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## In Victory for WLF, Supreme Court Rules That USDA Program Violates Farmers' Property Rights

*(Horne v. U.S. Dep't of Agriculture)*

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**—Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—The U.S. Supreme Court today upheld a farming family’s challenge to the federal government’s Depression-era raisin-marketing program, ruling that the program constitutes an unconstitutional taking of private property without just compensation. The decision in *Horne v. U.S. Dep’t of Agriculture* was a victory for Washington Legal Foundation (WLF), which filed a brief supporting the farmers, Marvin and Laura Horne. The Court agreed with WLF that the Fifth Amendment requires the government to pay “just compensation” whenever it takes private property for public use, but that USDA routinely violates private property rights by confiscating a significant portion of the annual raisin crop.

The Hornes refused USDA’s demand that they acquiesce to the seizure of nearly half their raisin production, and then had a \$700,000 penalty slapped on them for failing to comply with USDA’s order. In the two years at issue, USDA seized 47% and 30% of the raisin crop produced by every one of the nation’s raisin farmers. The seizure program is intended to hold down the raisin supply and thereby drive up raisin prices. USDA either gives away or sells (overseas and at a deep discount) the seized raisins. It is supposed to then distribute net proceeds from these raisin sales (after paying all its own expenses) back to raisin farmers, but USDA often fails to generate any net profit.

The Court held that government violates the Fifth Amendment’s Takings Clause whenever it takes physical possession of property without just compensation. It held that the lower court erred in deciding this “*per se* taking” rule only applies to government seizures of real property, and not to personal property. The Court also agreed with WLF that even though USDA may restrict the marketing of agricultural products, it may not condition farmers’ permission to sell their crops on their acquiescence to USDA’s unconstitutional seizures.

Following the Court’s decision, WLF issued the following statement by Chief Counsel Samp: “The Supreme Court is showing more willingness to put real teeth into the Takings Clause of the Fifth Amendment. Without strict enforcement, government officials are all too eager to take private property without providing just compensation. ‘Just compensation’ means payment of the full value of seize property, not the pennies-on-the-dollar offered here by the government.”

*WLF is a public interest law firm and policy center that regularly litigates in support of private property rights.*

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