

# The Economist

## The California raisin grab

**A farmer asks the Supreme Court to let him keep his crop**

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MARVIN HORNE, a raisin grower in Fresno, California, is apparently the first family farmer to have his case accepted twice by America's Supreme Court. *Horne v US Department of Agriculture*, which the justices re-heard on April 22nd (having previously ruled that a lower court could not duck hearing it) challenges a rule dating back to 1937. The rule requires raisin farmers to hand over a share of their crop to the government, which may or may not pay for it.

For nearly three decades, Mr Horne and his wife Laura complied. But just over a decade ago they rebelled and were hit with fines of nearly \$700,000. In 2003-04 they would have had to fork over 30% of their crop and receive nothing in return. To them, this looked like theft.

The Fifth Amendment requires the government to provide "just compensation" when it takes "private property...for public use". A lower court held that this only applies to such things as land and houses. Briefs from the Cato Institute, a libertarian think-tank, scoff that this argument "radically shrivels the right to own property" and "threatens to send [it] the way of the California Raisins [a group of singing dried fruit who are not as popular as they used to be]".

The government maintains that the program is intended to help raisin farmers by curbing supply and stabilizing prices. The Supreme Court seemed skeptical. When the deputy solicitor-general defended the raisin-seizures as being good for farmers, Justice Antonin Scalia turned on the sarcasm: "These plaintiffs are ingrates, right?"

The government pleaded that the rule was part of a "comprehensive regulatory program". Similar policies prevailed in communist Russia, growled Mr Scalia. "Central planning was thought to work very well in 1937." Chief Justice John Roberts noted that the rule requires that "you come up with the truck and you get the shovels and you take their raisins, probably in the dark of night." If the court halts the raisin ransacking, it could affect other coercive farm programs, too. A decision is expected in June.