



Written by [Raven Clabough](#) on September 29, 2011

Wisconsin Judge: No “Fundamental Right to Produce and Consume Foods”

The case involved people who owned cows and sought to board them at a farm. As noted by Foolocracy.com, “Although the commercial relationship between the owner of the cow and owner of the land gives cause for the state to intervene, Fiedler [took] his ruling into a more personal and troubling direction.”

The plaintiffs in the case argued that their right to privacy — which allows them to decline medical treatment, allow abortion, view pornography, and engage in consensual sex — should also translate into the right to “consume food of his/her own choice.”



Judge Patrick Fiedler remained unconvinced, claiming that the constitutionality of food rights is “wholly without merit.” He [added](#) that the plaintiffs' use of the *Roe v Wade* case as a precedent does “not explain why a woman’s right to have an abortion translates to a right to consume unpasteurized milk.... This court is unwilling to declare that there is a fundamental right to consume the food of one’s choice without first being presented with significantly more developed arguments on both sides of the issue.”

Judge Fiedler went on to clarify his ruling further:

1. “no, Plaintiffs do not have a fundamental right to own and use a dairy cow or a dairy herd;
2. “no, Plaintiffs do not have a fundamental right to consume the milk from their own cow;
3. “no, Plaintiffs do not have a fundamental right to board their cow at the farm of a farmer;
4. “no, the ... Plaintiffs’ private contract does not fall outside the scope of the State’s police power;
5. “no, Plaintiffs do not have a fundamental right to produce and consume the foods of their choice.”

While some of the points put forward by the judge are reasonable to an extent, points two and five are particularly disturbing to constitutionalists, as they propose severe limitations on personal rights. Foolocracy notes,

A person growing a tomato plant in his or her home and choosing to eat that tomato would seem to have that right as clearly as a person choosing a partner for sex in a private home. Frighteningly, Fiedler thinks otherwise.

Prison Planet remarks on how such a ruling would be received, even by the nation’s regulators:

You have to wonder if maybe even the regulators are getting a tad uncomfortable with the rulings coming from the nation’s judiciary on food rights. Many of these individuals, biased as they are against raw milk, dabble in farming to some extent, or grew up on farms. This judge has gone way beyond what many of them have come to assume — that everyone has the right to own a cow and consume its milk. Even in places that ban raw milk sales, there’s nearly always a provision in state law that anyone who owns a cow has the right to consume its milk.



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It seems Judge Fiedler believes that food consumption is one of those rights that are not God-given but rather granted by the state.

Some analysts believe that such increased food regulations are being proposed because big agriculture fears competition from little producers, and therefore uses lobbyists to virtually eliminate small family farms that have been successful outside of the mainstream. Interestingly, those involved in large-scale agriculture are already the beneficiaries of massive government subsidies.

Evidence of federal government pressure that will affect small family farms more than large-scale agriculture can be found in recent [regulations](#) from the Federal Motor Carrier Safety Administration, an arm of the Department of Transportation. The regulations reclassify farm vehicles and implements, and require all farm workers to meet the same set of requirements that over-the-road truck drivers do. Such a regulatory burden would be felt much more significantly by small family farms than by large ones.

Regulations are beginning to have an impact on nearly every aspect of food consumption in the United States. In Oregon, for example, Multnomah County inspectors recently targeted a [lemonade stand](#) for operating without a license and threatened to fine the seven-year-old operator \$500.

Likewise, the Food and Drug Administration has turned its attention to [Amish milk](#), setting up a sting operation to stop Rainbow Acres Farm from selling unpasteurized milk in the Washington area.

The Obama administration signed the FDA Food Safety Modernization Act, which, as noted by the Heritage Foundation, would “authorize the FDA to dictate how farmers grow fruits and vegetables, including rules governing soil, water, hygiene, packing, temperatures, and even what animals may roam which fields and when.” The act also “increases inspections of food facilities and tax[es] them to do so ... [and] grants the FDA unilateral authority to order recalls.”

Now, Fiedler’s ruling opens the door for the need for “plant police” to help enforce restrictions on the personal use and growing of vegetables.

Groups of citizens around the country are beginning to recognize how federal government regulations are infringing on their personal rights, and as a result, have launched a counter-attack.

In Sedgwick, Maine, for example, approximately 100 residents unanimously approved a [food sovereignty](#) initiative at a March 5 town meeting, which permits food producers in the town to sell food without federal and state regulatory interference. Entitled “The Ordinance to Protect the Health and Integrity of the Local Food System,” the four-page document invoked the town’s right to self-governance and states that local producers and processors may sell food to consumers without licensing.

A number of other towns in Hancock County have elected to follow Sedgwick’s example.

Still, there is more to be done for Americans to shake the shackles of federal regulations. Prison Planet asserts that citizens should be more vigilant and publicize the issues in blogs, on the web, and via letters to their representatives and local newspapers, even calling for an end to subsidies to all industries. It adds that Americans should be supporting their local farmers.



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