



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Craig V. Hickman

192 Annabessacook Road

Winthrop, ME 04364

Residence: (207) 377-3276

Fax: (207) 377-3226

Craig.Hickman@legislature.maine.gov

Testimony of Representative Craig V. Hickman of Winthrop

LD 783, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Food before the Joint Standing Committee on Agriculture, Conservation and Forestry - April 30, 2015

Senator Edgecomb and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Craig Hickman and I represent District 81, Winthrop, Readfield and a part of North Monmouth at the foot of Mt. Pisgah. I stand before you today to present LD 783, Resolution, Proposing and Amendment to the Constitution of Maine to Establish a Right to Food.

A wise man once said, "There's a hunger beyond food that's expressed in food, and that's why feeding is always a kind of miracle."

There's a hunger *beyond* food that's expressed *in* food, and that's why feeding is *always* a kind of miracle.

Back when I was a kid in Milwaukee, Wisconsin, our family struggled to make ends meet. My father worked the first shift at Pabst Blue Ribbon Company in the mail room. A World War II veteran with little education, he was basically the company mailman. My mother held a string of part-time jobs to help put food on the table for their two children. As hard as they both worked, and they worked *hard*, we needed food stamps in order to survive. Still, my parents made clear in both word and deed that no matter how little we had, someone else had less and we needed to help them however we could.

I'll never forget the day. I was about three or four years old when a young girl who smelled of dried urine knocked on our door. My father was at work, my sister at school. My mother let the girl in and escorted her to the bathroom where she drew a bath for the girl, who couldn't have been more than 12 years old. After bathing her, my mother gave her a blouse and a pair of pants and sat her down at the kitchen table for a steaming bowl of Cream of Wheat, bacon and toast. I couldn't believe how fast the girl devoured it all. It was an image that stuck with me, like good

preaching. She ate another bowl of cereal and then my mother let her take a nap on the couch. Later, when it was time for her to leave, my mother handed the girl a brown paper bag with a change of clothes and a peanut butter and jelly sandwich inside.

I couldn't count how many girls came knocking on our door over the next months, but they came nonetheless. My mother cared for each of them in almost the exact same way, like ritual. Our home was a stop on an underground railroad for throwaway girls.

It was then that I first understood the importance of food, the miracle of feeding people. Thank you, Mama.

For all of my childhood, my father grew a small garden in our back yard that yielded incredible produce. It was he who taught me how to grow food. Thank you, Daddy.

Today, I own a diversified organic farm and I am addicted to growing things. I've never been more committed to anything in my life. Never been happier. There's simply nothing like living off the land and nothing simpler. Knowing exactly where your food comes from because you produce it yourself.

Since 2009, my customers have appreciated every leaf of spinach, jar of granola, crown of broccoli they get from here. And I appreciate them. Their concerns and requests, their own gardening triumphs and failures. Our exchange of ideas and recipes and tricks. I never would have imagined I would become such an integral part of a local food chain. Never would have imagined I could sell dollars and dollars of organic produce and prepared foods in a single season without vending at a farmer's market or supplying a restaurant. Never would have imagined folks would stop by simply to thank me for doing what I do even though they buy their food at another local farm. I think now of Michael Pollan's words from his must-read book *In Defense of Food*, "In a short food chain... [f]ood reclaims its story, and some of its nobility, when the person who grew it hands it to you."

Since 2009, certain regulations have made it very difficult for me to continue offering the food to my customers that they wish to purchase from my farm and so here I stand today.

::

Food is life. I believe that access to wholesome food is a right for every individual. When one in four children among us goes to bed hungry every night, we must do better. We cannot allow a single one of us to go hungry for a single day. Maine has all the natural resources and the hard-working, independent-spirited people to grow, catch, forage, process, prepare and distribute enough food to feed ourselves, feed our families, and strengthen our local economies.

Today, I have put a version of this credo, this moral principle into a proposal to amend Article I, Declaration of Rights of the Maine Constitution as follows:

Section 25. Right to food. Every individual has a natural and unalienable right to food and to acquire food for that individual's own nourishment and sustenance by hunting, gathering, foraging, farming, fishing or gardening or by barter, trade or purchase from sources of that individual's own choosing, and every individual is fully responsible for the exercise of this right, which may not be infringed.

Now, why should we put this in writing? Why is the right to food and the food of our own choosing an important right to declare? What good will it do anyway? Isn't it just a statement?

To understand the answer to these questions we must first look at what other rights the people of the state of Maine have declared and protected constitutionally. There are 24 sections in our current bill of rights. Let's look at the first two:

Section 1. Natural rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Section 2. Power inherent in people. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Are these mere declarations? Just statements? Or do they mean something?

What does it mean to you in your daily life that you are born equally free and independent, that among your natural and inherent and unalienable rights you can enjoy and defend your life and liberty? How about that you have the right to acquire and possess and protect property, that you can pursue and obtain safety and happiness?

It means that the State of Maine recognizes that these are rights that no person or entity, no government or corporation can strip away. If a person, a government agency, or a corporation attempts to do so, you have standing in court, under the highest order of the law, to defend yourself.

How about power inherent in people?

What does it mean to you that all free governments are founded in *your* authority and instituted for your benefit? What does it mean that you have a right to alter, reform or totally change the government for your safety and happiness?

Did you know that you possess such a powerful right? You do. Thirteen Maine towns have asserted this right, and stand under its authority in local laws protecting their exchange of food.

Other rights in Article I include: religious freedom, freedom of speech, the right to be secure in your person and possessions, the right to a speedy and fair trial, discrimination is prohibited, the right to a jury, no double jeopardy, no cruel and unusual punishment, *habeus corpus*. These are only the first ten.

One could argue, I suppose, that these are all simply declarations or statements of how we wish things would be. But constitutionally declared and protected rights are not merely aspirational. They are the moral underpinnings of the society within which we live.

Most importantly, they give you legal ground to stand on.

So why do we need Section 25 added to Maine's Declaration of Rights. What will it accomplish?

In 2010, the Food and Drug Administration (FDA) stated that:

There is no absolute right to consume or feed children any particular food.

There is no 'deeply rooted' historical tradition of unfettered access to foods of all kinds.

Plaintiffs' assertion of a 'fundamental right to their own bodily and physical health, which includes what foods they do and do not choose to consume for themselves and their families' is similarly unavailing because plaintiffs do not have a fundamental right to obtain any food they wish.

When our own bodily and physical health is not our own, when the government agency that is increasingly controlling more and more of our food supply states that our right to our own health, our right to feed ourselves and our families the food we want to eat is not a fundamental right of liberty, and when that agency prevails in court because, for the time being, the rule of law backs them up, well, then, the People are simply not well served.

Did you know that you didn't have the right to the food of your own choosing? And, if you thought you did, did you know that this phantom right is being stripped away from you little by little, and in some cases, by leaps and bounds? On what legal ground will you stand when you cannot obtain the food you wish to eat? When you can't get food from your favorite farm anymore because it has gone out of business or disappeared from the rural landscape?

In the last ten years, we have seen dozens of farm raids around the country, we have seen states suing farmers, farm customers suing states to establish their right to acquire the food they wish,

we have seen multinational bio-technology corporations suing farmers for patent theft, we have seen seeds become the legal property of those same corporations.

The People are losing access to the food we desire, to the integrity of our food, and to our own bodily and physical health.

Unless we choose to do otherwise.

Establishing a right to food and a right to acquire the food of our choosing gives us, the People, legal ground to protect our own health, our property, our food and our lives.

Just like the other rights declared in Article I of our Constitution, the right to food is a fundamental liberty right. It is a right increasingly infringed. If we protect it in our constitution, the strength of the law shifts, away from corporatist and government control of our food and our lives and toward the People.

To close, there is nothing more intimate than eating. Who, other than you, should decide what you are allowed to eat for your own nourishment and sustenance?

Let us articulate our Right to Food now. Let us put Section 25 in Maine's Declaration of Rights. Let us stand on solid ground and establish legal protection for our health, for our happiness, for our liberty.

Food is Life.

The time is *now*.

And I believe that the good people of Maine, if given a chance at the ballot box, will resoundingly agree.

So, please, let us vote unanimously ought to pass on LD 783.

Thank you.