

## **It's not about trees**

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The 15th century autocratic that deemed the world to be flat was accepted as truth until proven otherwise.

History notwithstanding, "prove it" and "show me" are perspectives entwined in our daily reasoning. Show me and prove it effectively characterize our constitution's intent to protect citizens from random, unlawful actions by our government.

So why would otherwise savvy Floridians seem to unquestioningly accept a bill now wending its way through the Senate that would welcome government entry in our back yards for the search, seizure and even destruction of our property?

Why would we tacitly allow our Legislature to enact into law violations of our rights, without pressing for proof, justification or some viable rationale?

In a post-Sept. 11 environment, we pepper discussion with debate comparing the protective value vs. violation of basic rights of proposed identity cards. Meanwhile, bills that have flown through each of the House and Senate Committees on Agriculture are careening through the Legislature.

The bills seek to legislate away your rights to trespass-free privacy by granting blanket warrants to the Department of Agriculture, when the department deems it necessary, and without having to individually prove cause.

Further, the department seeks to make law of a yet-unproven policy that eradicates healthy trees located within 1,900 feet of a canker-infected citrus tree. You may wonder why this is objectionable. Over the last three years, while citizens, counties, cities and courts have been requesting scientific proof ("show me the data"), the department has not only actively avoided producing evidence, but has aggressively pursued deferring its day in court, where such proof could serve as foundation toward admission of its policies.

Instead, by opting entry through the hidden back door of the state Legislature, the department may well be able to evade the issue of proof altogether by having its "science" deemed acceptable by statute!

Repositioning the "1,900-foot rule" within a legislative package could relieve the department of presenting scientific proof and subjecting itself to public scrutiny. State law would then become the modern-day pronouncement that deems the world to be flat.

What would this mean for Florida's citizens? Constitutional rights are being bartered using eloquently stated but highly inaccurate information, slickly marketed by the department to editorial boards statewide.

From the St. Petersburg Times to the Lakeland Ledger, papers echo how canker kills, though when out of media earshot, the department concedes that the citrus industry can "live with canker" because it is not a debilitating disease.

Striking numbers stun: The department speaks of citrus as an \$8 billion to \$9 billion industry. The multiplier effect stuns equally: The impact of exaggeration is 800 percent to 900 percent because the Florida citrus industry's output is valued at less than \$1 billion, in real economic terms.

A \$1 billion industry is still highly significant. Why, then, didn't the department comply, three years ago, with judicial and administrative requests to provide proof? Timely submission of scientific proof would have ended the issue at inception.

The department has instead proven an irresponsible steward of the industry it purports to protect. Like the Enron debacle which is less about finances and more about how accounting and legal systems were manipulated for the benefit of relatively few, the citrus debacle is less about fighting an epidemic disease (yet unproven) and more about the relative rights, fairness and recourse of the government vs. the governed. Many legislators on key committees are spawned from areas that are commercial citrus intensive.

Even the commissioner of Agriculture, who was formerly the senator from Indian Harbor Beach, had been recognized by Citrus Mutual as a "citrus friendly legislator" for his "unprecedented" result of saving the citrus industry from having to pay for the eradication program.

Have our elected representatives, in quiet haste, abandoned citizens' interests? Must dedicated time be earmarked for protection of the constitutional rights and interests of the little guys? Write, call or e-mail your legislators.

Tell them to "kill the bills" (Senate Bill SB 1926 and House Bill HB 1539). Tell them to give the department its long overdue day in court instead: to prove its science, seek administrative sanction for policies and procedures, and put an end to the around-the-bush-lawmaking that has yet to prove its worth. You see, the issue isn't "citrus," per say.

The issue is whether your rights, under the constitution, are to be preserved or bartered away. The issue is whether you are willing to allow the state to legislate ignorance.

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