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January, 2013



Transgenic Salmon

The first genetically engineered animal designed for human consumption was quietly approved by the Food and Drug Administration in December. The FDA, which will not require the fish to be labelled, is now accepting public comments on this decision. [Submit your comments today.](#)

Forward on Climate Feb. 17th rally

Take part in what may turn out to be the largest climate rally in history on February 17th in Washington, DC. Co-sponsored by 350.org. [More information](#) here.

TGP Pipeline Project

The NJ Sierra Club and other groups are suing the Federal Regulatory Energy Commission to prevent the expansion of a pipeline that carries fracked gas across environmentally fragile areas of northern New Jersey. [Find out more.](#)

Genesis Farm Update

The Case against Transgenic Seeds

*To plant a seed is to activate the deepest mysteries of the Universe. --
Thomas Berry*

The essence of a seed is life. Through it, generation after generation of wisdom is carried to the present moment for release into the future. The seed is part of an unfolding process. It evolves through the ages in accordance to many forces – some that are known, but many that are ultimately beyond human comprehension and part of the “deep mystery” Berry describes in the above quote.

If a seed represents the deep mysteries of the Universe, then transgenic seed – those that are implanted with genes of another species – represents a violent desecration of that mystery. On January 10th, Genesis Farm traveled to Washington, DC, for another chapter in the fight against transgenic seed. As you may know, we are one of dozens of farmers and organizations who have joined a [lawsuit challenging Monsanto's patents](#) on transgenic seed. Our suit is seeking legal protection for those who are constantly threatened by contamination from Monsanto's seeds.



Monsanto aggressively pursues farmers whose fields test positive for their patented seed. Between 1997 and 2010, Monsanto filed 144 lawsuits against American family farmers and settled another 700 out of court. It is a relentless form of bullying and puts every farmer who avoids planting their seed in a quandary. First of all, no one disputes that transgenic seeds can readily and predictably invade nearby fields. Even Monsanto readily admits this, going so far as to recommend that farmers plant buffers around some types of non-transgenic crops. Second of all, the opportunity for contamination is widespread, because transgenic “Round-up Ready” seed is used in over 90% of fields planted with corn, soybeans, cotton, sugar beets, and canola. Needless to say, a single incidence of contamination can be devastating for organic and non-transgenic seed farmers, who work hard to grow and save natural seed strains, raise genetically untainted food, and, in many cases,

Please join us for Winterfires
Saturday, February 23
7-9 pm



Experience an enchanting evening of music and poetry in an intimate gathering in the Genesis Farm Library. We will share the warmth of beautiful words, good food and friends, inspiration and hope. Please [register here](#).

work diligently to maintain organic certification status.

But this is not the only problem these farmers face. Under current patent law, Monsanto reserves its right to sue any farmer whose fields become contaminated by their patented transgenic seed. The lawsuits have created an atmosphere of fear in rural areas as farmers attempt to protect their fields from the invasion of unwanted pollen and seeds from Monsanto crops. Some farmers have decided to limit their risk by no longer growing certain types of crops, even though by doing so they endanger their own livelihoods and diminish the supply of non-transgenic seed.

As Maine farmer Jim Gerritsen, who is the president of the Organic Seed and Trade Association, recently said, "Our farmers want nothing to do with Monsanto. We are not customers of Monsanto. We don't want their seed. We don't want their gene-spliced technology. We don't want their trespass onto our farms. We don't want their contamination of our crops. We don't want to have to defend ourselves from aggressive assertions of patent infringement because Monsanto refuses to keep their pollution on their side of the fence. We want justice."



The pursuit of that justice has been slow. In 2012, the federal district court in New York dismissed our case, deciding plaintiffs could not seek protection from Monsanto patents because we have not yet been contaminated or sued by Monsanto. Our appeal of that decision was heard this past January 10th in the US Court of Appeals for the Federal Circuit in Washington. The panel of three judges, who directed many questions to both litigants, has released an [audio file of the 40-minute hearing](#). Dan Ravicher, our extraordinary patent lawyer and the founder of the [Public Patent Foundation](#), is representing the plaintiffs. Seth Waxman, who served as the Solicitor General under President Clinton, represents Monsanto. You may want to listen to [the proceedings](#).

One thing was painfully obvious to those observing the courtroom debate. The widespread use of transgenic seed is now—incredibly—the norm all over the United States; the amount of resources Monsanto has and will put into steamrolling this form of agriculture is tremendous. Those remaining farmers who resist the pressure are under dire threat. Our legal system at this point seems incapable of adequately addressing the enormity of the underlying problem: that, without public discussion or consent, or even a modicum of objective scientific study of its impact on the planet, transgenic seed has blanketed the American agricultural landscape. A private corporation is controlling the fate of our national food supply and is determined to do likewise all over the planet.

At what dark point in our legal history was it decided that genes could be patented? Since a 1980 Supreme Court first case upheld the patenting of a "man-made" life form, a bacteria designed to clean up oil spills, biotechnology has exploded. Alarming new forms of transgenic life have been invented and are now protected by patents. Each patent establishes legal precedent and pattern, and every decision becomes more difficult to reevaluate or even undo.

But when faced with the dire problems caused by transgenic seed, it is clear that the ethical and scientific framework for granting patents has been woefully deficient.



What if our legal system began to incorporate a new context from which to evaluate the appropriateness of our human inventions and the right to patent them? One that carefully evaluates its impact on our living, interconnected ecosystems? This was Thomas Berry's approach in 2001 when writing "[The Origin, Differentiation, and Role of Rights](#)," a short document that articulated a more comprehensive paradigm for understanding the meaning of legal rights. His work has [inspired a host of thinkers](#), conferences, writings and organizations working to develop Earth jurisprudence, which is a governance system that not only defines rights and responsibilities between humans, but those between humans and the non-human world as well. It also motivated Genesis Farm to begin our [Five Smooth Stones Project](#).

Five legal strategies outlined in the Five Smooth Stones project—the Rights of Nature, the Earth Charter, Local Sovereignty and Democracy Schools, the Domestic Violence Clause of the United States Constitution, and Limiting Corporate Power—offer a range of tools and strategies for helping to transform the crises of our time.

It's one thing to say that we need to shift our paradigm for understanding our legal systems, but how, in fact, does one contribute to such a shift?

It helps to know that the shift has already begun, and several countries now officially recognize the rights of nature in their laws. Many United States municipalities – motivated by the local threat of fracking and other environmentally disastrous activities -- [have done the same](#). The [Center for Earth Jurisprudence](#), founded by Patricia Siemen, and its sister organization, the [Earth Law Center](#), continue to present ideas for expanding traditional legal structures to include the entire Earth community on which all human rights are dependent. How all these developments will continue to evolve and be expressed in our formal legal systems is an open and increasingly relevant question.

There is little doubt that if our courts had used an Earth jurisprudence

perspective to evaluate a new patent on transgenic seed, the outcome would have been far different. [Cormac Cullinan](#), in his seminal book *Wild Law*, writes that governance structures based in Earth jurisprudence promote “cultural and biological diversity, creativity, and the freedom to play a creative role in the co-evolution of this planet.” Transgenic seeds are antithetical to all of this. “Genetically engineered seeds,” Cullinan writes, “are products not of long term intimate relationships, the timeless communion between members of an Earth Community, but of hurried forced unions in the glassy sterility of a corporate lab. In this world the accumulated wisdom of evolutionary experience and the integrity of life forms count for nothing.”

Governance structures based on Earth jurisprudence will not guarantee easy answers to the many challenges of modern society. It will require a deeper knowledge of and sensitivity toward our vast interconnected planet and all its diverse communities of life. And it will challenge all of us to change our own paradigms, our own thinking and behaviors. Our personal ideas may seem individual and private, but our outer world is a reflection of our collective inner thoughts. Our institutions, as immutable as they seem, are only the product of human thoughts and beliefs. How can any perspective be permanent when viewed from a wider context of an ever-evolving planet in an ever-evolving Universe?



Imagine holding a seed in your hand. Ask yourself if, in a million years, you would ever be able to fully comprehend its entire complex story: its adaptations, mutations, lives, and deaths; its dance with carbon, oxygen, sun, and water; its knowledge of climate, soil, nutrients, predators, and allies; its use of color, shape, smell; its continuing evolution.

When Monsanto patents a seed with an alien gene, they are not merely protecting their own laboratory innovations. They are co-opting the future evolution of that seed, claiming ownership of the seed's complex past, and forever disrupting its relationship to an entire living community. This corporate takeover of our planet's collective commons, done in the name of profit, is indefensible. The fact that Monsanto has thousands of private investors to whom it is beholden, people and entities that quietly profit from transgenic seed without taking responsibility for its devastating global consequences, only accentuates the urgent need for reform.

Now especially, during the coldest days of winter, it is the humble seed that brings us back to hope. When we look across a frozen landscape, we know they are there, unseen, beneath the frozen soil. And we know that before too long, when the time is right, they will usher in the rich fertility of spring, and that this spring will be different from any other spring that has ever come before. This process of death, rebirth and evolution is a miracle we take part in year after year, generation after generation. This is the deep mystery that Thomas Berry refers to when he wrote “To plant a seed is to activate the deepest mysteries of the Universe.” And this is why we work to protect the sanctity of the seed.

For more information, see:

[Center for Food Safety](#)

[The Cornucopia Institute](#)

[Food and Water Watch](#)

[Institute for Responsible Technology](#)

[Navdanya](#)

[Organic Consumers Association](#)

[Union of Concerned Scientists](#)

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