



Statement from Maine Senator Craig Hickman
ICCPR Food Rights Working Group
October 12, 2023
Briefing with Human Rights Committee for Review of the U.S.A.

Good morning, my name is Craig Hickman. I'm an organic farmer and small business owner in Maine. I serve as Senator in the Maine State Legislature and am co-author and original sponsor of the first state constitutional amendment in the United States that recognizes the human right to food.

I speak today on behalf of a growing coalition of food justice advocates and people with lived experiences of hunger, racial discrimination, and violations of the right to food that believe food and food sovereignty are fundamental human rights and a pathway to a sustainable and just food system.

Food is water. Food is soil. Food is light. Food is nourishment. Food is medicine. Food is life. You can imagine my surprise, then, some years ago when I discovered that state and federal agencies and courts in the United States have yet to recognize the right to food as a fundamental liberty right. In fact, as recently as 2010,¹ the Food and Drug Administration, which regulates 80% of America's food supply, argued² in federal court that people have no "right to consume or feed children any particular food," that there is "no 'deeply rooted' historical tradition of unfettered access to foods of all kinds" and that people have "no right to their own bodily and physical health" and therefore cannot obtain any food we wish.

And yet, those same government agencies that are supposed to ensure food safety didn't seem to care much about the quality of the meats available in the neighborhood grocery stores during my childhood in Milwaukee, Wisconsin. For the exchange of our food stamps and our hard-earned money, the only chicken available would be so yellow with age and degradation, my mother would soak it overnight in vinegar and lemon water to kill whatever might live on it, then stew it for hours in a pressure cooker to kill anything else.

¹ David Gumpert, *In Court Case, FDA Takes a Strong Stand Against Unabridged Food and Health Rights*, GRIST (Apr. 29, 2010), <https://grist.org/article/in-court-case-fda-takes-a-strong-stand-against-unabridged-food-and-health-/>.

² Brief in Support of United States' Motion to Dismiss Plaintiff's Amended Complaint, Farm-to-Consumer Legal Defense Fund, et al. v. Sebelius, No. C 10-4018-MWB (N.D. Iowa Apr. 26, 2010), <https://www.farmtoconsumer.org/litigation/ey100426--ds%20mtd%20memo%20in%20support.pdf>.

We lived to tell about it.

Food is *life*.

No deeply rooted historical tradition of unfettered access to foods of all kinds? That's an argument in favor of a failed paternalistic food policy served up with a steaming pile of revisionist history. Back in 1888, Supreme Court Justice Stephen Field argued:³

"I have always supposed that the gift of life was accompanied with the right to seek and produce food, by which life can be preserved and enjoyed, in all ways not encroaching upon the equal rights of others... [The] right to procure healthy and nutritious food and to manufacture it, is among those inalienable rights, which no state can give, and no state can take away.... It is involved in the right to pursue one's happiness."

More than 75% of the people's representatives and senators in the Maine Legislature concurred⁴—and came *together*—to provide a once-in-a-lifetime opportunity for the people of Maine to ratify and enshrine a constitutional Right to Food, the most fundamental of our natural rights. And so, with 61% of the vote, the people of Maine said YES.

Maine imports 92% of the food we consume. This makes our food supply vulnerable to disruptions of all kinds beyond our control, including extreme weather events and a pandemic, whether or not you are one of the too-many families in Maine struggling with hunger. Or one of the 20% of our children⁵ who goes to bed hungry every night. Our grocery stores have only enough food to last four days if the trucks stop coming from out of state.⁶ Consumer choice is illusory. Only four multinational corporations control the majority market⁷ share of nearly 80% of the groceries we buy. The prices of meat, poultry, fish, and eggs have risen nearly 16%⁸ from before the COVID-19 pandemic.

For the Maine people to rely solely on inadequate government programs and charity to ensure that we all have access to nourishing food is to surrender to a dangerous dependence on a government too deeply influenced by corporations to protect and defend our right to nourish ourselves in self-determination and dignity.

³ *Powell v. Commonwealth of Pennsylvania*, 127 U.S. 678 (1888).

⁴ L.D. 95, 130th Cong. (Me. 2021).

⁵ Gillian Graham, *More Mainers struggle to feed their families as agencies fear worst to come*, PORTLAND PRESS HERALD (Sept. 14, 2020), <https://www.pressherald.com/2020/09/13/more-mainers-struggle-to-feed-their-families-as-agencies-fear-worst-to-come/?rel=related>.

⁶ D. Robin Beck et al., *Maine's Food System: An Overview and Assessment*, 20 MAINE POLICY REVIEW 18 (2011).

⁷ Nina Lakhani, Aliya Uteuova & Alvin Chang, *Revealed: the true extent of America's food monopolies, and who pays the price*, THE GUARDIAN (July 14, 2021), <https://www.theguardian.com/environment/ng-interactive/2021/jul/14/food-monopoly-meals-profits-data-investigation>.

⁸ Laura Reiley & Alyssa Fowers, *Here's why your food prices keep going up*, THE WASHINGTON POST (Sept. 15, 2021, 8:38 AM), <https://www.washingtonpost.com/business/2021/09/15/food-inflation-faq/>.

As Henry Kissinger knew, if you control the food, you control the people. As Fannie Lou Hamer told us, if you can feed yourself, nobody can push you around or tell you what to do.

But Maine is not alone. Hunger and food insecurity in the fifty United States is not the result of a lack of enough food, but the result of a lack of a human rights approach to hunger that recognizes and addresses violations of small-scale food producers, food system workers' rights, environmental racism, and the corporate capture of natural resources as root causes of hunger.

Violations of the right to food in the U.S. are linked with structural discrimination based on race. Black, Indigenous, and communities of color are disproportionately and persistently food insecure.

Racial disparities in access to food are not a coincidence, but the result of a system designed to discriminate and dispossess. Repeatedly and since its creation, the U.S. has implemented policy and legislation that discriminates against people of color, hindering their (our) ability to participate in the land market and build generational wealth.

Black communities were redlined, restricting individuals' access to mortgages and class mobility. Black people were also excluded from federal farm programs—for decades the percentage of farm ownership in the Black community has dwindled.

Indigenous peoples were historically removed from their land and face drastic rates of food insecurity. Congress, in the early twentieth century, authorized leasing of lands allotted to Indigenous groups to non-indigenous groups, leaving Indigenous landowners vulnerable to exploitation. This continues to this day and Indigenous communities are forced to lease their land to corporations to obtain money for basic necessities, like food or gas money. Today, the U.S.'s lack of adequate oversight of corporate activities disrupts traditional hunting, fishing, farming, and gathering economies in Indigenous communities as pollutants fill these traditional foodways.⁹ Corporations have been able to “drill, frack, farm, and fell timber on Native lands” at the expense of Indigenous Peoples' land rights, which in turn, negatively impacts their access to food.¹⁰

Moreover, labor in our food system is a direct extension of slavery – from chattel slavery, to sharecropping, to convict leasing, to forced labor in our agricultural fields today.

Today, Latinx immigrants make up the majority of the labor force in the food system, from farm work to food processing, and the service industry, yet in several states, food system workers,

⁹ Mills, *supra* note 52.

¹⁰ *Id.*

irrespective of immigration status, are not covered under minimum wage laws, are not considered “employees” under several state codes, and are excluded from forming trade unions and enjoying labor protections. Despite being the backbone of this nation’s food supply, food system workers’ right to feed themselves and their families in dignity is consistently violated.

These right to food violations happen against a backdrop of U.S. policies that have created a global climate crisis by producing more non-food crops than food crops and using highly mechanized mono-cropping practices that result in the loss of nutrients in the soil.

It is time for the right to food to become one of the highest considerations for policy makers at all levels of government in crafting public policy that uplifts the dignity and worth of every human being. It is time for the U.S. to adopt a rights-based national plan to end hunger that incorporates strong civic participation from those most affected by hunger, historical discrimination, and resource dispossession.

Where I come from, you don’t grow up dreaming that someday you’ll be in a position to inscribe your own words on the pages of a constitution.

But I am here to tell about it.