



Episode 628: The War on Food and Drink Freedom, and One Group That's Fighting Back

Guest: John Moody

WOODS: Just before we started talking here you were telling me that this is your fifth podcast that you've done in the past couple of weeks. How do you account for that? I mean, are you a brand new organization?

MOODY: Well, we're actually not a brand new organization, but our mission and our work I think is garnering more attention than ever before, especially because of the craziness we see coming out of the government in terms of food.

WOODS: Okay, so now you're singing from my choir book here. All right, I want to know exactly – give me the one- to two-minute overview of what the Farm to Consumer Legal Defense Fund does, and then we'll talk about some specific issues.

MOODY: Great. Well, the organization was originally founded because of the government's harassment and intimidation towards farmers and consumers who wanted to drink raw milk. So that was kind of the impetus for where the organization started, where there was more farmers who wanted to provide milk directly to people who wanted this milk that hadn't been pasteurized and homogenized and long-distance-trucked. And the government really just cracked down on them in ways that are beyond comprehension to any rational person. And as we have systematically won that battle across the country, the government is now engaging in new tactics to make life hard on small farmers, and so as an organization we have adapted to serve our members and to serve those who want to have the freedom to choose what they eat better.

WOODS: All right, okay, there's a lot to talk about here. The raw milk issue, let's start there, because I think that's the area of food freedom that most people are familiar with. Is this a case of something that had been going on? Because frankly, I didn't hear anything about raw milk ever in my life until the Ron Paul presidential campaign, and then I'm surrounded by people who are interested in raw milk. I didn't even know what this was. And it seems like it's just growing and growing. Are we hearing about it more now because it's growing, or are we hearing about it more now because somehow you've just broken through some kind of blackout on the subject?

MOODY: Well, you're hearing more about it because it's growing. As the local food movement has grown, raw milk occupies a very special place, especially in the American culinary ethos. Because, like, what do you get at the grocery store every week? You get bread, you get eggs, and you get milk. And so the latest estimates show that there's quite a few Americans, multiple millions now, who are partaking in raw milk on an ongoing basis, and because it's become so much more widespread, the government's angst and anger over this has only intensified, as has their frustration to not be able to stop people from voluntarily acquiring what they want to eat and feed their family.

WOODS: Now, is there any danger associated with raw milk that could justify what the government is doing? I had Joel Salatin on the show – the show notes page for this episode, by the way, is TomWoods.com/628, so I'll link to that old episode on there. And I did ask him about it, and he explained to me the whole thing about pasteurization and why it might have mattered at some time but doesn't matter quite so much now, but the point is he was not at all of the opinion that there was any danger that the government needed to protect us from. So what's your view?

MOODY: Well, a friend of mine who's a microbiologist – and also to be a microbiologist you have to be good in math. I have a background in mathematics. He did some number crunching; I've done some number crunching, and basically a great way to look at the risk of raw milk is that the most dangerous part of getting raw milk is if you have to drive to the farm to pick it up. The government freeway system and roads that you have to use to go get your raw milk is far more dangerous than the product you're actually accessing.

WOODS: I've never consumed it. What am I missing?

MOODY: Well, it just depends. Some people adore raw milk. For some people, it is a food that has really helped them health-wise. I'm a really unlikely candidate to be on your show to talk about this topic, because had you met me in my early 20s, I was a standard American, in terms of food and diet, as you could possibly imagine. And I became really ill in my early 20s; due to ulcers, I had seasonal allergies so bad Benadryl was sending me free stock options.

And it was through foods like raw milk that I completely healed chronic degenerative illnesses that my doctor said there were no options for. They were just things I was going to deal with my whole life. And I now live on a farm in the Ohio River Valley. And again, like, I had just such terrible allergies as a child, and I've no seasonal allergies at all in one of the top five locations in the nation. And so, you know, not only what I say is a food like raw milk and a lot of these other foods that the government hates – not only are they not overly dangerous, but they are actually the very foods we need to be robustly healthy and not dependent on the pharmaceutical government cartel for our well being and our families' well being.

WOODS: Let's stick to raw milk just to keep it on one product for now, and then I do want to talk about other things. But do regulations relating to raw milk, do they vary from state to state?

MOODY: So raw milk at the federal level, there is an interstate ban on moving raw milk across state lines for sale, and so that's what Ron Paul and now Congressman Thomas Massey, who's kind of picked up his mantle in the house, that's what Ron Paul sought to address in a number of ways when he was in the House, and he brought up during his presidential campaign. At the state level, raw milk is very similar to, like, firearms. It's every state –

WOODS: Ah, okay.

MOODY: – handles it in their own particular way, but then as an overarching issue, you have the federal interstate ban on commerce and raw milk.

WOODS: All right, so if the state has some law pertaining to raw milk and there's somebody who just violates that, how can a legal defense fund help? Doesn't the guy have no leg to stand on?

MOODY: Well, it really depends on the state and it really depends on the method of distribution. So one thing we have sought to do is use kind of older precedents for private commerce and private transaction or shared ownership of animals to push back against these draconian and protectionist milk regulations that won't permit farmers to do anything but to sell their milk to the dairy cartel at prices that basically put them and their farms fiscally into ruin.

So for instance, one of the cases from a few years ago in Ohio, there was a farmer who was doing raw milk via an arrangement called a herd share, where basically if you want raw milk from this dairy farm, you buy an ownership interest in the cows. So you become a part owner in a cow. So you as a city slicker can own a cow, and you can drink the milk from that cow. And that went to court; the state of Ohio did not like that arrangement, but a judge upheld that, but it's only because we were willing to press the issue and litigate it. So at times we use litigation as a tool to try and reclaim freedoms or incrementally push back.

We also, though, work on the legislative side, so we have members in all 50 states of the nation. And for instance, in West Virginia some of our members finally got the legislature to recognize herd shares and cow shares and lease arrangements in their legal code. And so now West Virginia was one of the last holdout states. There's only a few left. But now you can get raw milk in West Virginia. So we use a wide variety of tools to try and get done what we can to restore food freedom and farm freedom.

WOODS: John, let me read a few passages from, I guess it's an FDA legal brief, just to get your comment on them. And maybe they don't even require comment.

They begin this way: "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."

And then it goes on to state that, "Even if such a right did exist, it would not render FDA's regulations unconstitutional, because prohibiting the interstate sale and distribution of unpasteurized milk promotes bodily and physical health." And then finally, "There is no fundamental right to freedom of contract."

Well, that about says it, doesn't it?

MOODY: Oh, and that's why I do what I do for Farm to Consumer: the realization that in a supposedly "land of the free, home of the brave," there is a rogue governmental agency that basically asserts deity-like authority over my food choices. It's astounding when you realize the lengths that the FDA and CDC and USDA go to and the amazing amounts of money they squander and misuse to deny you and I the ability to choose what we eat and feed our family.

WOODS: Let's get a specific example here so people can get a better idea of what's really going on out there. Give me the background of the Mark Baker case in Michigan.

MOODY: Oh, so yeah, Mark Baker's a beautiful example of government run amok over small farmers and food choice. He has a family; they moved back to Michigan after his military service, I believe. They started to raise a heritage breed hog on pasture. So more and more Americans are waking up to the fact that the food you get at the grocery store not only lacks taste, but it lacks nutrition, and it comes with a really high price in terms of animal cruelty, environmental damage, and other things. So more and more people are opting to get meat once again from small, local farmers who are raising animals really in the way that the animals are meant to be raised.

The Michigan Pork Association did not like how much their CAFO pork producers' bottom lines were being cut into by all of this competition. At the same time, the Michigan DNR, Department of Natural Resources, they had a burgeoning problem of these private hunting reserves, where people could go hunt on private land, not have to go through all the hoops and permitting and hunt on public land and the like, were cutting into their hunting fees. You know, hunting fees are very lucrative for — it's just one of a million different ways the government taxes you to do things that for most of human history you could just do.

And so the pork producers and the DNR basically struck a deal to mutually support one another in getting rid of their competition. The pork producers wanted to see these small pasture-based farmers run off as much as possible, and the DNR wanted to see these game reserves and other alternative hunting operations closed down. So the DNR wrote what's called an ISO, an invasive species order, and overnight it basically made

any pig except for confinement-raised pink pigs illegal in the state. So Mark Baker overnight became a criminal for having the wrong breed of pig on his farm.

WOODS: All right, that's — now, were you involved in that state at all? Or are you just giving this as an example?

MOODY: We were involved in the case. I actually went up a number of times to some of the events they held at Mark's farm and to some of the court hearings. So as a legal organization, there's different ways we'll be involved with cases. So sometimes one of our attorneys will be the one who litigates the case, like our vice president, Elizabeth Rich, in the Vernon Hershberger case in Wisconsin, which maybe we can talk about in a moment.

WOODS: Yeah.

MOODY: And then sometimes we will work with local counsel in a state, and we will provide funding for the case.

WOODS: I see, okay. Yeah, let's talk about that other case that you mentioned from Wisconsin. I had a little time to look into both of these cases, and I'm curious to have you — I'd like to have you introduce it to the audience. Actually, before you do that, let's just pause for a quick message from our sponsor.

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MOODY: Vernon Hershberger is one of the most egregious, in my mind, cases we've been involved with. You have a salt-of-the-Earth family man. I believe at the time they might have had seven or eight children. A gentleman who doesn't even have as much as a parking ticket on his record, and he's in Wisconsin, which, because of the cheese interests — you know, the cheese industry in Wisconsin has some incredibly strong, vested interests with some very thoroughgoing protectionist policies in place to protect the cheese industry and the milk industry there. And so Vernon had started a buying club to allow people in his community to directly access food from his farm and from his animals, including raw milk.

And over the course of multiple years, the Wisconsin DATCP — I believe that stands for the Department of Agriculture, Trade, and Consumer Protection, one of those lovely Orwellian agencies we get to deal with. They spent easily millions of dollars harassing Vernon Hershberger and his buying club members, eventually taking him to an extended trial, a trial during which they lied — they did every underhanded tactic possible to win this trial. Vernon is the kind of person who would make the Founding Fathers proud, because he was willing to go all the way to a jury trial to retain, protect, and expand his rights. He was not going to back down after years of harassment and really just incredible personal cost to him and his family. And so it went all the way to a jury trial. Elizabeth Rich, our vice president, is the one who litigated, and the jury basically found Vernon not guilty.

WOODS: Wow.

MOODY: You know, a judge in a court case is supposed to be like an umpire at a baseball game, and if an umpire makes 95% of their calls in favor of one team, you and the audience begin to wonder, is the umpire an objective observer or is the umpire playing for somebody.

WOODS: Yeah, right, of course.

MOODY: That was this case with Vernon. The judge in the case sided with the state in over 90% of the motions and other issues related to the trial. The judge even went so far before the trial started, in his courtroom instructions he banned any discussion of the United States Constitution, of the Wisconsin Constitution, of anything liberty, of all of these bigger issues that are on the table. He tried to ban them from the courtroom, from even being discussed or brought into the case as meriting discussion over what was happening. And even with all of that, Elizabeth did a tremendous job litigating and winning that case, as did Vernon and all the people who helped. And after the case, the jurors were so angry at how misled they had been by the judge and by the state attorney and the DATCP that some of them joined Vernon's buying club.

WOODS: Wow, how about that? How about that? All right, I have a couple things I want to know more about here. Community supported agriculture is something I've known about for some time. I had a friend who was deeply involved in it, and I always liked the model of it, at least the way I understood it, that it's a way for the community to support the farmer – I mean, there are many, many cases of farmers getting themselves in over their heads in debt, and this way they don't have to. They get advance payment from people in the community, and people in the community, meanwhile, get fresh produce and fresh food and fresh meat that's produced in a way that's humane and that's healthful for people. Is that the basic idea of CSA?

MOODY: Yeah, that is. So a CSA is a financial tool to help farmers who have a very seasonal cash flow and very small large tight expense curves. So most of your expense as a farmer each year is realized in February and March and April, whereas a lot of your income doesn't start coming in until June, July, August. And so to help farmers with this calendar cash flow issue, some farmers and other people thought up this model where people can basically prepay for their food and be their farmers' own bank and lender in exchange for a guaranteed high quality fresh food supply.

WOODS: Now in a way are they also shouldering the risk that maybe there's a bad harvest that year, and so everybody would share the burden?

MOODY: In some models, yes. So in some CSA models, if the farmer has a bad year for whatever reason, then what you're going to get from the farm is going to be less or different than what you might otherwise get.

WOODS: But I've been told by somebody that it would take an event of biblical proportions for you not to do actually very well as a consumer, and what my friend

liked about it was that he's always getting – he just loves getting fresh things and seasonal things, and the farmer will throw a few extra things in the box. And then he goes home and figures out – it's exciting to figure out, what can I make with these things. Like, he just threw in some fennel. I don't even know what fennel is. I've got to figure out some way to make something with this.

And it's actually why there's – one of the redeeming culinary qualities of Topeka, Kansas is the RowHouse Restaurant, because the chef basically looks at what's in season and what herbs are growing, and he just comes up with something. And he changes the menu every week, and it's like in the summertime when you look forward to watermelon because it's the summertime, or you look forward to peaches because it's the summertime. And sometimes we lose some of that excitement of things being available at particular moments, because you can just go to the store and pretty much get what you want. But it doesn't have quite that excitement and flavor and fun and freshness of when you just get things seasonally.

MOODY: Well, we have an apple farm that my buying club gets apples from, and they grow 20-some varieties of apples.

WOODS: Oh, see, I want to try one of each (laughing).

MOODY: And it's wonderful because, like, Americans used to enjoy probably over 100 varieties of apples, and you go to the grocery store, you have one variety: cardboard. You know, because they're these long-distance-trucked apples, often kept in cold storage for long periods of time. And the loss of value and quality to our food supply because of the regulatory framework has just been so immense and detrimental on so many levels, both just from an aesthetic enjoyment perspective. What America offers culinarily in the standard grocery store and through the standard food system is appalling.

WOODS: By the way, you have on your website, which is FarmToConsumer.org, you have a list of the different sorts of services that you provide. Legal services is obvious enough from the name, but you also have political action services and educational services. So in other words, it's not just farmers who would have an interest in what you're doing. The general public would have an interest in what you're doing. But I am curious as to who wants to become a member of your fund, and what do they get out of being a member?

MOODY: Well, I would say who should be a member is anybody who eats and cares about having the ability to choose what they feed their family. So any one of your listeners, my hunch is, would qualify under that approach to what you do. Even if you eat at McDonald's but you're liberty-minded, you're somebody who should love what an organization like ours is doing in ensuring you have the ability to choose what you eat and who you get it from without undue interference. Our membership is actually a pretty balanced split between farmers and consumers. Farmers join primarily to have the protection and political services that we provide to level the playing field. I don't

know — since you don't deal with food a whole lot, I don't know if you've heard about what's going on with chicken in China.

WOODS: I have not, but tell me.

MOODY: So the USDA just approved that chickens raised in America can be frozen, shipped all the way to China to be processed, then be refrozen and then shipped all the way back to America, and the label will never tell you that your chicken just enjoyed a dual-transpacific flight or whatever.

WOODS: Well, the thing is I can't imagine I would want to eat chicken like that, right (laughing)?

MOODY: And why does the USDA and FDA not want you to know that your chicken did that at the same time a farm like mine is only allowed to butcher a very limited number of chickens on farm under the governmental regulations? It'd be great for us to come back and talk about the PRIME Act, which is something Congressman Massey introduced and just also got introduced in the Senate, where we can really kind of get more nuts and bolts down, like what does Farm to Consumer do and how does it actually matter to your dinner plate.

Because most Americans just don't — you know, why is beef from New Zealand cheaper than beef coming from my next-door neighbor? How did it become possible for chicken to travel — what is China, like 4,000 miles each way? How is it cheaper for chicken to travel 8- to 10,000 miles than come from the corner grocery store who got it from a farmer right down the street? And it's all because of this insanely biased regulatory structure that we are working both at the state and federal level to break back open so that there'll be freedom for farmers to affordably feed their communities and to be able to compete, because right now small farms like mine, we face such a predatory regulatory environment.

WOODS: Isn't that funny, and yet the narrative that most people believe is that the federal government is always on the side of the small guy, the little guy who's just trying to make his way in an economy of big corporations. But that is so far from the truth; it just boggles my mind that people are of this view. Now by the way, also on your website, in the bottom right you have a map of the United States that's color-coded according to the laws in each state pertaining to raw milk. Is the law in each state pertaining to raw milk a good guidepost for how that state treats agricultural issues in general, do you find?

MOODY: Yes and no. It depends on the state. So some states have very progressive — I hate to use the word "progressive." They have very liberty-minded raw milk laws for whatever reason, but in some other areas of food and agriculture they're very backward. Whereas some states have a more uniform approach. One thing we're hoping to do, I'd love to see this done by the beginning of next year, is we're hoping to rank all 50 states in the nation in terms of farm and food freedom and start doing that annually, so we'll have another map that will go across the wide area of farm and food

freedom issues. It will rank all the states every year, so people can see where the states are and what can be done to move those different states forward.

WOODS: Okay, let me tell you something. That is a brilliant idea, first of all because it needs to be done. Just in and of itself it's a good educational service. But secondly, that's got to get you some publicity. People love rankings.

MOODY: Oh yes.

WOODS: If it's the economic freedom of the world, they want to know where's the United States. If it's food freedom, they want to know where's my state. That is so smart. You can drive a lot of traffic that way. That's a really, really smart idea. So make your pitch now. Why should people go and visit FarmToConsumer.org after listening to this discussion.

MOODY: One is I think for your listeners they will discover an entire area of economics and liberty thinking that a lot of average Americans have never even considered. I have a talk I give where I basically point out the area of your life that is most controlled, regulated, and impacted by the government is your refrigerator and what's inside it. There is no area of American life that is as twisted and out of sorts as our diet and our farming system, and it's all because of the government: government subsidies, government regulations, so many different things.

So two, you'll find an organization whose goal is to restore farm and food freedom. If we have to do it one state and one farmer at a time, we are committed long term that you and I should have the ability to choose what we eat and who we get it from and without government interference if that is our desire.

The third reason, at least right now, is because we're doing a membership drive, and if you join before April 15th, you get like \$200-some in eBooks and coupons to a whole bunch of different great companies and great authors who support our mission and want to see our nation enjoy food freedom again.

WOODS: I was looking at that myself. I thought that was a very nice — because I saw a bunch of the organizations that are represented there, and they're ones — like, I've had Mark Sisson on the show more than once with *The Primal Blueprint*, and he's represented there. So look, it's just great that you're all onboard together doing this. So I hope people will check out FarmToConsumer.org, and I'm going to link to it of course on the show notes page. If you don't remember that, you're driving around, just remember the episode number, 628; it'll be TomWoods.com/628. I have a feeling, John, there will be a number of other issue that you and I can discuss some time in the future and I'd be delighted if you'd join me then.

MOODY: Oh, well I look forward to it, so I really appreciate your show, as do a lot of my friends.