

## Justice Rising

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**JUSTICE RISING** is a publication of **the Alliance for Democracy**, whose mission is to end the domination of our politics, our economics, the environment, and our culture by large corporations. The Alliance seeks to establish true economic and political democracy and to create a just society with a sustainable, equitable economy.

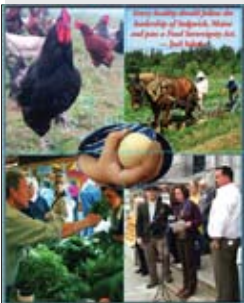
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The cover, clockwise from the top left: Quills End Farm Maine rooster, photo by Heather Retberg; Horsepower Farm Maine, photo by Donna Birdsall; ; Heather Retberg addresses the press in front of Maine Supreme Court, with Portland City Councilor David Marshall,

left and Dan Brown right, photo by David E. Gumpert; and farmer John Hay in Matakana, New Zealand, photo by Phil Walter, Getty Images.

# Good Faith Innovation

By Bonnie Preston and Heather Retberg



Let's turn our local governments into what Justice Louis Brandeis famously termed "laboratories of democracy" that act as innovators to create good public policy. With some 15,000 towns and 3,000 counties across the country, we have an important opportunity to create a great number of such laboratories.

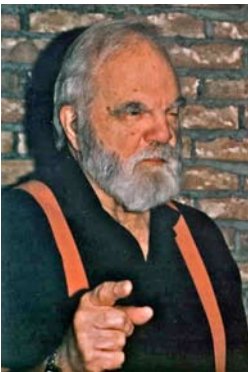
Maine is one of the strongest home rule states in the nation making us a natural 'laboratory' for policy innovation. Legal scholar Paul Diller calls the reasonable attempt of towns to solve a problem "good faith policy innovation." He lists a wide variety of other issues that began locally and either spread outward to other cities and towns, or upward to other levels of state/federal government. These "good faith experiments" include: smoking bans in restaurants, living wage laws, workers' rights, public campaign finance, trans fat regulation, and affordable housing among others. Without the possibility of local policy experimentation, these policies might never have been tried.

We had a lot to learn, and so will you. Find the dusty tools of local governance in your own state, polish them off, and—USE them.

- **Participate.** First you must know your rights. Familiarize yourself with your state constitution and its bill of rights. Most states drew from the Declaration of Independence for a related clause in all our states' constitutions about the inalienable right of the people to self-governance. Maine's is called Power is Inherent in the People (see pages 18-19). New Hampshire's related clause is called The Right to Revolution. Imagine acting on these rights secured for us by another generation. These clauses are a clarion call to engage in our democracy!
- **Learn.** Find out if your state is a home rule state. It may be in your constitution or in statute or both. In Maine, this statute is called "Ordinance Power." Read Paul Diller's article, "Intrastate Preemption," in the *Boston University Law Review*. That will help you understand how strong your home rule law is, and provide the historical context for it. Read your state's laws on agriculture, and co-operative agreements between your state agriculture department and the USDA, FDA, corporations, or any private parties. Read history. The grange movement laid out a powerful framework to take up.
- **Organize.** Dare to dream about food and political systems that embrace innovation and experimentation. Share what you are learning about your state's constitution, home rule, relevant laws and your local structure of governance with others who want to protect the traditional ways we exchange food.

*Go Local—with food and policy innovation! Embrace the experiment of democracy!*

## JR Dedicated to Al Krebs, 1932-2007



Albert Valentine Krebs, Jr., founding member of AfD and long-time AfD Council member, affectionately known as "Al," would have been thrilled to write for this issue of *Justice Rising* on local food, and proud to support the dissemination of the Local Food and Community Self-Governance Ordinance (see pages 18-19). Throughout an almost 50-year-long career as an investigative journalist and historian of corporate agribusiness, Al was a

tireless advocate for the family farmer and rural communities.

His profession was journalism, but the "passion of his life was family farm agriculture." In 1992, when Al published *The Corporate Reapers: The Book on Agribusiness*, Merle Hansen, then with the

North American Farm Alliance, said that to many it became the "bible"...it was "the magnum opus on the history of exploitative corporate agribusiness and established him as the intellectual and activist genius of the family farmer advocacy movement."

Al put it this way once in his on-line periodical *AgBiz Tiller*, "Whereas family farming/peasant agriculture has traditionally sought to nurture and care for the land; corporate agribusiness, exclusive by nature, seeks to "mine" the land, solely interested in monetizing its natural wealth and thus measure efficiency by its profits, by pride in its "bottom line." Family farmers, meanwhile, see efficiency in terms of respecting, caring and contributing to the overall health and well-being of the land, the environment, the communities and the nations in which they live."