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Supreme Court to Hear Oral Argument on Whether Raisin Program Violates Farmers' Property Rights

(Horne v. U.S. Department of Agriculture)

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WASHINGTON, DC—The U.S. Supreme Court will hear oral argument tomorrow, April 22, at 10 a.m., in *Horne v. U.S. Dep't of Agriculture*, a challenge to the federal government's Depression-era raisin marketing program. The farmers challenging the program, Marvin and Laura Horne, assert that federal officials routinely violate private property rights by seizing raisins in an effort to curtail supply and thereby drive up prices.

At 1 p.m. tomorrow, WLF will host a webinar (available at www.wlf.org) that will discuss the oral argument and likely outcome of the case. Participating in the webinar will be Stephen S. Schwartz, counsel for the Hornes and an attorney with Kirkland & Ellis; Richard A. Samp, Chief Counsel of Washington Legal Foundation (WLF) and author of WLF's brief supporting the Hornes; and Timothy S. Bishop, an attorney in the Chicago office of Mayer Brown LLP and the author of a brief filed in the case by the Center for Constitutional Jurisprudence. Mr. Samp will also be available throughout the day to field press inquiries about the oral argument.

WLF's brief argues that the Fifth Amendment requires the government to pay “just compensation” whenever it takes private property for public use, but that the U.S. Department of Agriculture (USDA) routinely seizes a significant portion of the annual California raisin crop without ever paying for it. The Hornes refused USDA's demand that they acquiesce to the seizure of nearly half their raisin production, and USDA then slapped them with a \$700,000 penalty for failing to comply with its order. In the two years at issue, the USDA seized 47 percent and 30 percent of the raisins produced by every one of the nation's raisin farmers. USDA is supposed to distribute to farmers the net proceeds from any sales of the seized raisins (after paying all its own expenses), but the USDA often fails to generate any net profit.

Ahead of oral argument, WLF issued the following statement by Chief Counsel Richard Samp: “The courts must become more willing to put real teeth into the Takings Clause of the Fifth Amendment. In the absence of strict enforcement, government officials are all too willing to take private property without providing just compensation. And ‘just compensation’ means payment of the full value of seized property, not the pennies on the dollar offered by the USDA.”

WLF is a national public interest law firm and policy center that regularly litigates in support of individual and business civil liberties, including private property rights.

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