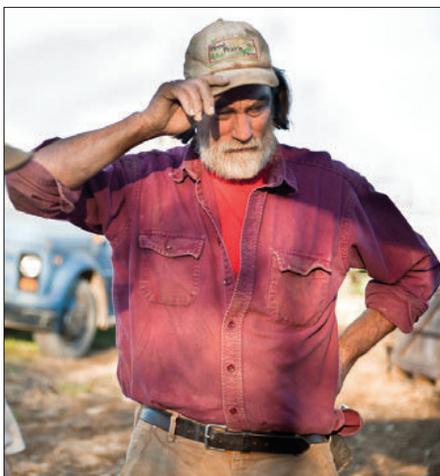


# Defending Organic Agriculture

## Farmer, Advocate Jim Gerritsen Strives to Preserve Organic Integrity in the Face of Mounting Threats



*For almost 40 years Jim Gerritsen and his family have owned and operated the organic Wood Prairie Farm in Bridgewater, Maine, producing various types of seed and specialty potatoes, including the award-winning Prairie Blush variety discovered by the Gerritsens, along with vegetable and grain seed. The farm's modest scale allows Gerritsen and his family to focus on growing the highest quality seed potatoes for an ever-increasing number of committed catalog customers in all 50 states. Those accomplishments alone put him in the pioneer class of this country's food movement. What really sets Gerritsen apart, though, is his idea of citizenships both deep-rooted and expansive, like the forests that still cover much of his beloved Aroostook County. His thirst for involvement first took him to Washington, D.C. in the '90s to consult with Patrick Leahy on the original organic certification law. A few years later, outraged by Monsanto's habit of tormenting independent farmers who had the bad luck to be downwind from a farm using the firm's dubious genetically modified seed, Gerritsen and the organization he co-founded, OSGATA, took on the biotech colossus as lead plaintiffs in a heroic, historic lawsuit. As he explains, they were denied the opportunity for justice but still managed to establish an important precedent. History books now being written will recall OSGATA et al. v. Monsanto as a pivotal moment when thousands of citizens stood against abusive corporate power, and the logic of the case they assembled will finally get some of the attention it deserves.*

### Jim Gerritsen

**ACRES U.S.A.** What was the situation on the ground when you first arrived in Maine?

**JIM GERRITSEN.** In 1976 I was 21 years old. I had all of my possessions on the back of a 1-ton 1967 Chevy truck with a rebuilt engine and a little camper on back, all my tools and books and set out for Maine. At that time, good quality farm land up here was \$150 an acre. Northern Maine has the most extensive, high-quality soil in New England, and I wanted to buy some land so I could start up an organ-

ic farm. Maine Organic Farmers and Gardeners Association had been going for several years, the oldest organic association in the United States. Back then there was a strong back-to-the-land movement. People who have never been here describe it as "a lot like Iowa with trees."

**ACRES U.S.A.** How did you take up the activist role that led to your leadership in the Monsanto lawsuit?

**GERRITSEN.** Back in the '70s MOFGA was set up as a group of chap-

*Interviewed by Chris Walters*

ters that spanned the state. We had the Aroostook County chapter and would meet regularly. I don't recall exactly how, but within a few years I became the coordinator. By the late '70s we had started up a farmers' market in the town of Houlton. I think that was probably about 1979, and then there were similar farmers' markets that began in Presque Isle, Caribou and other towns in Aroostook County. Occasionally we had conferences that would offer crop improvement opportunities for farmers. Back in the mid-1980s I became a member of the MOFGA Certification Committee, and I served as a volunteer on that for about 25 years. I developed expertise in that area back when Senator Leahy was developing the Organic Foods Production Act. Our committee was one of many that worked on the language of the labeling law with Kathleen Merrigan, who was Senator Leahy's aide. There were squabbles and a lot of working out just what was legitimate. Could you spray a blueberry field and then go through a waiting period and start calling them organic blueberries? Our thought was that once you committed a field to organic production, you needed to plan to keep that field in organic production, and it wasn't appropriate that you spray the field with glutathione for blueberry maggot or Valspar to keep the brushy weeds from coming in — that that did not meet the expectation of the consumer. That's more or less where I cut my teeth, developing an understanding of what was appropriate for organic production in the state of Maine.

**ACRES U.S.A.** What sources did you draw on during the early phase of developing organic standards where there had been either none at all or only informal ideas?

**GERRITSEN.** Maine had one of the earliest organic laws on the books, a pretty brief, maybe two-page law that had some basic principles which tried to define what was organic, to differentiate it from what was not. Because organic is better food, it's always achieved a premium in the marketplace, and that means there have always been individuals that try to game the system and try to gain

---

“Because organic is better food, it's always achieved a premium in the marketplace and that means there have always been individuals that try to game the system and try to gain that premium without earning it.”

---

that premium without earning it. It seemed to us, as organic farmers, that since we had the expertise, it was a legitimate stewardship responsibility for us to create a system that assured the consumers who were willing to pay the premium for high-quality organic food got what they deserved. Our farm became certified organic in 1982. We had applied for certification in 1979, and within a month of mailing our application in we were accidentally sprayed by the state of Maine, which was conducting at that time the largest spraying program in the United States, trying to contain a forest insect called the spruce budworm. We had gone through all the motions of exempting our farm from being sprayed, and in fact there was a buffer area around our 100-acre farm, about 300-350 acres. We lost our certification for those three years because we were sprayed with Sevin, an insecticide which certainly doesn't meet organic standards. After waiting out the three years we reapplied in 1982, and we've been continuously certified by MOFGA now for 33 years.

**ACRES U.S.A.** How did you react when you were sprayed?

**GERRITSEN.** I sued them. It turned out that the state of Maine had an insurance policy on the spray program backed up by Lloyd's of London, and the interesting factor here is that it really was a spray program for the paper companies in Maine, but I think they were scared of liability. Within the Maine constitution there's a specified limit of liability, so the state of Maine conducted the program even though it was really the paper companies wanting it. It was such a large expenditure for the state that they didn't have the money to pull it off. As I recall, the state got an interest-free loan every year from the paper companies so they

could carry out the spray program, indicating what a transparent effort it was to shift liability to the state when in fact it was a program created and designed for these multinational paper companies. That was a bit of an eye-opener about how politics works, and how you often have to read between the lines to really see what's going on. I think that's certainly the case now within concentrated industrial agriculture and the biotech industry. What I've come to learn is that there is a tremendous propaganda machine out there, and it is working against the interests of farmers and against the interests of society.

**ACRES U.S.A.** When did larger-scale agriculture intrude on your world of traditional, smallholder farms?

**GERRITSEN.** Interestingly, back in those days we subscribed to *Acres U.S.A.*, and I remember one day reading a letter to the editor by somebody who had discovered he had a box of Chuck Walters' book, *Unforgiven*. I remember running to the post office to mail out an order for a copy of the book. I read it several times, and in it Carl Wilkin was asked what was needed to save agriculture and establish parity as the law of the land for treating farmers fairly in terms of the pricing we get for our crops. Wilkin, as I recall, offered the opinion that it may be necessary to restrain large corporations from getting larger because it represents a threat to agriculture and to the nation. That stuck with me, and in the fullness of time I think Mr. Wilkin was in many ways a visionary who saw the coming of this corporate consolidation we have in the United States today that is having such a negative impact upon our politics, our economy and our society. Concentrated wealth and power within a small handful of corporations is dictating a societal and

## INTERVIEW

economic direction which benefits the 1 percent and is detrimental to the 99 percent, including the farmers we have here in Maine.

**ACRES U.S.A.** When did genetically engineered crops make an impact on Maine?

**GERRITSEN.** Our farm is extremely isolated. We're surrounded on three sides by the North Maine woods, to the south, west and north. The nearest commercial farm is about 2 or 3 miles to the east. We get very little wind from the east in the summertime, so the chances of getting blight spores blown in or aphids or Colorado potato beetles blown in from our neighbors is fairly minimal because of that isolation. I've never felt threatened by them. On the other hand, Monsanto made its entry into Maine with genetically engineered crops in the mid-1990s. GMO potatoes were one of the first crops that became commercialized along with corn and soybeans. We were one of the centers of GM potato activity, I think largely because one guy from up here, Dave Hammond, was hired by Monsanto to run their potato division. Dave Hammond was heavily involved in the Maine potato industry. They set up a propagation facility in Boise, Idaho, for the West and Island Falls, Maine here in the East. Island Falls is about an hour away from our farm. They had a tissue culture lab, and they propagated genetically engineered potatoes, which became a growing presence throughout the United States for about five years. Monsanto voluntarily removed their engineered potatoes from the marketplace after McDonald's informed French fry makers like McCain's, which has a plant here in Aroostook County, that they were no longer willing to buy French fries made from genetically engineered potatoes. That basically ended GM potato production in the United States. If you look at the history of Monsanto, it was a chemical company with a trail of disastrous behavior for most of its 110 years. Then, about 30 years ago, one of the first jobs Mitt Romney had after college was to reinvent Monsanto

as a biotech company in the 1980s. That involved getting into genetic engineering and buying up formerly independent seed companies, family-owned seed companies and the like.

---

“What I've come to learn is that there is a tremendous propaganda machine out there, and it is working against the interests of farmers and against the interests of society.”

---

The U.S. Department of Justice's anti-trust division was asleep at the wheel, allowing Monsanto and similar corporations to end up controlling much of the world's seed supply.

**ACRES U.S.A.** You mentioned the economic engine chewing up and spitting out smallholder farmers. Did that affect any of your neighbors, friends or relatives?

**GERRITSEN.** Oh, massively affected. In the mid-1970s Aroostook County had 147,000 acres of potatoes growing annually, grown by something like 1,200 different family farms. The biggest farms we had in our town were growing less than 300 acres of potatoes, and now we're down to less than 100 farmers. Our acreage in Maine is now down to about a quarter of its peak in the early '50s of a quarter million acres, now down to 50-55,000 acres of potatoes a year grown by approximately 100 families, almost all in northern Maine. It was common back in the '70s and '80s for a farmer to make a living on 35, 50, 75, 80 acres, and those have all been liquidated. The farmers who are in business now, if they're smaller than 300-400 acres, they're barely on the radar screen. Typical farms are now 600-800 acres, and some go well over 1,000 acres. The potato business is a very tough business, it's a very mature business, and the margins are very tight in a common year. In a normal year, potato farmers lose money and try to hold on, keep their losses minimal so they can make money in

the occasional good year. The new paradigm is you can't make money by margin in potatoes, you have to make it on volume, and volume means more acres. I think it's a predatory system.

**ACRES U.S.A.** How did the Organic Seed Growers and Trade Association decide to take on Monsanto, the goliath of biotechs?

**GERRITSEN.** I was one of several founders of OSGATA. At the time we founded it, I was the president of Organic Seed Alliance, based in Washington state. We hired a bright new executive director, Dan Hobbs, an organic seed farmer in Colorado. Dan helped us formulate a plan where we would use Organic Seed Alliance as a research and development arm and create an entity which came to be known as OSGATA. It would develop the organic seed trade and aggressively protect organic seed, including, if necessary, litigation. Then the third leg of a three-legged stool would be the entity which became known as the Family Farmer Seed Cooperative, which is a seed co-op of certified organic farmers. We thought it was best that organic farmers be represented in the marketplace directly. Farmers working together through cooperatives can accomplish great things by pooling their individual resources and being able to meet the market. I became vice president, Frank Morton of Wild Garden Seed in Oregon was president, and then after a year or two I became the president. We have three major goals, all concerning the organic seed trade. One is to develop organic seed, to establish and enhance contact between the organic seed farmers raising the seed and the organic seed companies selling the seed. We want to promote

organic seed to the buying public of organic farmers and organic gardeners, highlighting the value and importance of buying organic seed and supporting an independent organic seed community. Then there is the important role of protecting organic seed from external threats. Part of that threat is chemical contamination, drift coming in like we had experienced on our own farm, and, since the mid-1990s, this growing catastrophic threat of transgenic contamination. It was in this climate that we identified the amazing situation that organic and non-GMO farmers were not only under economic threat should they become contaminated by Monsanto's patented technology, but because of the patent laws they also risked being accused of patent infringement should Monsanto's genes end up on their farm. If anything is clear it's that Monsanto is a patent bully, probably the most aggressive patent bully in the history of the world. Any farmer at risk of contamination takes a great risk of being pursued by Monsanto, and we didn't think that was fair. We identified an existing law called the Declaratory Judgment Act that, in fact, was established exactly for a situation like our own. We hoped we could get a determination by the Federal Court that, not being customers of Monsanto, not wanting their technology, we would not be infringing upon their patent should they fail to control their patented technology and let it end up on our farms. We wanted to do two things with this lawsuit. Under the Declaratory Judgment Act, we wanted to establish protection for family farmers that should they, through no fault of their own, become contaminated by Monsanto's patented technology – prevent Monsanto from suing these family farmers for patent infringement. The second thing we wanted, under the provisions of the Declaratory Judgment Act, was to prove in court that Monsanto's patents, issued by the U.S. Patent and Trademark Office, were invalid, illegal and unconstitutional, and for that reason had no bearing. We sought to invalidate those patents on Monsanto's flawed technology. We filed *OSGATA et al., v. Monsanto* four years ago this March.

**ACRES U.S.A.** Did you have to identify specific injured parties? How was the case framed and so on?

**GERRITSEN.** On the legal team that provided pro-bono help for the farmer plaintiffs was the Public Patent Foundation in Manhattan, whose lead lawyer was Dan Ravicher. The leadership within the lawsuit met and determined that it was an unreasonable risk to bring in farmers who had contamination, because by virtue of filing a legal action it would become *prima facie* evidence of those farmers possessing Monsanto's patented material, therefore exposing them to the exact threat that we went to court to protect them from. We thought it was unreasonable for us to expect a farmer to risk being sued by Monsanto in a countersuit, so there was an attempt to not include within our plaintiff group those who had become contaminated. Given the historically aggressive behavior of Monsanto, any farmers pursued by Monsanto could very easily go bankrupt simply trying to clear their name or protect their interests. We thought that was an unreasonable risk.

**ACRES U.S.A.** Who was in the suit with you?

**GERRITSEN.** Our plaintiff group was very large. We had 83 plaintiffs – individual family farmers, independent seed companies and agricultural organizations, including organic certifiers and public interest groups. If you took the combined memberships of all those groups, we had over half a million citizens in both the United States and Canada as part of our group.

**ACRES U.S.A.** How could Canadian citizens be involved in a U.S. case?

**GERRITSEN.** The U.S. court system, of course, has no jurisdiction in Canada, so those Canadian farmers did not receive that protection. The reason we had Canadians in our lawsuit is that Canadians fell into the American market and under U.S. Patent law, a foreign country whose citizens are selling into the country where the patent laws pertain are liable to U.S. patent law provisions. Those same farmers

in Canada were at the same type and level of risk as American farmers – that's why they were part of our lawsuit but that ruling did not extend the protection to our brothers and sisters in Canada.

**ACRES U.S.A.** Did that create any difficulty in achieving standing with the court?

**GERRITSEN.** Yes. I think it did. It was a specific legal strategy. I think the District Court judge, Naomi Buchwald, was hostile to the farmers from the outset. I don't think she accepted that there was any real risk the farmers were experiencing, or in the terms of the law that there was any substantial controversy. She granted Monsanto's motion to dismiss early in the case. We immediately filed an appeal. We were astounded at one aspect of her ruling, and we thought she completely missed the point. When we appealed to the U.S. Court of Appeals for the Federal Circuit in Washington, D.C., we were quite relieved to be vindicated when Judge Buchwald's ruling was repudiated by the Court of Appeals justices. They said that contamination was inevitable, that it was a risk to farmers and it became complicated in this way. They

**ACRES**<sup>USA</sup>  
THE VOICE OF ECO-AGRICULTURE

*Acres U.S.A.* is the national journal of sustainable agriculture, standing virtually alone with a real track record – over 35 years of continuous publication. Each issue is packed full of information eco-consultants regularly charge top dollar for. You'll be kept up-to-date on all of the news that affects agriculture – regulations, discoveries, research updates, organic certification issues, and more.

To subscribe, call

**1-800-355-5313**

(toll-free in the U.S. & Canada)

512-892-4400 / fax 512-892-4448

P.O. Box 301209 / Austin, TX 78703

info@acresusa.com

Or subscribe online at:

**www.acresusa.com**

## INTERVIEW

acknowledged that there was substantial controversy because of the threat of contamination, but in their honest but incomplete and ineffective attempt to resolve the problem, they issued an estoppel in which they ordered Monsanto to not sue any farmer farming on U.S. soil. Should that farmer come into possession of Monsanto's patented material in trace amounts, and the court defined trace amounts as 1 percent or less, Monsanto could not approach those farmers for patent infringement. I think it was an attempt to help the farmers, but by issuing that ruling they removed the substantial controversy, because in their view that protection remedied the situation. It was an imperfect solution. For example, if your contamination was 1.1 percent or anything greater than 1 percent, there's no indication from that ruling that there would be any protection for farmers.

**ACRES U.S.A.** After the appeals court issued its estoppel, what then?

**GERRITSEN.** The estoppel did not remedy the situation, and that's why we appealed to the U.S. Supreme Court. The Supreme Court is annually offered approximately 8,000 cases, and they're only able to accept 80 to 100 cases. That means one out of 100 cases are accepted, 99 out of 100 cases are passed over, and our case was one of those 99 out of 100 cases. That meant the ruling reverted to the Court of Appeals ruling, which we consider a partial victory. For the first time in U.S. history, farmers have been given some level of protection from the patent bully, Monsanto. But we believe it's an imperfect protection, and we thought that American farmers, just like any other American citizen, have private property rights, and we need to protect those rights. We also feel that American farmers, like every other American citizen, should have access to the courts to where an impartial body could hear the legal arguments that we had, and we were denied that. For that reason, we're disappointed in this. American farmers deserve access to the court system. We deserve the right to self-

defense, and we were denied that right by the Supreme Court's passing over of our case. A partial victory, yes, but I think that in a democracy there is no such thing as partial rights. I think we were denied our full rights, so we're not happy about that.

**ACRES U.S.A.** What you describe is a massive effort that involved organizing a large number of plaintiffs, four years of legal maneuvers, showing up in court again and again for yet another maddening delay, all the while trying to do your work and live your normal life. Is it an exaggeration to call it a heroic struggle against a corporation with ample resources?

**GERRITSEN.** It was absolutely a heroic struggle, and I was one of many, many people. Again, we had a massive plaintiff group. We had a large leadership group within the plaintiff group making decisions as to how to go forward. There were many, many thousands of hours involved in organizing the lawsuit, coming up with depositions, coming up with legal strategy, bringing farmers to the oral arguments before the court in Manhattan and the appellate court in Washington, D.C. I think we brought in 55 farmers from something like 30 different states and provinces in the initial oral argument. We wanted to show that this was anything but a frivolous action, that this affected the livelihoods and futures of farmers all across the United States and Canada. We thought, what better way to express that than by having such wide participation in the legal process in the courtroom? Then there were citizens' assemblies which came together outside the courtroom in both Manhattan and Washington, D.C., where other farmers and American citizens came together to support the farmers who were trying to assert their right to self-defense. These were moving times, and it was very important work. I wish we could have accomplished more. Sometimes things go slower than you want, but the principles are the same as when we started out – a farmer's right to self-defense, a farm-

er's full use of the property they own, a farmer's protection from unwanted transgenic contamination – these are all issues that are still in the news today. They're still pivotal issues for the survival of family farmers and the continuation of democratically controlled land ownership and food production for the United States. I can't think of issues of more paramount importance. All of the farmers who were involved in the lawsuit and their supporters were heroes. I think our democracy is under severe threat right now, and it's an open question as to whether we'll be able to maintain this democracy. I come from a tradition where citizen involvement is just what we do in our everyday lives. For us to sacrifice and be part of this lawsuit – that's just how we do things, that's how a democracy works.

**ACRES U.S.A.** Do you think the first decision by Judge Buchwald revealed a cultural gap? Perhaps the judge lacked the experience needed to grasp some fundamental realities of farming?

**GERRITSEN.** Well, this is not news to agriculture. We often find that those who don't have a clue about agriculture are deciding our fates and our survival. This is a terrible American tradition that has gone on for generations. Judges are not immune to it.

**ACRES U.S.A.** Could you go into a little detail about the appellate court's "1 percent" decision?

**GERRITSEN.** Yes. It doesn't have the detail and depth that a farmer needs. Farmers deal in details. Farmers do not deal in generalities. I'll offer some examples. What's not clear is that a farmer has protection for possession. What's not clear is whether a farmer takes the seed and plants it and propagates it up, is there protection there? We're seed farmers. We raise crops of seed. We hold back a portion of our seed and we sell the rest. Do we have protection for selling that seed? Do we have protection for planting that seed? Those issues were not made clear, and had we been given the opportunity

to defend family farmers in court, we would have squeezed that out to gain clarity so we would have those protections. These are commonsense protections. Sometimes the judicial system is slow to acknowledge those rights. We felt that it was a flawed, limited ruling, and that's why we appealed to the Supreme Court. We wish the Supreme Court had ruled in our favor, which would have meant sending the case back to District Court so we could argue the merits of our case.

**ACRES U.S.A.** Which the Supreme Court could have done very easily without even expending much effort?

**GERRITSEN.** Absolutely. What has happened in jurisprudence in recent decades is that the bar is getting ever higher for establishing standing in court. The frustrating thing is that when the Court of Appeals repudiated the District Court judge's ruling that we had failed to achieve substantial controversy, they agreed with our contention that contamination by GM food was inevitable for the family farmers within the plaintiff group. By trying to give us protection – as it turned out, flawed protection – they simultaneously removed the substantial controversy and then removed our ability to have standing. Thus in a somewhat inept way, we were defeated in this case, not because our position lacked merit, but because their flawed attempt to help the farmers removed our ability to have standing. What we asked was simply to have the bar set at a moderate level so we can get into court and defend ourselves, as we teach our kids every day in school is what separates America from the rest of the world – that we have an impartial judicial system where those who are in dispute can take their dispute to court and get resolution. We were denied that resolution.

**ACRES U.S.A.** What is the next move in this struggle?

**GERRITSEN.** I think the practical solution is to recognize that genetically engineered crops are a terribly flawed technology. There are now 60 million acres of cropland with weeds that are

resistant to genetically engineered herbicide-resistant crops. We're now finding different species of corn rootworm in an explosive increase of acreage that are now beset by insects which are resistant to transgenic BT corn. These failures now coming to light have been predicted for a very long time. Every consumer should ask themselves: if biotech is willing to spend \$100 million to deny my right to know, what is it that they're afraid I'm going to find out? I believe that once we succeed with GMO labeling, consumers will run, not walk, away from genetically engineered crops just as they have in Europe, just as they have in the 62 countries worldwide that have GMO labeling. Those 62 countries represent half of the world's population. They represent countries like China and Russia and South Africa. These countries decided that their people's right to know is strong enough that they need to have this transparency, yet here in the United States and Canada we do not have GMO labeling. I think it's a bit odd. I can't think of what other corporation is not pleased to have their customers find out about their products. The biotech companies want to hide the identity of their products. Any discerning consumer should be worried about why that is so.

**ACRES U.S.A.** They're pursuing a continuous effort to recast the technology as positive in the public mind so that the labeling efforts which could eventually succeed somewhere are less of a threat. Once it's perceived as benign, labeling is not as big a problem.

**GERRITSEN.** There's no doubt it's a powerful business plan. They rope farmers into a patented technology and limit their ability to make decisions once they've signed a licensing agreement. Part of it, as we all know, is that a farmer cannot plant back the seed. They must buy seed every year from Monsanto, and Monsanto exercises that intent vociferously in court. The system requires farmers to use Roundup herbicide, and now that Roundup is failing they're coming up with a new generation of crops that would resist being sprayed with 2,4-D

or dicamba. They've learned nothing from the 18 years of commercial field experience that misuse and overuse of a material like glyphosate, a broad-spectrum chelator that Dr. Donald Huber is finding, may make the damage from DDT pale in comparison. On many fields in the Midwest you now have continuous application of glyphosate for 16 or 18 years since the introduction of commercial GMO crops in 1996, and there is mounting evidence that this is a ticking time bomb for the soil for the crops raised in the soil, and for the livestock and human beings eating the crops grown from that soil. I thank God that our farm has been organic for over 40 years, but even as pristine as we are, as isolated as we are in Maine, there is growing indication that we are getting glyphosate contamination even in northern Maine, coming down in raindrops from the Midwest. That means developing organic remediation plans and strategies to counter environmental contamination from glyphosate.

**ACRES U.S.A.** Eerily enough, bringing back 2,4-D takes us full circle back to the company's Agent Orange catastrophe, which should if pointed out correctly send up a large, vivid red flag in the public mind. They are circling right back to the same chemistry that created an enormous stain on their reputation, a major scandal still afflicting the health of many Vietnamese civilians and American veterans.

**GERRITSEN.** Yes, you know the old saying about whether a leopard loses its spots. I think people can try to reinvent themselves, but Monsanto's 110-year history is a sordid, disgraceful display of greed and ambition and striving for power. I for one want nothing to do with Monsanto. That's one thing every one of the farmers in our plaintiff group had in common – we want nothing to do with Monsanto. We don't want their patented technology. We don't want their contamination. We want to be free from Monsanto. We don't want any interaction with them. We don't want them contaminating our crops. We don't want them poisoning the food that we raise for our families and sell to our customers.

## INTERVIEW

Monsanto refuses to act responsibly. They refuse to contain the pollution that they create with their transgenic crops. They refuse to stand up and become accountable for the damage from that. They are in every way the poster boy for being a bad citizen, and I think American citizens have figured this out because Monsanto is right at the bottom of the pile in terms of the lowest regard for American corporations. I think people can see the juxtaposition between the propaganda that Monsanto lavishly pays to put into media circles and their unethical behavior of going after innocent farmers such as Dave Runyon in Indiana, Troy Roush in Indiana, Stephen Webster in Ontario, the Nelsons in North Dakota and Percy Schmeiser in Saskatchewan. They were all farmers who wanted nothing to do with Monsanto technology and were falsely accused of stealing that technology. Monsanto makes out as a bad guy anyone it goes after, saying these people are out to steal technology, and that they're unsavory characters. It should make an American citizen wonder if everybody Monsanto goes after is a bad person. Each one of them? Each one of them is stealing? Many farmers have had to settle out of court, not because they were in the wrong, but because they could not afford the likelihood of losing their farm in trying to battle Monsanto in court. The gentlemen I listed are ones who had public stories of being falsely accused by Monsanto of taking its patented technology, and these were farmers who wanted nothing to do with Monsanto's technology. They are just the handful that we know about. The others, because of gag orders tied to the settlements, we'll never know

about, and this is how Monsanto controls things. It's an anti-American war upon farmers and something needs to be said about it.

**ACRES U.S.A.** Would you agree that it's striking how people who are legally sophisticated and people who are legally unsophisticated alike have no trouble recognizing the perversity of legally tormenting someone who is the victim of circumstance when the genetic material drifts onto his or her property? When they are charged with theft, you don't have to have a great legal mind to see the malevolent unfairness of the accusation.

**GERRITSEN.** I agree with that. And it's only within American agriculture you have this confusion. If you and I were neighbors and we both had white houses, and I decided I'm going to paint my house purple, and then it's a windy day and some of my purple paint drifts onto your siding or your roofing, there isn't a court in the land that wouldn't find me negligent in my behavior and make me responsible for the damage I caused to your house. But in American agriculture over the past 20 or 30 years, Monsanto has changed centuries of English common law, and now it's the innocent farmer who is liable for the abuse. The laws in our country are based on English common law. English common law goes back to the Magna Carta, and one of the basic principles established in the Magna Carta, established in English common law, underlying the laws in this country, is the requirement that the possessor of harm must be restrained in their exercise of their activity to prevent damage to the commons. Here's another analogy. If

you're my neighbor, you have a beautiful field of clover and I have a nice herd of cattle, it is my responsibility to set up an effective fence so they do not harm your field of clover. It is not your responsibility to put up a fence to keep my cows out. Yet this reversal of traditional interaction between rural Americans, going back to rural England for hundreds of years and which has allowed us to peaceably exist and work together, has been turned around so now it's the organic farmers who have to establish a buffer on their side of the fence. And if we don't establish enough of a buffer then Monsanto may argue in court that we didn't do our job of preventing contamination, so the farmer is at fault for not having enough of a buffer. I think it is outrageous that Monsanto and industrial ag have gotten away with this absolutely undefendable revision which invalidates the foundations of our judicial system. Who besides farmers are crying out about the injustice?

**ACRES U.S.A.** What's next for you?

**GERRITSEN.** Well, now we get to have the fun of farming. We did pass a GMO labeling law in Maine. We were the second state in the nation to do that, and I was involved in that process. I'm so grateful that we have MOFGA here in Maine. It's a very effective organization, and it was their initiative in the aftermath of Prop 37, where biotech lied their way to a so-called victory in California. What I think is very telling about the American spirit is that within months of that stolen election in California, 25 states including Maine introduced legislation to require GMO labeling. Prop. 37, I think, actually became the catalyst for letting American citizens see that biotech is a threat to our democracy. In Maine we had overwhelming support in the final vote. In the House it was 141 to 4 votes in favor, and the Senate passed it unanimously. We had a poll taken and over 90 percent of the citizens in Maine supported our right to know, and Governor LePage signed the bill into law. A law was passed in Connecticut

---

“We often find that those who don't have a clue about agriculture are deciding our fates and our survival. This is a terrible American tradition that has gone on for generations.”

---

and a law was passed in Vermont, and it's the Vermont law which the Grocery Manufacturers Association and the International Dairy Foods Association are challenging. That's going ahead in federal court, and probably sometime this year there will be an initial decision. These corporations lie their way to victory in initiatives, and when other voters in a resounding manner show their support for their right to know, then they go to court to challenge the result. That level of intimidation is unacceptable in a democracy. As the Bible says, the first shall be last and the last shall be first. Monsanto may be powerful now. They may have their people in the revolving door of the government, play-acting as though they are regulators representing the public interests,

and they may have their people in the FDA making decisions that impact the health of our families, but in the end I think the spirit of the American people is such that we value this democracy and we're not going to let it be taken over.

**ACRES U.S.A.** OSGATA's work goes on?

**GERRITSEN.** OSGATA's work goes on. Right now organic seed is a small percentage of the seed needs of the organic community. We are working with our allies to make sure that as we develop and grow our industry, it grows from the founda-

**NEED MORE INFORMATION?**

For more on the Organic Seed Growers and Trade Association (OSGATA), visit [www.osgata.org](http://www.osgata.org) or call 207-809-7530. For more on Maine Organic Farmers and Gardeners Association visit [www.mofga.org](http://www.mofga.org) or call 207-568-4142.

tion of the high-quality, regionally adapted seed that meets every need of the organic community. We know that organic farming cannot keep up with demand, and I think the reality is that organic seed has been something that has been ignored for far too long. We have to have our own independent seed system which the organic community can rely upon. We can't rely upon seed controlled by

Monsanto or other malefactors who would like to see organic go away and collapse.