

VICFA | Voice

Our Mission: *To promote and preserve unregulated direct farmer-to-consumer trade that fosters availability of locally grown or home-produced food products*

May 2012

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ATTORNEY WRITES LETTERS TO VILSACK AND CUCCINELLI COMPLAINING OF ILLEGAL FEDERAL SCRAPIE REGULATION FOR GOATS AND SHEEP

By: Christine Solem (Letters by Norman Lamson, Attorney at Law)

Introduction:

Norman Lamson, attorney for Wayne Russell (administrator of the estate of Kathryn Russell and Christine Solem of Satyrfield Goat Farm) has written a letter on behalf of Solem to Secretary Wilsack and other officials of the U.S. Department of Agriculture.

The letter charges in detail that the federal scrapie regulations for goats and sheep are illegal in that, among other things, they were not authorized by statute, they coerce the states into adopting intrastate regulations through illegal “inconsistent” vs. “consistent” schema, and they are a violation of the Tenth Amendment to the U.S. Constitution.

On behalf of Russell, attorney Lamson sent a copy of his Vilsack letter along with a cover letter to Ken Cuccinelli, Attorney General for the State of Virginia, and asked for his help in the matter. A copy of the cover letter to Cuccinelli is printed below.

If anyone has any questions or would like to see the letter to Secretary Vilsack, please contact Christine Solem at (434) 973-6505.

Letter to Attorney General Cuccinelli:

Dear Attorney General Cuccinelli:

I write as counsel for Wayne Allen Russell, Administrator of the estate of Kathryn Russell, who is the petitioner in the case of Wayne Allen Russell, Administrator of the estate of Kathryn Russell v. Virginia Board of Agriculture and Consumer Services, now pending in the Virginia Supreme Court, Record No. 120150 (a published opinion of the Va. Court of Appeals appears in Russell v. Virginia Bd. of Agriculture, 59 Va. App. 86, 717 S.E.2d 413 (2011)).

Enclosed is a copy of a letter of mine on behalf of another client of mine, Christine

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Solem, to the federal Secretary of Agriculture and others concerning 9 Code of Federal Regulations, Part 79, whose adoption in 2001 was the impetus to the above Virginia regulation adopted in 2008. This is to request your office to see the issue arising from the 2001 federal regulation, namely, that it constituted an unprecedented and blatant unauthorized action and involves coercion of the states, and to join Ms. Solem in fighting the federal government, and to stop fighting Mr. Russell in his efforts to have the state action invalidated.

I have advised Mr. Russell that he may win his appeal now pending and get 2VAC5-260 invalidated on state law grounds (the circuit court never reached the merits because she ruled Mr. Russell's now deceased wife had not timely appealed, and the Court of Appeals upheld the circuit court in that regard), but the Board of Agriculture and Consumer Services (or the Commissioner of Agriculture and Consumer Services) will, inevitably come up with another scrapie regulation as long as the 2001 federal regulation, 9 C.F.R., Part 79, is on the books. They will come up with such a variant not because there is or ever has been a disease problem, but because they cannot allow the federal Secretary of Agriculture to adjudge Virginia an "inconsistent state." And that is the point, namely, that the federal Secretary of Agriculture had no right under old acts of Congress of 1884, 1903, 1905 and 1962 to create a "consistent state-inconsistent state" schema as a means of forcing the states to adopt intrastate regulation of goat and sheep movement. Unable under his authority to act intrastate, the Secretary devised a scheme to force the states to do it for him. What Virginia did was not to "cooperate," but to capitulate to a wrongful power grab, or at best to join hands with illegal action.

Thus, action under color of federal office has led to action under color of state office which harmed Kathryn Russell and now harms or threatens harm to my clients. But the action by an individual, Hawks, acting without authority under color of federal office is the root of the problem. Please give the matters in the enclosed letter your thoughtful consideration, instruct your staff, including Steven P. Jack, Esq., Assistant Attorney General, to stop fighting Mr. Russell, Administrator, in the Virginia court system, to counsel the Board and Commissioner that purported federal action in this area is illegal and that Virginia will not succumb to it, cater to it, or attempt to comply with it in any manner, and take the offensive to have the 2001 purported federal regulation and amendments thereto annulled.

Thank you, and best wishes to you, and we wish you success in all your efforts to protect Virginians from private individuals who act illegally under color of federal

office. ■

A copy of this letter, and the letter to Vilsack can be found on VICFA's website. To read both letters online, please visit:

www.vicfa.org/news.html

— What's Happening

VICFA



VIRGINIA INDEPENDENT CONSUMERS
& FARMERS ASSOCIATION

VICFA ANNUAL MEETING

Remember, our annual meeting is NEXT MONTH! Join us on June 10, 2012 at Polyface Farm to discuss our progress, our future, our plans, and our goals. We'll be working to develop our strategies for the coming seasons, regrouping our priority lists, and enjoying a time of fellowship with VICFA members. This is an exciting opportunity for ALL VICFA members and their guests. Please plan to join us - and bring a friend! Directions and additional information is found on Page 3, and on our website at www.vicfa.org

FARM FOOD VOICES

Farm Food Voices will be held in the Fredericksburg area on Sept 30th, 2012. Joel Salatin will be VICFA's keynote speaker. Be sure to mark your calendars now and plan to join us. More information will be provided as additional plans are finalized for this event.

FACEBOOK

Our Facebook group continues to be active. Find us on Facebook to contribute to our conversations and more importantly, our plans for ACTION!

INTRODUCE US

VICFA continues to rely on its members for our ability to remain active. If you know someone who shares in our objectives, please introduce them to VICFA and encourage their membership. They can become a member online at www.vicfa.org



VICFA Notes

Don't miss our Annual Meeting

The June Meeting (our annual meeting) will be held in at Polyface Farm, just outside of Staunton, VA on June 10, 2012.

DAYLIGHT SAVINGS TIME HOURS ARE NOW IN EFFECT

We will share in a potluck lunch at 1:00 pm, followed by our general business meeting from 2:00 - 4:00 pm. VICFA membership meetings are open to the public. Please bring a dish and a big helping of enthusiasm to share. Broaden our reach - invite a friend or neighbor to join you.

Sunday, June 10, 2012
hosted by Polyface Farm
8 miles Southwest
of Staunton, VA

DIRECTIONS:

From I-81: Take Exit 220 (Puts you on 262) Take Middlebrook Ave/252 Exit Follow this to Stop sign. Turn LEFT onto Middlebrook Road (252) Turn RIGHT onto Cedar Green Road (693) Turn LEFT onto Hebron Road. (703) Go about a mile, you will see a brick church on your right. Turn LEFT onto Edson Creek Road (708) Go 1/2 mile Turn RIGHT onto Glebe School Road (708)(this appears to be a Y, stay right) Stay right at 2nd Y. Go about 4 miles or so total Turn RIGHT onto Trimbles Mill Road Go 1/4 mile to first left Turn LEFT onto Shuey Road (713) (this will be gravel).

Follow for exactly 1 mile Turn RIGHT at Polyface Farm sign (Pure Meadows Lane).

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VICFA

Virginia Independent Consumers and Farmers Association
President, Wayne Bolton
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Christine Solem, Emily Turtlewoman, Pearce Garner

Website: www.VICFA.org
E-group: <http://groups.yahoo.com/group/VICFA>.

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editor@VICFA.net or by mail to Editor, VICFA, PO
Box 6838, Charlottesville VA 22906.

Share this newsletter with a friend - encourage others to join VICFA!

Annual membership is \$25.00.

Please make check payable to VICFA and send to PO Box 6838, Charlottesville, VA 22906.

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*Do you want to be listed in the Membership Directory? Yes No

Note. Your directory listing will contain all of the above information unless you indicate otherwise below.

How did you hear about VICFA?

Comments: