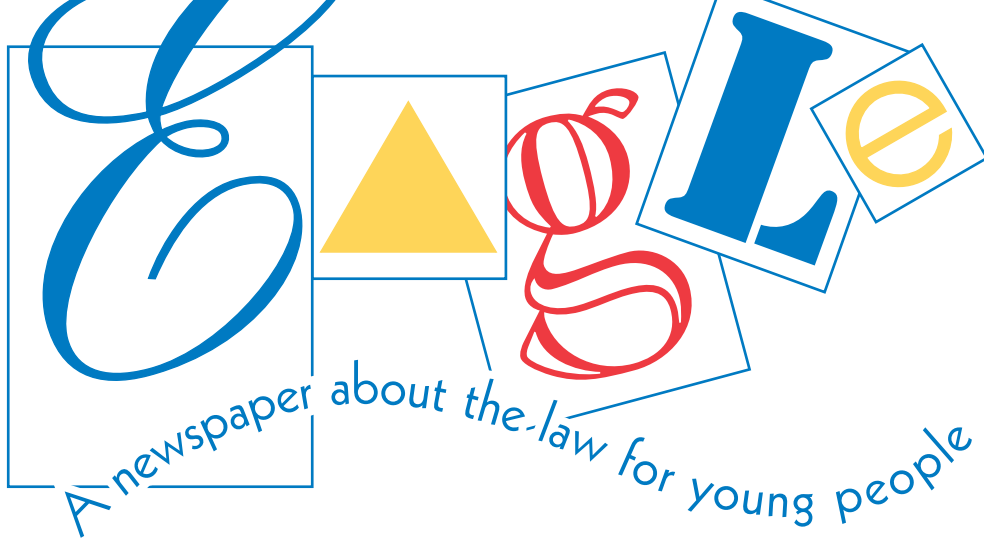


THE LEGAL



Lobbying Reform — Keeping it Legal

by Cheryl Baisden

When you want something really special for your birthday, it may take more than just a simple request to convince your parents to buy it. You probably start out dropping hints about how great it is, and then casually mention how your friends have it, and how good you'll be if you get it. If that doesn't work, maybe you become a little more helpful around the house, or try winning your mom over by complimenting her new haircut.

You probably never realized it but there's a word for all of the effort you're putting in — it's called lobbying. And while you may be lobbying to get that special gift, the practice is most often used in government as a way to influence lawmakers.

"In government, a lobbyist is someone who tries to influence the decisions of elected officials," explained Todd Sidor, an attorney and lobbyist for the New Jersey State Bar Association. "Usually they are experts in certain fields, or former government officials with connections in certain fields, and their job is to educate legislators about why a certain piece of **legislation** should or should not be passed. In a way, they are kind of like salesmen because their job is to try to sell a certain idea to government leaders."

For example, lobbyists who work for the New Jersey teachers' union represent the concerns of educators to lawmakers in Trenton, while lobbyists hired by the nation's automobile manufacturers focus on topics that relate to their industry in Washington, DC. On both the state and national level, lobbyists represent major corporations and industries, unions and professional associations.

"Although some people believe it's wrong for lobbyists to try to influence officials, there are lobbyists representing just about every group, so all sides really are heard, and it can help forge compromises on some

From 'Farm to Fork': How Safe is Our Food?

by Barbara Sheehan

Except for the occasional recall, Americans basically operate on the assumption that our food supply is safe. Lately, however, it has been hard to keep up with the recalls, with hamburger, spinach and peanut butter coming under fire. So, how safe is our food and who is protecting what we eat and drink?

Who regulates our food?

When it comes to food safety regulation, our nation's food supply is essentially broken down into two categories.

The U.S. Department of Agriculture (USDA) keeps tabs on the meat and poultry we eat. This is said to

account for about 20 percent of our food supply.

The remaining 80 percent of our food supply is regulated by the Food and Drug Administration (FDA), which also monitors a number of other products such as cosmetics, drugs, animal products (see sidebar on page 4) and medical devices.

Working in conjunction with these agencies is a variety of other entities with enough acronyms to cover half the

alphabet, it seems. They include, for example, the Environmental Protection Agency (EPA); the Cooperative State Research, Education and Extension Services

(CSREES); and the Department of Health and Human Services (DHHS), which encompasses the Centers for Disease Control and Prevention (CDC) and the National Institute of Health (NIH), to name just a few.

What are they checking for?

To protect American consumers, these agencies look at everything from how foods are labeled to how food items are distributed and what ingredients are contained in imports from other countries.

Part of this process includes hands-on inspections, which is one area, some say, where the system — and in particular the FDA — is not measuring up. According to an article in *The New York Times*, most food manufacturers in the United States are visited by the FDA only once every five to 10 years. Checks

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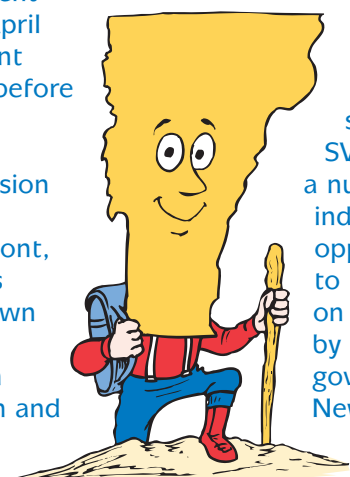


Secession: Not an Option for These United States

by Phyllis Raybin Emert

The first time you heard the word "secession" was probably while studying the Civil War. As you know from your history books, the Southern states wanted to secede from the Union. What you may not know is that secession by individual states is as old as the U.S. Constitution itself and is still being debated and considered today.

Perhaps the largest secessionist movement today is one in Vermont. According to an April 2007 *Washington Post* op-ed piece, Vermont was actually its own republic for 14 years before joining the Union in 1791. Written by Ian Baldwin, publisher of *Vermont Commons*, a newspaper that advocates Vermont's secession from the U. S., and Frank Bryan, a political science professor at the University of Vermont, the piece claims that during those 14 years Vermont "issued its own currency, ran its own postal service, developed its own foreign relations, grew its own food, made its own roads and paid for its own militia." Baldwin and Bryan write that the United States has become a large, corrupt, and aggressive



military empire, which can't properly provide for its own people and they believe it is destroying the 10th Amendment to the U.S. Constitution, which states, "the powers, not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

According to a University of Vermont poll taken in February 2007, 13 percent of Vermonters are in favor of seceding from the United States. The Second Vermont Republic (SVR), a non-violent citizens' network and think tank, is the organization driving Vermont's secessionist movement. According to SVR's website, its members subscribe to a number of principles including political independence, economic solidarity, equal opportunity and power sharing. Its goal is to have Vermont's 230 town meetings vote on the question of the state's independence by 2010. Town meeting is a form of local government that is mainly practiced in the New England states. Generally, residents

CONTINUED ON PAGE 3



issues," said Sidor. "In fact, in some cases lobbyists can actually be very helpful to lawmakers because they can educate them about issues they don't have the time or the knowledge to research themselves."

A part of our history

Lobbyists have been influencing the decisions of our government leaders since before the colonies won independence from the British, according to Senator Robert C. Byrd, who researched the history of the practice in the 1980s and has given numerous presentations on the topic. In a speech before the U.S. Senate in 1987, Senator Byrd stated that it was lobbying against British taxes that

CONTINUED ON PAGE 2

Can Playing Violent Video Games Lead to Violent Teens?

by Cheryl Baisden

When your parents were your age, the most popular video game around involved a little yellow circle named Pac Man, who raced through a maze with his mouth open, chomping tiny white dots and trying to avoid four brightly colored blobs named Blinky, Pinky, Inky and Clyde. When the blobs turned blue, Pac Man could score extra points by gobbling them up too, but if he didn't hightail it out of their way when they reverted back to their original colors, poor Pac Man would melt into a puddle and lose a life. Once three lives were lost, the game was over.

While Pac Man was a lot of fun to play, nothing about it was

realistic. Today's popular video games, like the Grand Theft Auto series, are a different story. Computer technology has made it possible for video games to look and feel almost real, and critics say the combination of realism and violence can bring out violent behavior in frequent players.

In a study published in the April 2000 issue of the *American Psychological Association's Journal of Personality and Social Psychology*, researchers concluded that repeatedly playing violent video games can increase aggressive thoughts, feelings and behavior. Further, the study reported that playing games like Grand Theft Auto may be more harmful than watching violence on TV and in movies, because the games are interactive with the players pretending to be the aggressors.

"We found that students who reported playing more violent video games in junior and senior high school engaged in more aggressive behavior," psychologist and lead study author Craig A. Anderson said in the report.

According to the report, violent video games teach kids to handle conflicts aggressively, and the longer they play the more they respond that way. Dr. Eliot Garson, a Princeton Junction psychologist experienced in treating children, believes things are more complicated than the report indicates.

"I have found that the results really depend on the individual child," Dr. Garson said. "There really is no hard and fast rule with this. Parents should evaluate how their particular child behaves and decide whether a game is affecting

them negatively. For some children who are angry, violent or agitated, playing these games can be a great release for all of the anger; while for others it can cause them to be more violent."

A case of murder

Lawyers for an Alabama teenager who killed two police officers and a dispatcher in 2003, had hoped to use the teen's interest in Grand Theft Auto

as a defense in his murder trial. According to a *People* magazine article, when he was arrested for the murders, Devin Moore told police, "Life is like a video game; everybody's got to die sometime." The judge in the trial, however, refused to

allow testimony on the topic. Moore was found guilty of murder and sentenced to death for his actions. His attorneys plan to appeal the decision, and hope to use his fascination with the video game as a defense this time.

In the meantime, families of Moore's victims are suing Sony Entertainment, Take-Two Interactive, Wal-Mart and Gamestop for \$600 million, claiming his murder spree was prompted by repeatedly playing the game, which was developed and sold by the companies.

"Everything he did is right from Grand Theft Auto," Willie Crump, whose son was one of Moore's victims, told *People* magazine. "Why would you make a game like that to show kids how to kill cops?"

In another more recent incident, a seven-year-old Colorado girl was

beaten to death when her babysitters acted out scenes from the video game *Mortal Combat*. According to the *Denver Post*, the girl's 16-year-old half-sister and the sister's 17-year-old boyfriend are charged with child abuse resulting in death and could face up to 48 years in prison if convicted.

Legal limits

Lawmakers in several states, including New Jersey, have considered regulating the distribution of violent video games by making it illegal for store owners to sell or rent them to anyone under the age of 18. The First Amendment to the U.S. Constitution guarantees freedom of speech and expression. So, according to Steven Schechter, a Fairlawn entertainment lawyer, video game manufacturers and distributors have a right to develop and sell these games to anyone, regardless of their age, unless the content is considered obscene.

"It is my understanding that the courts have unanimously stricken as unconstitutional all of the laws passed to date around the country," said Schechter. "Video games are entitled to protection as speech under the First Amendment." Government intervention in this area would be "dangerous," he added, because it would permit "government officials to prohibit or restrict speech they do not like or they find offensive although the speech may be constitutionally protected."

Although no action has been taken on the New Jersey bill proposed by Assembly members Linda Stender and Jon Bramnick, members of the gaming industry said they are prepared to fight the legislation if it comes up for a vote. 🗳️



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Keeping it Legal CONTINUED FROM PAGE 1

actually prompted America's leaders to fight the Revolutionary War and during the new nation's first official congressional session lobbyists regularly met with officials to promote their interests.

In the days when travelling to the nation's capital could take weeks on horseback, employing one or more people to represent the concerns of farmers or other groups of people with special interests was the only way constituents could guarantee that their voices would be heard by their elected officials, the senator noted. In some cases lobbyists simply offered information to lawmakers, while in other instances they provided gifts, paid for trips, hosted lavish parties and helped fund political campaigns as a way to gain access to lawmakers.

"The key to lobbying really is to have access to the lawmakers," explained Sidor. "Sometimes you can gain access because the company you represent is big or powerful and represents a lot of voters. Sometimes access is gained by contributing money to someone's campaign."

Since educating someone through lobbying could be misconstrued as trying to buy someone's vote, state and federal governments have passed a number of laws over the years to try to prevent corruption. At the same time, since lobbying is protected under the First Amendment of the U.S. Constitution, the types of restrictions placed on lobbyists must not deny them the right to free speech. The most recent lobbying laws were drafted as a result of the controversy surrounding several members of the U.S. Congress and lobbyist Jack Abramoff, who was sentenced to close to six years in jail for attempting to bribe lawmakers.

Legislating lobbying

The first step to monitoring lobbying activities is to be able to identify who the lobbyists are, so in 1995 the U.S. Congress passed the Lobbying Disclosure Act, which set up rules requiring an organization or company to register the people they employ as lobbyists. Under the law, anyone who spends at least 20 percent of his or her time lobbying and holds at least two meetings with government officials over six months must register as a lobbyist.

In the summer of 2007, the U.S. Congress passed another law, the Honest Leadership and Open Government Act, which forces lobbyists to report certain campaign contributions they collect and turnover to political candidates. The law also prohibits lawmakers and their staff from accepting gifts, meals or trips from lobbyists, and sets fines and prison penalties for lobbyists who offer them.

New Jersey lawmakers and the federal government have also passed campaign finance laws that limit the amount of money individuals can donate to political campaigns, hoping to keep lobbyists or others with special interests from possibly getting special treatment when it comes to the passage of laws. New Jersey has also approved legislation often called "pay-to-play" reforms, which prohibit businesses that have work contracts, or hope to get contracts, with the state from being able to make campaign contributions.

"The way proper lobbying is designed to work is that you, as a lobbyist, have an opportunity to be heard and present the facts as you see them," said Sidor. "But that doesn't mean that lawmakers will end up deciding in your favor." 🗳️



of a town will get together once a year and act as a legislative body.

Vermont isn't the only state with groups of citizens who want to secede. According to the Middlebury Institute, an organization that promotes the study of separatism, secession and self-determination on a national and international level, there are secessionist movements in more than half of the 50 states, including Alaska, Hawaii, California, Georgia, New Hampshire and Texas.

Closer to home, in 1980, New Jersey had its own secessionist turmoil within the state (see sidebar).

Constitutional or illegal: A look back

After the U.S. Constitution was approved in 1789, many states threatened to leave the union. Professor Michael C. Dorf, a law professor at Columbia University and author of *Constitutional Law Stories*, wrote about these secession movements in his article, *Does the Constitution Permit the Blue States to Secede?* In 1790, Dorf wrote, Ben Franklin and other Pennsylvania **abolitionists** sent a petition to Congress to immediately end the slave trade. According to Dorf, "members of the Georgia and South Carolina Congressional Delegations intimated that if Congress attempted to manumit [free] slaves, their states would leave the Union." Congress denied the petition and passed a resolution declaring it did not have the power to end slavery. Thereafter, Southerners often made secession threats whenever the question of limiting slavery was considered.

Southern states, however, were not the only states in the Union to threaten secession. Professor Dorf wrote, "In 1804, members of the declining Federalist Party in New England and New York, plotted secession from a country ruled by the Republican Thomas Jefferson." In 1815, Federalists threatened secession to oppose President James Madison's handling of the War of 1812.

Philosophy professor Donald W. Livingston in a *Society Magazine* article, titled *The Very Idea of Secession*, wrote that New England states considered secession "over the Louisiana Purchase in 1803, the embargo in 1808, the war with England in 1814, and over annexation of Texas in 1843." According to Professor Livingston, Gouverneur Morris, one of the signers of the U.S. Constitution, suggested in an 1812 *New York Tribune* essay that New York and New England should secede and form a separate union. The professor explained that the term secession was used "during the first 70 years of the union to describe an action available to an American state." Thereafter, the theory of the modern unitary state became dominant. Instead of a "federation of **sovereign** states," a doctrine took hold that "the union created the states — not the states the union." And therein lies the disagreement between secessionists and non-secessionists.

Do states have the right to secede?

Secessionist movements, including those in Vermont and elsewhere, make several points about secession. Among those points is that the U.S. Constitution does not prohibit a state from leaving the union. In fact, according to Thomas Naylor, founder of SVR, the Tenth Amendment gives all states the constitutional right to secede. Professor Dorf explained in his article, "Because the Constitution derived its initial force from the voluntary act of consent by the sovereign states, secessionists argued, a state could voluntarily and unilaterally withdraw its consent from the Union."

American secessionists today say that the United States was founded upon secession and point to the words of The Declaration of Independence, which states, "Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government."

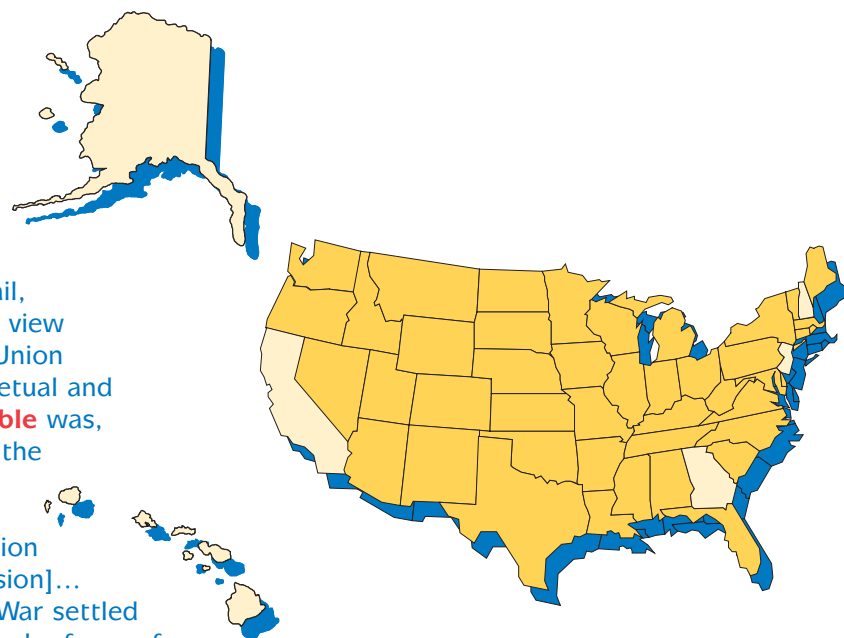
President Lincoln weighs in

It was President Abraham Lincoln who made the case against unilateral secession in his First Inaugural Address delivered in Washington D.C. on March 4, 1861. His foremost aim was to preserve the Union, not free the slaves. "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists," he declared. "One section of our country believes slavery is right, and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute."

Lincoln was very specific about the Union. "I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is **perpetual**. Perpetuity is implied, if not expressed, in the fundamental law of all national governments... Continue to execute all the express provisions of our national Constitution, and the Union will endure forever..." Lincoln went on to refer to the 1787 Constitution, whose object was "to form a more perfect Union" and stated that if one or more states could lawfully attempt to destroy the Union, the "element of perpetuity" would be lost.

"It follows from these views," declared Lincoln, "that no State, upon its own mere motion, can lawfully get out of the Union, — that resolves and ordinances to that effect are legally void, and that acts of violence, within any State or States, against the authority of the United States are **insurrectionary** or revolutionary, according to circumstances." The newly elected president continued, "The central idea of secession is the essence of **anarchy**... The rule of a minority, as a permanent arrangement, is wholly inadmissible..."

Senior Assistant Prosecutor Steven Brizek of the Passaic County Prosecutor's Office said



in an email, "Lincoln's view that the Union was perpetual and **indissoluble** was, I believe, the best way to view the question [of secession]... The Civil War settled the matter by force of arms and resolved the debate that raged since the Constitution went into effect."

Texas v. White (1868)

The U.S. Supreme Court ruled on the secession issue in the 1868 case of *Texas v. White*. In 1851, the United States issued bonds to the state of Texas that were redeemable after December 1864. The bonds needed the endorsement of the governor to be exchanged for money. In the meantime, Texas seceded from the Union and became part of the Confederacy. A military board was organized by the rebel government to use the bonds in the state treasury for defense.

In January 1865, the board sold 135 bonds to George W. White and John Chiles in payment for cotton cards and medicine, but none were endorsed by the governor. After the war, a lawsuit was brought by the state of Texas and its elected governor, to request an **injunction** [order] to prevent White and Chiles "from receiving payment from the national government, and to compel the surrender of the bonds to the State."

Defendant Chiles questioned the authority of the State of Texas to prosecute the case because of

its secession and questionable allegiance to the U.S. government and its Constitution. Chief Justice Salmon P. Chase wrote the opinion of the Court and focused on whether Texas "ceased to be a State or...did the State cease to be a member of the Union."

Chief Justice Chase wrote, "...From the Articles of Confederation...the Union was solemnly declared to 'be perpetual.' And when these Articles were found to be inadequate...the Constitution was ordained 'to form a more perfect Union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not?" Therefore, the chief justice wrote, "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."

"When...Texas became one of the United States," the chief justice explained, "she entered into an indissoluble relation...And it was final...There was no place for reconsideration, or revocation, except through revolution, or through consent of the States." Therefore, according to Chief Justice Chase, any elections or

CONTINUED ON PAGE 4

South Jersey to North Jersey: "Take a Hike"

In the late 1970s, people in South Jersey had a lot to complain about. They objected to an indifferent central government in Trenton, and to state money assigned to the more populous north. They were angry over stricter environmental and land-use policies and regulation of gambling in Atlantic City. They protested when many state appointments went to Northerners.

The unhappy residents formed a secessionist movement called The Committee to Free South Jersey, which was supported by publisher and editor, Albert E. Freeman and headed by builder and deputy mayor of Egg Harbor Township, Joel Jacovitz. A **non-binding referendum** was placed on the November 1980 election ballot in Atlantic, Burlington, Cape May, Cumberland, Ocean, and Salem counties, with 51 percent of voters opting for secession from New Jersey and the formation of a new state. Salem, Cape May and Cumberland counties voted to secede by large margins. The referendum won narrowly in Atlantic and Burlington counties, and Ocean County rejected it.

Two Jerseys wasn't a new idea. According to writer Peter Mucha in his article "Rebel Power" that appeared in *New Jersey Monthly* in October 1980, "From 1676 to 1702, New Jersey was actually two colonies, East and West Jersey, separated by a line that ran from Little Egg Harbor northwest to the Delaware Water Gap...In East Jersey...people established towns with outlying farms, much in the New England fashion." Mucha noted that West Jersey, owned by Quakers, was split into large farms with few towns or cities. South Jersey, which evolved from West Jersey, was more rural with a laid-back type of living. North Jersey like the original East Jersey colony, was urbanized and faster-paced, with more businesses and industry.

The result of the referendum in 1980 brought a lot of attention to South Jersey and the inequities experienced by its residents. A new governor, Thomas Kean, took office the following year. The secession movement and referendum vote caused Governor Kean to focus on South Jersey issues and the crisis between the Jerseys was gradually averted.

—Phyllis Raybin Emert

How Safe is Our Food? CONTINUED FROM PAGE 1

by the FDA on food imports are even less seldom, according to the article, with less than one percent of food at our ports being inspected. This seems to be a problem that is getting worse, not better.

While imports have gone up “tenfold over the past 14 years, the number of port inspections has dropped,” *The New York Times* reported. In 2006, according to *The New York Times*, the U.S. received 8.9 million shipments at its ports. Of those shipments, FDA inspectors sampled only 20,662. China, which, according to International Trade Commission figures, has recently become the U.S.’s third-largest exporter of food — behind Canada and Mexico — sent 199,000 shipments in 2006. According to *The New York Times* article, the FDA sampled only two percent of those shipments.

“The bottom line is that the United States is being overwhelmed with food imports, and they are not being screened by the FDA,” William Hubbard, a former FDA associate commissioner for policy and planning, told *The Los Angeles Times*. In a *New York Times* article, Hubbard said, “The public thinks the food supply is much more protected than it is. If people really knew how weak the FDA program is, they would be shocked.”

Still, the FDA is not ignoring the problem. According to a July 2007 issue of *Newsweek*, the “FDA is blocking imports of Chinese farm-raised catfish, bass, shrimp and eel while it waits for cleaner fish farms and better inspectors.” According to *Newsweek*, \$288 billion worth of Chinese goods come into this country every year. That number includes everything from produce to seafood to children’s toys.

Better inspections needed

Thomas Slater, acting director of communications for the New Jersey Department of Health and Senior Services (DHSS), agreed that an increase of inspections at the ports and better-targeted inspections are needed.

In an email, Slater said, “The area of greatest concern is illegal



imports, particularly those catering to ethnic populations. Substantial quantities of these products including food, nutritional supplements, herbal remedies and cosmetics have been found to contain heavy

metals, lead, mercury and arsenic.”

Another concern, Slater said, is an increase in outbreaks arising from fresh produce. Most of these problems, he said, are traced back to the farm fields. To better safeguard consumers, Slater says more research is needed to understand “how **pathogens** enter our food supply as food travels from the farm to the fork.”

Too many cooks...

In addition to inspections, another important ingredient in our nation’s food safety protocol is legislation, which exists at both the state and federal level. One federal bill that has attracted the public’s attention recently is a proposal to create a single agency to focus on food safety, rather than having 12 or so different agencies divvying up the task.

This legislation would establish a Food Safety Administration and is currently pending in the U.S. Congress. The bill has won support from New York Senator and U.S. presidential candidate Hillary Rodham Clinton. In addition, in 2007, Senator Clinton issued a press release and sent a letter to Senate leaders urging them to implement mandatory country of origin labeling (COOL) on all food coming into the United States.

As for other initiatives, Slater said the U.S. Congress is considering proposals that would enhance the traceability of food products and their ingredients, and require inspections at foreign food facilities. Currently, the FDA is not authorized to inspect overseas plants without a country’s permission, even if the U.S. has proof of contamination.

Counterterrorism initiative challenged

No doubt food regulators have their plates full monitoring the regular day-to-day aspects of food safety. But what about protecting against terror attacks?

Protecting Our Furry Friends

With last year’s pet food scare still fresh on many people’s minds, legislators are taking steps to safeguard our pets. Efforts are focused largely on monitoring pet food ingredients after a chemical called melamine, which was commonly used as filler in pet food manufactured in China, was blamed for numerous illnesses and deaths in cats and dogs.

In New Jersey, for example, a bill has been introduced that would require all pet food sold in New Jersey to be certified as safe meaning that it does not contain harmful chemicals or byproducts. The bill also would allow pet owners and the Attorney General to bring civil actions when pets are injured by tainted food. Another proposed New Jersey law would allow pet owners whose animals are harmed by contaminated food to recover financial losses from the food’s manufacturer, producer and distributor.

At the federal level, the Food and Drug Administration (FDA) announced on its website that it has issued an alert that stops all shipments of all vegetable protein products — which are associated with last year’s pet food recall — from all of China.

“No product can enter the United States until the importer proves to the FDA, through results

from an independent laboratory, that the product is free of melamine and related compounds,” the FDA announced.

Thomas Slater, acting director of communications for the New Jersey Department of Health and Senior Services (DHSS), said, in an e-mail, that a proposal to extend the FDA’s authority to conduct inspections at foreign food facilities would also “go a long way” to help prevent pet food problems like those that occurred last year.

On its website, the FDA said it has no surveillance network to confirm the cases of illness or death stemming from last year’s pet food contamination, but newspaper reports put the number of cats and dogs that perished as a result of contaminated pet food at 8,500. The result was the largest recall — more than 60 million packages — of pet food.

While the worst seems to be over for Fido and friends, the recent pet food scare has put the spotlight on China’s manufacturing processes, which have also come under fire recently for complaints about unsafe levels of lead in toys. This has led some to question China’s safety practices not only with pet food but with human food and other products as well.

—Barbara Sheehan

On its website, the FDA reports that “since the September 11 attack, the FDA has increased its emergency response capability by realigning resources for possible use to counter terrorism, and by reassessing and strengthening its emergency response plans.”

Still, some question the viability of the FDA’s plan. Illustrating the point, a *New York Times* article reported that 1993 saw 3,700 illnesses connected to food regulated by the USDA, while during the same year food regulated by the FDA garnered 6,700 illnesses. In 2004, *The New York Times* reports that the USDA cases dropped to 2,300 while the FDA’s rose to 10,300.

In addition, a *Los Angeles Times* article reported that while the FDA developed comprehensive safety protections after September 11, the sense of urgency to follow through with that initiative has “drained away”

as time has passed with no new attacks.

Handle with care

As people look to agencies like the FDA to keep them safe, Slater points out that we, too, can play a role.

“The most important thing people can do to ensure their food is safe is to properly handle food at home after they purchase it,” Slater said. “That means proper heating and cooling, preventing cross-contamination and hand washing.”



abolitionist — someone who opposes slavery.

anarchy — the absence of government, which creates lawless confusion and disorder.

indissoluble — not able to be broken apart or destroyed.

injunction — an order of the court that compels someone to do something or stops them from doing something.

insurrectionary — pertaining to resisting an established government.

legislation — the dissemination and enactment of law by a legislative body.

non-binding referendum — a public vote on a measure that is only advisory and not required to be put into effect.

pathogen — an organism that produces disease such as a fungus or virus.

perpetual — continuing forever.

sovereign — indisputable power or authority.

Secession CONTINUED FROM PAGE 3

legislation during the secession from the Union “were absolutely null.” The Court concluded that Texas continued to be a state in the Union during the Civil War “controlled by a government hostile to the United States.” During these hostilities, the rights of Texas and her citizens were suspended. “The contract, under consideration...was still a contract in aid of the rebellion, and, therefore, void...,” Chief Justice Chase wrote. So, the decision was in favor of the state of Texas and against White and Chiles.

Professor Dorf wrote, “Article IV [of the Constitution] empowers Congress to admit new States, but that no provision of the Constitution authorizes a state to leave the Union.” According to the professor, “both Lincoln and the Supreme Court in *Texas v. White* strongly implied that it would be possible for one or more states to leave the Union with the consent of the Union as a whole.” But the question is, how would the Union consent?

Senior Prosecutor Brizek said, “the only way one might argue...[a state could secede]...is if the Union of states, by the same percentage as was required to adopt the U.S. Constitution, with that would-be seceding state’s consent, agreed to allow that state to withdraw from the Union.” He added, “If such a separation were permitted, [the seceding state] would have the same relationship to the United States as any other foreign state...[and]...would likely mirror that in effect between Canada, Mexico and our other close neighbors.”

It seems very unlikely that Vermont’s or any other state’s secessionist movement would prevail after the decision in *Texas v. White*. But, according to Professor Dorf, “We must struggle to interpret the sounds of the Constitution’s silence.”