Victory! Raisin Growers Win in Landmark Supreme Court Case for Property Rights

On June 22nd, the US Supreme Court ruled 8-1 that the government cannot seize raisins from growers without paying for them. The case was Horne v. US Department of Agriculture.

The DKT Liberty Project, joined by 33 raisin growers, filed a friend-of-the-court (amicus) brief in the case in support of the Hornes, saying that the government’s actions were an unconstitutional “taking” and that the growers, who had often been forced to sell off acreage merely to survive, “simply want independence and a chance to live the American dream.”

Under a federal agricultural program started in 1937, raisin growers were frequently required to give over a portion of their annual crop to the US government and receive little or nothing in return.

In 2002-2003 and 2003-2004, Marvin and Laura Horne of Kerman, CA refused to relinquish the required 47% and 30% of their raisins, respectively, to the government, which then fined them $500,000. The Hornes sued, claiming that this was an unconstitutional “taking” that violated the Fifth Amendment of the Constitution, which says, “…nor shall private property be taken for public use, without just compensation.”

Lower Courts had ruled that the Fifth Amendment only applied to real estate or land, not personal property. Not so, the Supreme Court said:

“The Government has a categorical duty to pay just compensation when it takes your car, just as when it takes your home.”

This important distinction will significantly support the rights of all Americans to their own property.
The Human Cost of Welfare to be Published Soon

The Human Cost of Welfare by Phil Harvey and Lisa Conyers will be published by Praeger early next year. The book was written to fill a major information gap. The costs of the 126 federal welfare programs are known – nearly $700 billion a year. The number of people getting benefits is also known—it’s now over 60 million. But data about what welfare actually does for – and to – living, breathing men, women, and children is surprisingly scarce.

To address the information gap, Conyers visited with more than 100 people around the country whose lives are or were sustained by welfare programs. What was revealed is that welfare programs are hurting the very people they are supposed to help. Sadly, these programs are keeping people poor, unhappy, and dependent on the government.

Tens of millions of Americans who want to work are not working because they are stuck in a system that encourages them to rely on aid and leads our most enterprising welfare recipients to hide their part-time, off-the-books income from the authorities as though work for pay was some sort of crime. It would lift America’s economy and spirits if our welfare system instead paved the way to good jobs. That’s how this book came to have its subtitle: How Welfare Programs Harm the People They Should Help and What We Can Do About That.

This book explores the connections between work and happiness, the war between welfare and work, and the realities of programs such as TANF, SNAP, EITC, subsidized housing, Medicaid, and other major welfare programs. The Human Cost of Welfare then identifies many ways to improve the welfare system and the lives of people now dependent on it.

These findings will be featured in a one-hour TV documentary of the same title, based on the book. The documentary is now under production by Free to Choose Media, which produced the hugely successful “Free to Choose” TV series.

“Can We Take a Joke?”

Preview an exclusive teaser of the documentary on free speech to be featured by the Liberty Project

To watch now, just click on the photo below and use the password joke.

Comedian and radio host Jim Norton.

In the 1960s, cops arrested Lenny Bruce for word crimes, but today ordinary people have become the censors. It happens all the time: a comedian tells a joke, someone gets offended, and outrage blasts across the land. These days many people seem more interested in being outraged than having a laugh.

Many are bent on silencing jokes and opinions that offend them, but now some of the sharpest comedic minds, people like Penn Jillette, Gilbert Gottfried, Lisa Lampanelli, Jim Norton, and Adam Carolla, are fighting back in this new feature documentary produced by Ted Balaker. After all, what’s at stake is more than comedy—it’s free speech and, today, Americans are literally being taught to censor, censor, censor.

In the film, Greg Lukianoff, president of the Foundation for Individual Rights in Education (FIRE) reveals the sad state of free speech on college campuses, and explains why colleges’ humorless conformity threatens us all. Brookings Institution scholar and prominent gay-rights advocate Jonathan

SEE JOKE, PAGE 3
80-Year-Old Harriet Tarbell Gets Her Car Back

Last Thanksgiving weekend, Harriet Tarbell, a resident of Southern California, let her son borrow her car.

He then used the car to illegally smuggle two Mexican citizens into the US. The son was caught and convicted of a criminal offense and sentenced to prison. However, the government kept the car as it had been used to commit a crime. Ms. Tarbell needed the car to buy food and medicine for her heart condition. She had no nearby relatives and did not have the money to pay legal fees.

The DKT Liberty Project paid her legal fees. Her attorney then established that she was an innocent owner who had no knowledge of the crime - and also filed a federal hardship petition.

The US Border Patrol agreed, and her car was returned.

Liberty Project Joins Bipartisan Coalition Urging Congress to Pass New Legislation Reforming Civil Forfeiture Laws

Because of growing awareness of civil forfeiture abuse, momentum is gathering in Congress to overhaul civil forfeiture laws. The DKT Liberty Project is pleased to be part of a coalition that includes organizations from the left, libertarian, and right wings of our political spectrum. These groups include: The American Civil Liberties Union, The Drug Policy Alliance, The Institute for Justice, and the National Association of Criminal Defense Lawyers.

As part of this effort, the Liberty Project submitted an op-ed piece describing the civil forfeiture problem and what can be done about it. It ran in The Hill, a publication read by many legislators and public officials.

JOKE

Rauch explains why comedy is more important than we realize and reveals a surprising factor about “offensive” speech that has helped gays and lesbians enjoy so much progress in recent decades.

Jon Ronson, best-selling author of SO YOU’VE BEEN PUBLICLY SHAMED, tells the cautionary tale of a woman whose life was nearly destroyed after she tweeted a joke. He warns that we’re all one remark away from public ruin.

In the video, First Amendment attorneys Ron Collins and Bob Corn-Revere recount the government’s hounding of Lenny Bruce which culminated in his being sentenced to four months behind bars for cursing at a comedy club. Today, Americans widely regard Bruce as a free speech hero and his sentence as an embarrassing moment in our nation’s history.

But history may be repeating itself. The same society that thought it absurd to arrest people for word crimes now supports regulations that punish people for exactly that, if some person or group is offended.

What will the future be like if we can’t take a joke?

Like the film on Facebook facebook.com/canwetakeajoke
Follow the film on Twitter @CanWeTakeaJoke
Sign up for the mailing list www.canwetakeajoke.com
Ahn Nguyen is a 40 year old permanent US resident who emigrated from Vietnam with her husband and her life savings in cash. She runs a child care service in northern Virginia. In 2014, she deposited her savings in a bank, and was then notified that her money had been seized and forfeited by the federal government. Eight months pregnant and without funds to try to get her money back, she spoke with a lawyer who knew about the DKT Liberty Project which agreed to support her case.

Ms. Nguyen had deposited $9,859. When the lawyer met with the US Attorney and told him that the Liberty Project was supporting her case, the government quickly became interested in negotiating a settlement. A settlement was then reached: the government kept $1,000, and $8,859 was returned to its rightful owner.

While confiscation of the $1,000 was inexcusable, Ms. Nguyen feels lucky. Thousands of Americans never get back any of the funds seized under today’s bizarre civil asset forfeiture rules. (See box below.)

**WHAT IS STRUCTURING?**

Most people have seen signs in the bank saying, “Deposits over $10,000 must be reported to the federal government.” Most assume that means it may be illegal to make those deposits. In fact, it is perfectly legal. The depositor simply has to fill out a form. Banks often fail to mention this, because filling out and processing the form takes time.

Virtually no one knows that depositing slightly less than $10,000 is a federal crime if two or more such deposits are made with the intent to avoid having the bank file a currency transaction report (“CTR”). Originally, these structuring statutes were enacted to help stop criminals from hiding ill gotten money by depositing it in smaller sums, thus avoiding the CTR report.

However, these statutes have been systematically abused by the federal government which targets innocent individuals on the merest whisper of suspicion. Law enforcement officials receive records of such transactions from the banks in Suspicious Activity Reports that the banks are required to file with the government. The government then freezes the person’s bank account--or the part of it equal to the amount of money that they assert has been structured--and seizes the funds.

The individual is notified, but it is up to the property owner to prove that she or he did not engage in “structuring.” It is not a sufficient defense to show that the money came from perfectly legitimate activity. Many victims of these seizures do not have the resources to hire an attorney, and they simply lose their money.
Golden Rice is genetically modified rice developed by scientists that is identical to other rice except for the addition of a gene from corn which allows the plant to create beta-carotene, giving this rice its golden color and fortifying it with Vitamin A.

Approval of Golden Rice is urgent because millions of people in the developing world, mostly in Asia, suffer from Vitamin A deficiency (VAD). This condition is responsible for the deaths each year of an estimated two million people, half of them young children. VAD also causes an estimated 500,000 cases of irreversible blindness annually.

Unfortunately, Golden Rice is still not available on the market as the final stages of testing are not yet complete. A delay in testing was caused by anti-GMO fanatics who stormed test fields at the International Rice Research Institute in the Philippines, breaking down fences and tearing up the test plants.

We believe that even those who are skeptical about genetically engineered foods should make a humanitarian exception in the case of Golden Rice. All of us want children to be healthy. Why deny life-saving Golden Rice to millions of children?

The DKT Liberty Project has recently provided support to Allow Golden Rice Now, a non-profit group that is promoting Golden Rice around the world, to help with their Asian Tour. This undertaking, led by Patrick Moore, President of the group, included meetings with government officials, scientists, and other experts in the Philippines, Bangladesh, and India.