The badge system, moreover, isn't just a transcript, CV, and work portfolio rolled together into a cool digital package. It's also a way to structure the process of education itself. Students will be able to customize learning goals within the larger curricular framework, integrate continuing peer and faculty feedback about their progress toward achieving those goals, and tailor the way badges and the metadata within them are displayed to the outside world. Students won't just earn badges—they'll build them, in an act of continuous learning.

Why does this matter? To start, consider that the sustainable-agriculture badge framework was designed with great care and purpose, based on what experts, employers, professors, and students believe is most important for the world we live in today. Can most existing department-based academic majors say the same? Many appear to be based on the "some combination of vague distribution requirements and whatever the faculty want to teach this year" system.

The majority of the badge competition winners, moreover, don't come from traditional colleges or universities. They include Disney-Pixar, NASA, the U.S. Department of Veterans Affairs, Peer 2 Peer University, and the National Oceanic and Atmospheric Administration. The badges movement is based on the idea that people should be able to gather useful, verifiable evidence of

everything they learn, not just everything they learn while attending an accredited postsecondary institution.

Finally, the badges movement is open. The top-flight educators at UC-Davis may develop the first widely used badge system for sustainable agriculture, but they won't, in the long run, control it. Over time, farmers, students, civic groups, companies, professional organizations, and individual scholars will all contribute to a continuing process of helping people organize critical information about their lives.

Compared with the new open badge systems, the standard college transcript looks like a sad and archaic thing. Its considerable value is not based on the information it provides, which is paltry. What does a letter grade in a course often described only by the combination of a generic department label and an arbitrary number (e.g. Econ 302) really mean? Nobody knows, which is why accredited colleges often don't trust that information for the purposes of credit transfer, even when it comes from other accredited colleges.

Instead, the value of the traditional degree comes mostly from the presumed general authority of the granting institution—and the fact that traditional colleges have a legally enforced near-monopoly over the production of credentials that are widely accepted for the purposes of getting a job or pursuing advanced education.

Open systems tend to blow such lucrative arrangements apart. The doomed effort of for-profit academic publishers to maintain their grip on prestigious scholarly journals is one example. The imminent demise of the physical textbook market is another. Open badges won't be controlled by incumbent institutions with a vested financial interest in limiting the supply of valuable credentials.

Many of the first badge systems will fail, of course. They won't be designed well enough or properly connected to communities of interest. But some will take root and thrive. More users will beget more users. Employers will gain facility in the use of badges and confidence in those who bear them.

When that happens, it will create hardship for traditional institutions that now use the revenue generated from their undergraduate-credential franchise to subsidize the cost of graduate education, administration, scholarship, and other activities. But society as a whole will benefit enormously. The store of human capital will be more broadly and accurately represented by credentials that are useful in a mobile, interconnected world. Separating the credentialing and teaching functions of higher education allows organizations to specialize in one or the other.

Open systems make the world more egalitarian and less expensive. Higher education is in serious need of both.

It's not surprising that a land-grant university would be among those at the forefront of this movement. Such institutions have traditionally maintained an admirable balance between serious research and a broad commitment to distributing useful knowledge beyond the campus walls.

The open-credentials movement will allow some colleges and universities to extend their reach to unimagined lengths.

*Kevin Carey is policy director at Education Sector, an independent think tank in Washington.*

## The Rise of the New Economy Movement

**Activists, theorists, organizations and ordinary citizens are rebuilding the American political-economic system from the ground up**

by Gar Alperovitz, May 22, 2012

Just beneath the surface of traditional media attention, something vital has been gathering force and is about to explode into public consciousness. The “New Economy Movement” is a far-ranging coming together of organizations, projects, activists, theorists and ordinary citizens committed to rebuilding the American political-economic system from the ground up.



The broad goal is democratized ownership of the economy for the “99 percent” in an ecologically sustainable and participatory community-building fashion. The name of the game is practical work in the here and now—and a hands-on process that is also informed by big picture theory and in-depth knowledge.

Thousands of real world projects -- from solar-powered businesses to worker-owned cooperatives and state-owned banks -- are underway across the country. Many are self-consciously understood as attempts to develop working prototypes in state and local “laboratories of democracy” that may be applied at regional and national scale when the right political moment occurs.

The movement includes young and old, “Occupy” people, student activists, and what one older participant describes as thousands of “people in their 60s from the '60s” rolling up their sleeves to apply some of the lessons of an earlier movement.

## **Explosion of Energy**

A powerful trend of hands-on activity includes a range of economic models that change both ownership and ecological outcomes. Co-ops, for instance, are very much on target—especially those which emphasize participation and green concerns. [The Evergreen Cooperatives](#) in a desperately poor, predominantly black neighborhood of Cleveland, Ohio are a leading example. They include a worker-owned solar installation and weatherization co-op; a state-of-the-art, industrial-scale commercial laundry in a LEED-Gold certified building that uses—and therefore has to heat—only around a third of the water of other laundries; and a soon-to-open large scale hydroponic greenhouse capable of producing three million head of lettuce and 300,000 pounds of herbs a year. Hospitals and universities in the area have agreed to use the co-ops’ services, and several cities—including Pittsburgh, Atlanta, Washington, DC and Amarillo, Texas are now exploring similar efforts.

The name of the game is practical work in the here and now—and a hands-on process that is also informed by big picture theory and in-depth knowledge.

Other models fit into what author Marjorie Kelly calls the “[generative economy](#)”--efforts that inherently nurture the community and respect the natural environment. [Organic Valley](#) is a cooperative dairy producer in based in Wisconsin with more than \$700 million in revenue and nearly 1,700 farmer-owners. [Upstream 21 Corporation](#) is a “socially responsible” holding company that purchases and expands sustainable small businesses. [Greyston Bakery](#) is a Yonkers, New York “[B-Corporation](#)” (a new type of corporation designed to benefit the public) that was initially founded to provide jobs for neighborhood residents. Today, Greystone generates around \$6.5 million in annual sales.

Recently, the United Steelworkers union broke modern labor movement tradition and entered into a historic agreement with the [Mondragón Cooperative Corporation](#) and the [Ohio Employee Ownership Center](#) to help build worker-owned cooperatives in the United States along the lines of a new “union-co-op” model.

The movement is also serious about building on earlier models. More than 130 million Americans, in fact, already belong to one or another form of cooperative—and especially the most widely known form: the credit union. Similarly, there are some 2,000 municipally owned utilities, a number of which are ecological leaders. (Twenty-five percent of American electricity

is provided by co-ops and public utilities.) Upwards of 10 million Americans now also work at some 11,000 employee-owned firms (ESOP companies).

More than 200 communities also operate or are establishing community land trusts that take land and housing out of the market and preserve it for the community. And hundreds of “social enterprises” use profits for social or community serving goals. Beyond these efforts, roughly 4,500 Community Development Corporations and 1.5 million non-profit organizations currently operate in every state in the nation.

The movement is also represented by the “Move Your Money” and “bank transfer day” campaigns, widespread efforts to shift millions of dollars from corporate giants like Bank of America to one or another form of democratic or community-benefiting institution. Related to this are other “new banking” strategies. Since 2010, 17 states, for instance, have considered legislation to set up public banks along the lines of the long-standing Bank of North Dakota.

Several cities—including Los Angeles and Kansas City— have passed “responsible banking” ordinances that require banks to reveal their impact on the community and/or require city officials to only do business with banks that are responsive to community needs. Other cities, like San Jose and Portland, are developing efforts to move their money out of Wall Street banks and into other commercial banks, community banks or credit unions. Politicians and activists in San Francisco have taken this a step further and proposed the creation of a publicly owned municipal bank.

There are also a number of innovative non-public, non-co-op banks—including the New Resource Bank in San Francisco, founded in 2006 “with a vision of bringing new resources to sustainable businesses and ultimately creating more sustainable communities.” Similarly, One PacificCoast Bank, an Oakland-based certified community development financial institution, grew out of the desire to “create a sustainable, meaningful community development bank and a supporting nonprofit organization.” And One United Bank—the largest black-owned bank in the country with offices in Los Angeles, Boston and Miami—has financed more than \$1 billion in loans, most in low-income neighborhoods.

A broad and fast-growing group seeks to end “corporate personhood,” and still others urge a reinvigoration of anti-trust efforts to reduce corporate power.

Ex-JP Morgan managing director John Fullerton has added legitimacy and force to the debate about new directions in finance at the ecologically oriented Capital Institute. And in several parts of the country, alternative currencies have long been used to help local community building—notably “BerkShares” in Great Barrington, Massachusetts, and “Ithaca Hours” in Ithaca, New York.

Active protest efforts are also underway. The Occupy movement, along with many others, has increasingly used direct action in support of new banking directions—and in clear opposition to old. On April 24, 2012 over 1,000 people protested bank practices at the Wells Fargo shareholder meeting in San Francisco. Similar actions, some involving physical “occupations” of bank branches, have been occurring in many parts of the country since the Occupy movement started

in 2011. Large-scale demonstrations occurred at the Bank of America's annual shareholder meeting in May 2012.

What to do about large-scale enterprise in a "new economy" is also on the agenda. A number of advocates, like Boston College professor [Charles Derber](#), contemplate putting worker, consumer, environmental, or community representatives of "stakeholder" groups on corporate boards. Others point to the Alaska Permanent Fund which invests a significant portion of the state's mineral revenues and returns dividends to citizens as a matter of right. Still others, like David Schweickart and Richard Wolff, propose system-wide change that emphasizes one or another form of worker ownership and management. (In the Schweickart version, smaller firms would be essentially directly managed by workers; large-scale national firms would be nationalized but also managed by workers.) A broad and fast-growing group seeks to end "corporate personhood," and still others urge a reinvigoration of anti-trust efforts to reduce corporate power. (Breaking up banks deemed too big to fail is one element of this.)

In March 2012, the Left Forum held in New York also heard many calls for a return to nationalization. And even among "[Small is Beautiful](#)" followers of the late E. F. Schumacher, a number recall this historic build-from-the-bottom-up advocate's argument that "[w]hen we come to large-scale enterprises, the idea of private ownership becomes an absurdity." (Schumacher continuously searched for national models that were as supportive of community values as local forms.)

## **Theory and Action**

A range of new theorists have also increasingly given intellectual muscle to the movement. Some, like Richard Heinberg, stress the radical implications of [ending economic growth](#). Former presidential adviser James Gustav Speth calls for restructuring the entire system as the only way to deal with ecological problems in general and growth in particular. David Korten has offered an [agenda for a new economy](#) which stresses small Main Street business and building from the bottom up. (Korten also co-chairs a "[New Economy Working Group](#)" with John Cavanagh at the Institute of Policy Studies.) Juliet Schor has proposed a vision of "[Plentitude](#)" oriented in significant part around medium-scale high tech industry. My own work on a [Pluralist Commonwealth](#) emphasizes a community-building system characterized by a mix of democratized forms of ownership ranging from small co-ops all the way up to public/worker-owned firms where large scale cannot be avoided.

Around the country, thinkers are clamoring to meet and discuss new ideas.

Writers like Herman Daly and David Bollier have also helped establish theoretical foundations for fundamental [challenges to endless economic growth](#), on the one hand, and the need to transcend privatized economics in favor of a "[commons](#)" understanding, on the other. The awarding in 2009 of the Nobel Prize to Elinor Ostrom for work on commons-based development underlined recognition at still another level of some of the critical themes of the movement.

Around the country, thinkers are clamoring to meet and discuss new ideas. [The New Economy Institute](#), led primarily by ecologists and ecological economists, hoped to attract a few hundred

participants to a gathering to be held at Bard College in June 2012. The event sold out almost two months in advance! An apologetic email went out turning away hundreds who could not be accommodated with the promise of much bigger venue the next year.

And that's just one example. From April to May 2012, the [Social Venture Network](#) held its annual gathering in Stevenson, Washington. The [Public Banking Institute](#) gathered in Philadelphia. The [National Center for Employee Ownership](#) met in Minneapolis—also to record-breaking attendance. And the [Business Alliance for Local Living Economies](#) (BALLE) held a major conference in Grand Rapids, Michigan. Other events planned for 2012 include the [Consumer Cooperative Management Association](#)'s meeting in Philadelphia; the U.S. [Federation of Worker Cooperatives](#)' gathering in Boston; a Farmer Cooperatives conference organized by the [University of Wisconsin Center for Cooperatives](#); and meetings of the [National Community Land Trust Network](#) and the [Bioneers](#). The [American Sustainable Business Council](#), a network of 100,000 businesses and 300,000 individuals, has been holding ongoing events and activities throughout 2012.

## **Daunting Challenges**

The New Economy Movement is already energetically involved in an extraordinary range of activities, but it faces large-scale, daunting challenges. The first of these derives from the task it has set for itself—nothing less than changing and democratizing the very essence of the American economic system's institutional structure.

Most of those in the New Economy movement understand the challenge as both immediate and long-term: how to put an end to the most egregious social and economically destructive practices in the near term; how to lay foundations for a possible transformation in the longer term.

Even viewed as a long-range goal, the movement obviously confronts the enormous entrenched power of an American political economic system dominated by very large banking and corporate interests—and bolstered by a politics heavily dependent on the financial muscle of elites at the top. (One recent calculation is that 400 individuals at the top now own more wealth than the bottom 160 million.)

A second fundamental challenge derives from the increasingly widespread new economy judgment that economic growth must ultimately be reduced, indeed, even possibly ended if the dangers presented by climate change are to be avoided—and if resource and other environmental limits are to be responsibly dealt with.

Complicating all this is the fact that most labor unions—the core institution of the traditional progressive alliance—are committed to growth as absolutely essential (as the economy is now organized) to maintaining jobs.

History dramatizes the implacable power of the existing institutions—until, somehow, that power gives way to the force of social movements. Most of those in the New Economy movement understand the challenge as both immediate and long-term: how to put an end to the

most egregious social and economically destructive practices in the near term; how to lay foundations for a possible transformation in the longer term.

And driving the movement's steady build up, day by day, year by year, is the growing economic and social pain millions of Americans now experience in their own lives—and a sense that something fundamental is wrong. The New Economy Movement speaks to this reality, and just possibly, despite all the obstacles—as with the civil rights, feminist, environmental and so many other earlier historic movements—it, too, will overcome. If so, the integrity of its goals and the practicality of its developmental work may allow it to help establish foundations for the next great progressive era of American history. It is already adding positive vision and practical change to everyday life.

## Robert Alton Harris' execution to be commemorated

Christopher Haugh

Tuesday, April 17, 2012



Michael Kroll, a friend of a Death Row inmate executed 20 years ago, has written a play as part of several events to mark the death.

Photo: Siana Hristova / The Chronicle

When his friend Robert Alton Harris mouthed "Where's Mike?" from the gas chamber, Michael Kroll quickly maneuvered into the restrained prisoner's line of sight to reassure him. It would be the last time the two saw each other.

Moments later, on that early morning on April 21, 1992, a trembling Kroll couldn't bear to watch as Harris writhed with his last breaths of poison gas. For Kroll, one of California's most active opponents of the death penalty, the event marked the death of a friend. For California, it was the first time the state had executed a prisoner in more than two decades.

Now, with the 20-year anniversary of Harris' execution approaching, Kroll and Death Penalty Focus are working to mark the event.

In a series of events called "Requiem for the Death Penalty," the nonprofit as well as other co-sponsors, including the ACLU of Northern California, are showing a documentary on Harris' execution, "Procedure 769," and holding a reading of Kroll's new play, "Just Like a Dog."

Kroll's play is a fictional account about how Brandon, the doleful younger brother of a condemned man, and Betty, the once-vengeful mother of the victim, find common ground and peace of mind despite their circumstances and opposing views.

A regular at San Quentin State Prison's Death Row, the 69-year-old Kroll has built the reputation of a companion to the condemned.

"I like the misfits," he says. But "even people I like sitting with, I wouldn't want walking around. I wouldn't want them to be my neighbor, but I can still have a conversation about art with them."

Born in the shadow of the Los Padres National Forest in Ojai, Kroll got his penchant for political dissent from his parents, Max and Blanche, who steeped family dinners with political debate.

"I disagree," Kroll wrote as his favorite quote in his high school yearbook.

At 15, Kroll first became intrigued by the death penalty issue when Elizabeth Ann Duncan went on trial in nearby Ventura County for paying a man to kill her pregnant stepdaughter. By the time Duncan was gassed in 1962, Kroll had some big questions: How did these executions proceed? Who performed them? Why?

### **Execution's inner workings**

Kroll began investigating the men who performed these executions. In an article for the San Francisco Examiner, he interviewed wardens, prison guards, and chaplains who revealed the cogs of an execution: the stench of an execution chamber, the foreboding heavy steel doors, and the somber emotion of a condemned prisoner's last minutes on Earth.

Later enrolling at UC Berkeley, Kroll reveled in the liberal atmosphere, protesting the Vietnam War, ROTC loyalty oaths and San Quentin executions.

After graduating in 1965, Kroll got a job with the ACLU's New Orleans office. On his first day there, in his desk drawer, he found hundreds of letters, each more upsetting than the last. Despite a de facto national moratorium on the death penalty, thousands of inmates remained on Death Row. They had written to the ACLU, desperate for an explanation.

"I was outraged that my country could execute people in such a protracted, moribund way," says Kroll, who later became the founding director of the Death Penalty Information Center in Washington, D.C.

In 1983, as a writer for the Pacific News Service, Kroll found himself in San Quentin interviewing Ronald Fuller, a Death Row inmate convicted of killing a cabdriver in Los Angeles. Throughout the interview, Fuller insisted that Kroll meet "Harry" - Robert Alton Harris.

Kroll was reluctant to meet another inmate, but when the two men talked, they clicked. Kroll enjoyed Harris' company and returned week after week to chat over games of dominoes.

The pair would discuss life inside the prison's walls. Once in a while, they would talk about his life before prison. Kroll says Harris was a remorseful man who always took full responsibility for his crimes.

As their friendship blossomed, Kroll joined Harris for Christmas and Thanksgiving feasts in San Quentin's visiting rooms when the prison still allowed guests to visit with apple pies and turkeys.

In 1989, Kroll resigned from his job to serve as a mitigation expert for Harris. Scouring Harris' history, Kroll was tasked with discovering clues that might signal to an appeals court that Harris deserved life in prison, not death by poison gas. Kroll interviewed Harris' family members, teachers and friends looking for signs of mental illness, sexual abuse, or any other traumatic experience that could have explained Harris' violent behavior.

### **'I lost a friend'**

But Kroll's research ultimately failed to stop the execution.

Standing on risers in San Quentin's windowless execution chambers, lit by a single, naked lightbulb, Kroll stood head down, embracing Harris' brother, Randy. By the time Harris was pronounced dead, Kroll was shaking and distraught. To this day, he still has nightmares about imprisonment.

Until 2001, Kroll served as a mitigation expert for men facing death sentences. Despite his best efforts, most execution orders would never be overturned. Today, as he prepares to commemorate the anniversary of Harris' death, Kroll continues to visit inmates, but he vows to never again witness an execution.

"I was traumatized. I still suffer from PTSD," he says with difficulty, recalling Harris' drawn-out, 16-minute death. "I lost a friend."

### **Events**

**April 22:** 3-5:30 p.m. An interfaith gathering at Dominican School of Philosophy and Theology, 2301 Vine St., Berkeley. A panel discussion about the death penalty, followed by a memorial service of healing.

**April 23, 24:** 7 p.m. A staged reading of "Just Like a Dog," Shotgun Players, Ashby Stage, 1901 Ashby Ave., Berkeley.

The documentary "Procedure 769" will be shown at various times and locations in Berkeley and San Francisco. For more information, go to [requiemforthedeathpenalty.com](http://requiemforthedeathpenalty.com).

## California Authors series: Rites of spring

By David Mas Masumoto

Sunday, Mar. 18, 2012



Stephanie Taylor / Special to The Bee

Spring arrives with the first warm breezes and fogless mornings in our Valley. On our 80-acre organic farm south of Fresno, I disk our soil, breaking winter's crust. The peaches and nectarines awaken with blossoms, initially revealing their pink buds, then blooming into a glorious canopy. Millions of pink dots blanket the landscape. A new year has begun.

But harsh memories of a cold, bitter winter linger because it rarely rained. Welcome to a new climate age; massive swings in weather have become the rule.

Every spring, I plow the earth and something is plowed into me. Usually it's the spirit of the land, a sense of renewal, a bonding of family with the earth – and now it includes our daughter who has come back home to work the farm.

But this year that something is a new realization: Change, especially with the weather, is the new normal.

The lack of rain troubles me the most. We'll get very little surface water due to a limited snowpack in the Sierra. I can pump from my wells, but water tables will quickly drop; wells can go dry. Most of the Central Valley has received less than half of normal rainfall. This may change with a late March miracle, but long-range forecasts are not optimistic.

Of course, what is normal? Typical weather models are based on 30-year increments, counted by decades. So if you were born in the 1960s or earlier, your weather memories don't count. (Lending credence to my claim, that as I get older, the weather just isn't what it used to be.)

Droughts are common, occurring in 1976-77, 1987-92 and recently in 2007-09. We farmers live with risk; a lack of rain has been fairly common in the last century. Old-timers remember the Great Depression, including California's decade-long drought from 1928-37.

But we have been spoiled – we're ending a century of abnormally consistent weather years. We developed farming systems built on a culture of expectation. When considering much longer timelines, the relatively wet periods in the 20th century have been the exception rather than the rule in California. Our few dry years have typically been followed by extremely wet seasons.

We're entering a new "weirding time." Much more volatility is to be expected, with extremes in weather part of the new norm. There's still debate concerning how much is a direct result from global warming, but it's clear: something is changing.

This past year, the U.S. Department of Agriculture updated its climate zone guide. Nationwide, a warming trend has advanced northward. Planting guides suggest gardeners can experiment with new plants typically grown in warmer regions. That doesn't mean I'll plant bananas and pineapples on my farm. It may simply mean spring comes sooner and lasts longer with more erratic weather.

I know change comes slow to a farm and farmers. But I do recognize a few years of severe drought demands immediate actions.

In San Diego, some farmers are stumping their avocado trees, cutting them in half to save water; they lose a few years of crop but try to keep their investment alive. Other farmers are switching from lower value row crops, like vegetables and other annuals, to higher value tree crops, hoping to earn more from their limited supply of water. These farmers will quickly learn a new reality: perennial crops mean they can't be uprooted and transplanted; you plant with a future expectation.

Even on our small farm, we've begun a gradual process of change. One of the best acts I did years ago was to fallow 15 acres, much to the chagrin of my father. He grew up with the premise you farm every precious acre you had.

I rationalized: why fight these swings of weather, not to mention poor prices (for raisins a decade ago)? With a new pioneer spirit, I pulled out old vines and, among other benefits, created a new avenue that splits the farm. What a joy every spring as I rediscover the new short-cut on the farm. Who wouldn't jump at such an opportunity in life?

Major shifts in weather point to a new challenge: Survival in agriculture will be based on the ability to change. I can imagine a two-tier strategy. One is based on the very large model: economies of scale benefiting the largest and most efficient operations. The other works for us small operators who are adept at the culture of change; we easily accept, adapt and adopt, finding our niche in the new food chain.

What I'm not so confident about is policy and technology. We don't have policies in place that are equipped to cope with the new normal. For example, we are still fighting over water as if

we're clans locked in tribal warfare. We cling to a myopic sense of time: What happens when we have a 30-year drought?

Also, many believe that we can invent our way out of problems. Technology has created miracles; productivity increased, labor-saving machines introduced and are now part of the landscape. But efficiencies can only reach a certain level before there's a decline on a return of investment. Have we begun to max out technological benefits?

I'm an optimist who has faith in a new creative human spirit that will foster hope on the farm. I believe in the art of farming. Great farmers will balance the forces of economics and productivity with the forces of nature, we will respond to weather as opposed to the fallacy of controlling nature. I don't seek solutions, thinking I have all the answers. Farming in the future is more like a mystery to live; I accept that I won't (and can't) farm the same way every year.

Recently, farm timelines have changed for me. Our daughter, Nikiko, has returned home after college and graduate school, and is taking over the farm. I watch her struggle with learning curves and witness her response to new challenges. I also bite my tongue, knowing my way of doing things may not fit this new age of agriculture.

She's better equipped to handle change: She doesn't expect to, nor want to, do it all my way. She's young. She's naive. She's full of enthusiasm. All that's exactly required for future springs.

But perhaps this isn't much different from when I came back to farm after running away for college. Or when my father took a huge risk following World War II and the tragic uprooting and evacuation of Japanese Americans from the West Coast. He returned to the Valley, gambled and bought a farm, and planted family roots.

Likewise, is this any more dramatic than my grandparents who left Japan, sailed across an ocean to farm and work in a new, very foreign land? They struggled but stayed – a shared story by many whose ancestors who came to California from other places.

Spring does this to me: I think a lot about what is and what is to be. At the same time, plowing the earth is an ancient rite, a renewal of the past, a ritual others have done for centuries and hopefully will do for many more. Like many, I'm reborn every spring.

## **CALIFORNIA AUTHORS SERIES**

To read other installments of the California Authors series written by John Lescroart, Georgeanne Brennan, Gerald Haslam, Belle Yang, Dale Maharidge and Eva Rutland, go to [www.sacbee.com/CAauthors](http://www.sacbee.com/CAauthors)

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