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ARTICLES

Foreword: Changing Structures And Expectations In Agriculture

GUADALUPE T. LUNA*

I. INTRODUCTION

I am delighted to introduce the annual Symposium issue of the Northern Illinois University Law Review. This year's Symposium, third in an annual series on land use, the environment, and agriculture, focused on the changing structures relative to agricultural law and policy. Several well respected scholars, general practitioners, and community and political activists, grounded in both the theoretical and practical aspects of agricultural law identified, surveyed, and presented critical observations on the rapidly changing composition of the agricultural sector. Within the broad framework of agricultural law and with an enlightened perspective, all participants responded to the assigned task with thoughts toward beneficial change or reform of the agricultural sector.

Law Professor and Counselor to the Attorney General of the United States, Geraldo Torres, spoke on the issue of tension in facilitating policy specific to agriculture and urged the full participation of all individuals in shaping federal policy. Agricultural consultant Susan Schneider presented a cogent and compelling presentation on American women in farming and their attendant legal transitions. With great skill, Christopher Kelley demonstrated, outlined, and conveyed the urgency of examining the inequities underlying federal farm programs. Law Professor and noted scholar Neil Hamilton discussed industrialization within the agricultural sector and its impact on food production.¹ Expert litigator Viviana Patiño offered insight and critical analysis of federal law and policy and its application to farm workers. The last formal presenter, Judy Lozier, provided a clear and succinct analysis of the complex matters surrounding the proposed Illinois grain legislation.

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1. Industrialization within the farming sector involves the "concentration, increased technical advancement and ongoing integration with input and marketing sectors of larger sized agricultural interests." Neil D. Hamilton, *Who Owns Dinner: Evolving Legal Mechanisms for Ownership of Plant Genetic Resources*, 28 TULSA L.J. 587, 643 (1993).

Part Two of the Symposium offered a Town Hall setting in which moderator and Director of Sustainable Agriculture Programs for the American Farmland Trust, Brian Petrucci, led an animated discussion with Douglas Dashner, Manager of the DeKalb County Farm Bureau; John Dlabal, representative from DeKalb Commodities; and Karen Lehman representing the Institute for Agriculture and Trade Policy. Also in attendance were Richard Mariner, Manager of Land Resources for the Northeastern Illinois Planning Commission; Ray Watson, Representative for the Illinois Farmers Union; and David Wirsing, Illinois State Representative. The task the Symposium presented to the participants was to identify and examine the agricultural sector and its ever-evolving structure. In summary, all of the above Symposium presenters provided expert testimony as well as excellent insight into the changing landscape of the rural sector.

II. HAS ANYONE SEEN MOM AND POP?²

The nature and structure of agriculture in this country are changing with unmitigated restraint. Over the last forty years, for example, external pressures and competition from larger-sized agribusinesses have in large measure facilitated the loss of smaller operations. The most recent census of the agricultural sector specifically reveals decreasing numbers of small independent farmers.³ In Illinois, for example, 11,000 fewer farms exist in 1992 than existed five years earlier.⁴ In addition, 308,000 acres of farmland disappeared between 1977 and 1987.⁵

While some farmers leave the practice of farming because of economic hardship, others are compelled to specialize in one or two crops in order to survive. Exacerbating this trend is the belief that "bigger is better."⁶ New

2. See generally JIM HIGHTOWER, *EAT YOUR HEART OUT, HOW FOOD PROFITEERS VICTIMIZE THE CONSUMER* (1976). But see JOHN FRASER HART, *THE LAND THAT FEEDS US* (1991) (criticizing loss of family farms as a romanticized ideal and advocating economies of scale in facilitating this country's "cheap food policy").

3. U.S. DEP'T OF CENSUS, *1992 CENSUS OF AGRICULTURE* (1995); see also George Gunset, *Sprawl Eating Up Productive Farmland, Study Warns*, CHI. TRIB., Jul. 15, 1993, § 3, at 4 (citing to an American Farmland Trust Report; farmland at risk in the Chicago region includes the counties of Lake, McHenry, Kane, DeKalb, Grundy, Kendall, Will and Kankakee). The American Farmland Trust, a nonprofit organization, arose over concerns of the disappearing farm sector. See also U.S. GEN. ACCOUNTING OFFICE, *RCED-93-95, FARM FINANCE, NUMBER OF NEW FARMERS IS DECLINING, REPORT TO THE CHAIRMAN, SUBCOMM. ON AGRICULTURE, NUTRITION, AND FORESTRY* (1993) [hereinafter *NEW FARMERS DECLINING*].

4. See Gunset, *supra* note 3, at 4.

5. *Id.*

6. But see JOSEPH N. BELDEN, *DIRT RICH, DIRT POOR, AMERICA'S FOOD AND FARM*

attitudes, exemplified by shifts in food production, occur, however, with attendant consequences; some positive⁷ others negative.⁸ It is suggested that the dominant reason for shifts in the means of producing food is the desire to achieve economies of scale.⁹ This shift, however, translates into intangible transformative costs in the areas of quality of life, health, and food safety. It additionally presents difficult questions as to whether the "bigger is better" syndrome actually seeks the changed structures it is creating. In other words, is the transformation of the rural landscape--evidenced by the sprouting of shopping malls, strip malls, discount houses, and even greater urban sprawl--seeking to impose insurmountable barriers to those wishing to enter the farming sector?¹⁰ Some aspects and qualities of this shift ultimately impose negative effects on farming practices.¹¹

The answers to these questions are critical because of their impact. For example, the concentration of farm ownership into the hands of large corporations and agricultural cooperatives raises concerns about food policy issues. Further, several competing issues tend to distract the farming sector and place small and moderate-sized farm operations at risk.¹² Concerns about animal rights,¹³ high-tech crops,¹⁴ economic hardship,¹⁵ environ-

CRISIS (1986); see generally HIGHTOWER, *supra* note 2; Dennis N. Valdes, *Machine Politics in California Agriculture, 1945-1990s*, 53 PAC. HIST. REV. 203 (1994).

7. For example, innovated biogenetic testing in the production of new strains of crops. Examples of high-tech crops include, squash immune from a harmful virus, irradiated milk, hybrid corn using genes from rare plants resisting corn borers and irradiated beef. Altered tomatoes and high-tech milk have also arrived in area markets. See generally Michael Garry, *The Milk Dilemma; Bovine Somatotropin*, 73 PROGRESSIVE GROCER, May 1994, at 85; Jeff Lyon, *Building a Better Tomato--Can Science Really Improve on Mother Nature*, CHI. TRIB., Feb. 20, 1994, at 10 (discussing the development of Flavr Savr tomato, a genetically altered food product). Proponents of high-tech food assert these new forms of agricultural commodities resist viruses, environmental damage and permit greater and larger quantities of food products. Not lost, however, is the debate and controversy surrounding the genetic transformation of this country's food supply. See Joyce Price, *Can Science Improve on Mother Nature?: Genetic Engineering of Food Spurs Debate*, NATION, June 29, 1994, at A7.

8. See Gunset, *supra* note 3, at 4.

9. See HIGHTOWER, *supra* note 3, at 3.

10. See, e.g., NEW FARMERS DECLINING, *supra* note 3, at 4; George Gunset, *Farm a Future For Few, For Young The Option is Eroding*, CHI. TRIB., Nov. 22, 1992, at W1.

11. *Shatto v. McNulty*, 509 N.E.2d 897 (Ind. Ct. App. 1987). In *Shatto*, even though the farm property was zoned for farming, adjacent property owners sued the farm operator in a nuisance action.

12. Neil Hamilton, *Feeding Our Future: Six Philosophical Issues Framing Agricultural Law*, 72 NEB. L. REV. 210 (1993).

13. *Animal Rights Activists: Out to Get You?*, PRAIRIE FARMER, May 1992, at 16 (three Illinois farmers offer views on animal rights). For insight into the agenda of animal activists, observe the activities of the "Beyond Beef Campaign" located in Washington, D.C.

mental regulations,¹⁶ and health risk factors¹⁷ tend to harm smaller farming operations by focusing the industry's efforts on areas other than structural reform. Adding to the debate over changing agricultural structures is the role and effect of the North American Free Trade Agreement and the General Agreement on Tariffs and Trade.¹⁸ Both emphasize the globalization of the agricultural marketplace and serve as two recent examples of influences which precipitate aggressive shifts from domestic farming to large agribusinesses. Such shifts, in sum, present difficulties for those seeking to enter the farming sector, and who should be permitted to farm in this country.¹⁹

III. CONCLUSION

The production of this country's food supply is undergoing rapid structural changes requiring astute and critical examination. Despite the reservation of some observers, challenges to existing policies as well as to the formation of structural changes harmful to the farming sector provide valuable opportunities for improving food policy in this country. The Symposium, thus, permitted an excellent Conference for responding to these critical considerations.

I thank Ms. Sue Mellard and Ms. Robbin Tamblyn who performed invaluable tasks necessary to the organization of the Conference. Thanks also to Dr. LaTourette, President of Northern Illinois University, the Northern Illinois University administration, the law school faculty and staff, staff of the Northern Illinois University Law Review, and co-sponsors of the Conference for their generous efforts in making the Symposium possible. Last, and by no means least, many thanks to Dean James Alfini. His valuable contributions and extensive support added immeasurably to the success of the Conference.

14. Lyon, *supra* note 7, at 10.

15. Paul Sloan, *Mom and Pop Plants Closing, But Wisconsin Is Still The Big Cheese*, CHI. TRIB., Nov. 6, 1993, at A1.

16. See, e.g., George Gunset, *Fields of Damaged Dreams*, CHI. TRIB., Oct. 24, 1993, § 7, at P1 (listing effects of 1992 Mississippi River flood on vast areas of farmland).

17. See generally JOHN HARMAN, *Meat Safety Inspectors' Ability to Detect Harmful Bacteria is Limited*, (U.S. GEN. ACCOUNTING OFFICE, T-RCED-94-228).

18. See Guadalupe T. Luna, *Mexicans, Agriculture at The Border and Free Trade* (1994) (unpublished manuscript, on file with the author).

19. The main obstacles facing new farming entrants are primarily income and credit related. See generally NEW FARMERS DECLINING, *supra*, note 3. Other factors affecting the rate of new entrants include an aging and declining farming population and low birth rate among farm families. *Id.*