



## Federal judge in Va. strikes down part of health-care law

A federal judge in Virginia ruled on December 13th that it is unconstitutional for the government to compel Americans to buy health insurance, marking the first time a court has struck down any facet of the massive new law to overhaul the nation's health-

Although the opinion by U.S. District Judge Henry Hudson gives significant political ammunition to the law's opponents, it does not invalidate the entire law or force federal and state officials to stop the work of putting it into effect.



U.S. District Court Judge Henry E. Hudson struck down a key facet of the federal health-care reform law.

The ruling by Judge Hudson, named to the bench by George W. Bush, sets up a conflict with opinions by two Democratic-appointed judges who have concluded recently that the law is constitutional. The cases are among two dozen in federal courts across the country that challenge many aspects of the law. The final word is widely expected to come from the U.S. Supreme Court.

In his 42-page opinion, Judge Hudson concluded that requiring most people to get insurance or pay a fine, as the law mandates starting in 2014, is an unprecedented expansion of federal power and cannot be justified under Congress's authority to regulate interstate commerce.

The ruling elated Virginia's Governor and Attorney General who brought the case, and pleased GOP leaders on Capitol Hill who are vowing to try to take apart all or pieces of the law. But the opinion is a partial win and a partial loss for the law's foes and supporters alike, according to legal and health-policy specialists. Its immediate practical effects - on patients, the health-care industry or regulators writing the fine print of how the statute will be carried out - will probably be slight, specialists say. White House officials played down the ruling's impact. They hinted that they will appeal to the 4th U.S. Circuit Court of Appeals but did not indicate how quickly they might act. Meanwhile, Virginia Governor Robert McDonnell has begun trying to enlist fellow governors to press the Justice Department to skip over the customary step of bringing the case before federal circuit judges and take it directly to the nation's highest court. The lawsuit challenged the 2,000-page legislation that Congress adopted in March at the urging of President Obama, setting in motion the broadest changes to the U.S. health-care system in 4 1/2 decades.

Hudson's ruling largely traced the reasoning he had followed when he issued an opinion over the summer, declining to dismiss the case at an earlier stage. The constitutionality of the individual insurance mandate, as the provision is known, hinged primarily on an interpretation of the clause in the U.S. Constitution that relates to the government's powers to regulate commerce.

Virginia argued that people who choose not to carry health insurance are not engaging in any type of commerce. For that reason, they contended that Congress exceed-

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## Ag Groups Abandon Sustainability Standards Initiative

Agricultural representatives withdrew recently from the Leonardo Academy's sustainable agriculture standard setting initiative, citing systemic limitations and chronic anti-agriculture biases inherent in the writing committee structure set up for this initiative. A letter addressed to Michael Army, Leonardo Academy President, was signed by ten national agricultural-organization voting members on the nearly 60-member Committee, and endorsed by 46 other agricultural organizations nationwide.

The Leonardo Academy and its principal financial sponsor, Scientific Certification Systems, had undertaken an effort in 2007 to develop a draft national standard for sustainable agriculture under a consensus-based process governed by the American National Standards Institute (ANSI).

The decision means walking away from nearly two years of investment in active Leonardo Committee membership, Subcommittee leadership, and writing group participation. However, farmers will only embrace a standard for sustainability if they are allowed fair representation in its development. Unfortunately, mainstream agriculture has been given a decidedly minor voice in a Leonardo Academy process dominated by others. Some of the withdrawing agricultural groups indicated that they will pursue, in another venue, the development and implementation of a valid approach to agricultural sustainability.

Leonardo claimed that the committee is made up of members from across all areas of agriculture. In reality the committee is dominated by environmental groups, certification consultants, agro-ecology and organic farming proponents. Their recent actions seem to indicate that these groups have neither the vision nor desire to speak for mainstream agriculture or the 95 percent of farmers who will be materially affected by any resulting standard.

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## Obama signs child nutrition legislation

President Obama signed the Healthy, Hunger-Free Kids Act (Dec. 13), raising federal reimbursement for school lunches and setting the table for more servings of fruits and vegetables at U.S. schools. The \$4.5 billion legislation, which passed the House on Dec. 2, was signed by Obama at a ceremony at a Washington, D.C. school.

Lorelei DiSogra, vice president of nutrition and health for Washington, D.C.-based United Fresh Produce Association, said earlier that the legislation's six cent increase in the federal reimbursement rate for school lunches has the promise to dramatically improve the well being of more than 31 million U.S. school children.

Sen. Blanche Lincoln of Arkansas, past chairman of the U.S. Senate Agriculture Committee and primary author of the legislation, issued a statement after the signing that the legislation is a critical step toward addressing the epidemic of childhood obesity by establishing national nutrition standards for all foods sold on school campuses throughout the day.

"This bill ensures that our children will receive healthier, more nutritious meals and removes the red tape that prevents so many from participating in nutrition programs," Lincoln said in the statement. She said the bill provides for an additional 29 million meals a year through the afterschool programs.

The legislation will help parents feed their children better by getting junk food out of schools, Margo Wootan, director of nutrition policy for the Washington, D.C.-based Science in the Public Interest, said in a statement. She said the leadership of the Obama Administration, including first lady Michelle Obama, was critical in the fight to pass the bill.



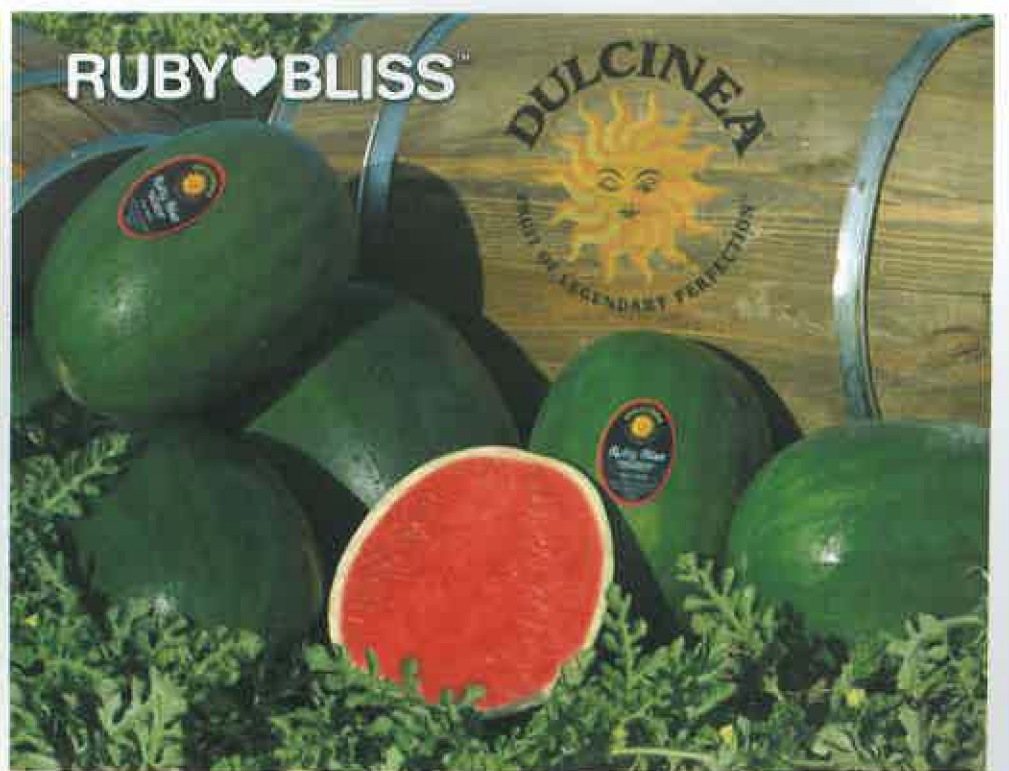


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