

EDITORIAL: Supreme Court stomps raisin-seizing bureaucracy

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The U.S. Supreme Court on Monday squashed one of the country's worst agricultural policy abominations, correctly condemning a New Deal-era bureaucracy that seized raisins from farmers without compensation, distorting the marketplace and inflating prices.

That the obviously unconstitutional Raisin Administrative Committee survived to steal so much product from so many growers for nearly 80 years is a testament to the resiliency of the awful laws and regulations that govern so much farming across America. Here's hoping the court's 8-1 decision in *Horne v. U.S. Department of Agriculture* encourages other farmers to sue their central planners — and pushes the Republican Congress to finally cut the farming porkfat.

Under the 1937 law, the raisin committee decided how much farmers could sell and how much crop they could keep, with the surplus product going to the committee. The government could do whatever it wanted with the extra raisins, even sell them overseas, to keep supply artificially low and prices high. As reported by *The Wall Street Journal*, in 2003 the committee demanded 47 percent of the Horne family's harvest. In 2004, the Hornes were ordered to hand over 30 percent of their harvest — for nothing — or face a \$684,000 fine. They sued, saying the government couldn't take their property without providing just compensation, per the takings clause.

Not surprisingly, the San Francisco-based 9th U.S. Circuit Court of Appeals, which includes Nevada in its jurisdiction, ruled the raisin committee's meddling as constitutional regulation of interstate commerce. Incredibly, it said the takings clause applies only to real estate — a la eminent domain — and not personal property. If the 9th Circuit ruling were allowed to stand, it would have constituted the greatest assault

on property rights since the high court's disastrous 2005 decision in *Kelo v. New London*.

But because the *Horne* case came to Washington from the 9th Circuit, the most politicized, least competent court in the federal judiciary, it might as well have had a red flag that said, "Overturn me." Not only is the 9th Circuit the most reversed appellate division in the country, the Supreme Court's reversals are usually unanimous or 8-1 routs, with language so strong it mocks the circuit's opinions. The *Horne* case was no different, with Supreme Court Chief Justice John Roberts writing, "Government has a categorical duty to pay just compensation when it takes your car, just as when it takes your home."

Unfortunately, the court's ruling is limited. Committees that control similar crops are on notice that they'll have to compensate farmers fairly if they seize crops. But other confounding agricultural regulations, which pay farmers to not farm and drive consumer prices ever higher, remain.

The incomparable political satirist P.J. O'Rourke did perhaps his greatest work in 1991's "Parliament of Whores," especially in the chapter called "Agricultural Policy: How to Tell Your Ass from This Particular Hole in the Ground." He wrote: "Farm policy, although it's complex, can be explained. What it can't be is believed. No cheating spouse, no teen with a wrecked family car, no mayor of Washington, D.C., videotaped in flagrante delicto has ever come up with anything as farfetched."

One small part of this mess is cleaned up. A thousand more to go.