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Percy Schmeiser vs Monsanto: The Story of a Canadian Farmer's Fight to Defend the Rights of Farmers and the Future of Seeds

Gathered here in Bonn this week are some eighty Right Livelihood Award laureates, including the Canadian farmer Percy Schmeiser, who has battled the biotech giant Monsanto for years. When Monsanto seeds blew into Schmeiser's property, Monsanto accused him of illegally planting their crops and took him to court. Ultimately his case landed in the Canadian Supreme Court. He was awarded the Right Livelihood Award in 1997 for fighting to defend the rights of farmers and the future of seeds. [includes rush transcript]



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Guest:

Percy Schmeiser, Canadian farmer.

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RUSH TRANSCRIPT

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AMY GOODMAN: We're broadcasting from Bonn, Germany, where the thirtieth anniversary of the Right Livelihood Awards is being held. The Right Livelihood Award was established in 1980 and has become widely known as the Alternative Nobel Prize. Gathered here in Bonn this week are some eighty Right Livelihood Award laureates, including the Canadian farmer Percy Schmeiser, who has battled the biotech company Monsanto for years. In 1997, Percy and his wife Louise won the Right Livelihood Award for their courage in defending biodiversity and farmers' rights. I spoke with Percy Schmeiser yesterday in Bonn, but first I want to turn to Bertram Verhaag's documentary *Percy Schmeiser: David versus Monsanto*.

NARRATOR: The pesticide Roundup produced by the multinational concern Monsanto is the most widely sold spray in the world. Monsanto made its canola resistant to Roundup. This means Roundup kills every plant without exception. Only Monsanto's genetically modified canola remains alive.

PERCY SCHMEISER: It was introduced without really much testing being done. And I think, even at that time, when it was introduced in the middle of the '90s, that even the governments were taken in by what these corporations told what it would do, like increase yields and less chemicals and more nutritious. And I think the governments even believed the corporation.

NARRATOR: In 1996, the chemical giant Monsanto introduced its brand of canola into Canada, a brand resistant to the pesticide Roundup. In Schmeiser's region, three farmers agreed to plant Monsanto's new GMO canola. Due to a heavy storm during the harvest, freshly cut GMO canola drifted into Percy Schmeiser's fields. His work of fifty years of breeding was destroyed, because his harvest was contaminated by Monsanto's seed.

PERCY SCHMEISER: It came like a—like a time bomb, like a shock to me, that my seed was ruined through cross-pollination or direct seed drift by a substance, by a seed I didn't want in my land. And so, it was very disgusting and hard to take that I had lost something that I worked fifty years on.

NARRATOR: Contamination and destruction of his own breed was irrevocably damaging to Percy Schmeiser. But on top of that, Monsanto turned him, the victim, into a culprit.

AMY GOODMAN: An excerpt from the documentary *Percy Schmeiser: David versus Monsanto*.

Well, I met Percy Schmeiser yesterday here in Bonn and asked him to talk about this epic struggle he has with the biotech giant Monsanto. It's one of the largest biotech companies in the world.

PERCY SCHMEISER: It started in 1998, when Monsanto laid what they call a patent infringement lawsuit against my wife and myself, and they charged us that we were growing their genetic altered, or GMO, canola, as we call it in Canada. And that was the beginning of it. And as GMOs were introduced in North America in 1996, so this was two years after the introduction.

AMY GOODMAN: Explain what a GMO is.

PERCY SCHMEISER: Genetic modified organisms. And what that really means is that they took a gene from another life form, put it into canola, which made it resistant to Monsanto's herbicide Roundup.

AMY GOODMAN: And explain what canola is.

PERCY SCHMEISER: Canola is—well, here—in most parts of the world, we call it rapeseed. But canola is an oil-based crop, and primarily it is used for making cooking oil. And the meal from it, after it's pressed, is good animal feed, both for cattle and for pigs.

AMY GOODMAN: And explain how it ended up on your property.

PERCY SCHMEISER: My neighbor had grown it in 1997, and the following year it had true cross-pollination. But at that time, we believe it was primarily the contamination came from seeds blown in the wind, transportation by the farmer to the market, to his field, and from his field to his granaries.

AMY GOODMAN: So, if you didn't buy it and plant it, how could Monsanto sue you for using it?

PERCY SCHMEISER: Well, they said that it does not matter how it gets into any farmer's field, and they specified just what I said before—cross-pollination, seed movement and so on. And because they have a patent on one gene that makes that plant resistant—canola plant resistant to a chemical, then they—that they own the ownership. So it doesn't matter how it gets to your field, for patent law. They can take the whole total farmer's crop from him or make him destroy it. And in our case, my wife and I were seed developers in canola, which we had been doing for over fifty years, research in the development of disease control and so on. Even we lost all that research when the court ordered, through patent law, they own it.

AMY GOODMAN: That Monsanto owned it.

PERCY SCHMEISER: That Monsanto owns it.

AMY GOODMAN: And how much did they fine you?

PERCY SCHMEISER: Well, initially they wanted so-much-an-acre fine, but it ended up that they laid another lawsuit of \$1 million against my wife and myself. And that also, we had to fight. And besides that, there was another lawsuit in the seven years before it went to the Supreme Court, where they tried to seize all our farmland. They tried to seize our whole—our farm equipment, so they could stop us, because we were using mortgages on our farmland to pay for our legal bills.

AMY GOODMAN: And so, then explain what happened. You appealed this right to the Canadian Supreme Court?

PERCY SCHMEISER: It went all the way. It went through the lower courts and the court of appeal and so on, and then it went all the way to Supreme Court of Canada. But there were other issues at the Supreme Court we could bring in that we could not bring in at the lower courts—first of all, farmers'

rights, farmers' rights to use your own seed from year to year to develop them, and then also the whole issue that we said, in regards to patents, there should be no patents allowed on higher life forms—basically, anything that comes from a seed. So that was one of the main things. We said to the Supreme Court that life is sacred. No one, no individual, no corporation, should ever, ever control it.

You have to remember that in Canada, and I believe also in the United States, that there's nothing in our patent acts of 1867 and 1869 that talks about genes, because it was unknown at that time. So even at the present time, all these decisions are only decisions of the court and of a judge. And I should also mention that in the Supreme Court, it was a split decision, five-four, where they ruled that Monsanto's patent on the gene is valid.

AMY GOODMAN: So, they ruled against you or for you?

PERCY SCHMEISER: Against me.

AMY GOODMAN: At the Supreme Court.

PERCY SCHMEISER: The Supreme Court of Canada. But they also said that the whole issue of the patents on life has to go back to the Parliament of Canada to bring in laws and regulations in regards to the patents of seeds, plants, farmers' rights and so on. And that's where it stands now.

AMY GOODMAN: So, what happened to you?

PERCY SCHMEISER: Well, actually, what was the real—it was actually a real victory for us, because the Supreme Court ruled we would not have to pay Monsanto no money. And the issue of the million-dollar lawsuit, the issue of trying to seize our land and our farm equipment, our house and so on, and the whole issue that they could not have punitive damage against us and so on, was a major victory.

But we thought it was over at that time. But little did we know, about two years later, in 2005, we noticed that one of our fields, or we felt one of our fields were contaminated again with Monsanto's GMOs. And we notified Monsanto, and we did testing ourselves, and we were quite sure it was Monsanto's GMO canola in our field again. We notified Monsanto, and they said they would come out and check it, which we were surprised. And indeed, two days later, they came. Several days later, they notified us, "Yes, it is our GMO, Monsanto's rapeseed, in your field again." And they asked us what we wanted to have done with the contamination. We said to Monsanto, because we were starting to do research on mustard on the field, we wanted every rapeseed—GMO rapeseed plant of Monsanto's pulled out by hand on this fifty-acre field. And they agreed to do that.

But here's the unusual part of it, and they do this to farmers across North America. They said, first of all, we'd have to sign a release form. And in this release form, it said my wife, myself or any member of our family could never, ever take Monsanto to court again for the rest of our lives, no matter how much they contaminate us in the future on our land or on this farm. And we said there's no way we will ever, ever do that.

And the other thing in the release form, they said that our freedom of speech would be taken away. In other words, we could never, ever talk what the terms of settlement were. I couldn't even talk to you here this morning. So we said to them there's no way we're going to give up our freedom of speech. There's too many people in our countries, United States and Canada, have

given our lives for the freedom of speech, and we'll never give it away to a corporation.

Monsanto said, "If you don't sign the release, then we will not remove the offending plants," the GMO Monsanto plants. And we said to Monsanto, we, with the help of our neighbors, will remove the contamination. And then my wife received a very nasty email or a fax from Monsanto that said, "We wish to remind you that those GMO plants on your field, Monsanto's GMO plants on your field, are not your property. They are Monsanto's property through patent law. And you cannot do with them what you want." And we notified Monsanto, "We will do what we want with those plants. They're on our land, our property. And we paid our taxes, and we own the land." And we did remove the plants.

AMY GOODMAN: You mean, they were threatening you now not to remove the plants.

PERCY SCHMEISER: Not to remove them, because it was their property, and we could not do with them what we want, because they have a patent on it. They own it, even though it's on our land. So, we removed the plants. And with the help of our neighbors—and this was very unusual. We paid our neighbors 640 Canadian dollars, and then we sent Monsanto the bill. And Monsanto refused to pay it. And eventually, after another year of letters going back and forth, Monsanto said they would pay the \$640, plus a \$20 cost, if we would sign that document. We refused to do that.

So, I'll never forget March 19th, 2007—or '08, and it went—at the beginning of the court, the Monsanto's lawyer got up and said, "Your Honor, we will pay"—well, there was mediation and everything before that—"We will pay the \$640 and the \$20 cost." The whole issue was never the \$640. The whole issue now became liability. If Monsanto owns the patent on a gene, and you cannot control it when you put it in the environment as a seed—in a seed or in a plant, then they should be responsible for the damages they do to organic farmers and conventional farmers. So that was a major victory, because now it has set a precedent that if a farmer is contaminated, he can seek relief in the courts that the damage—that the contamination damage is paid for or taken care of. So it's worldwide. So we were very happy, after ten years of legal battle, that we finally had a corporation—first of all, like a corporation of Monsanto, to have a billion-dollar corporation plus in court on a \$640 bill.

AMY GOODMAN: Canadian farmer and Right Livelihood laureate Percy Schmeiser describing his struggle with Monsanto. We'll come back to his story in a minute.

[break]

AMY GOODMAN: We are here in Bonn for the thirtieth anniversary of the Right Livelihood Award winners. About eighty of them have gathered here. Before we go back to our interview with the Right Livelihood Award-winner Percy Schmeiser, I want to turn back to an excerpt from the documentary *Percy Schmeiser: David versus Monsanto*, about Percy and his wife Louise, how they were repeatedly threatened after they took on Monsanto.

LOUISE SCHMEISER: It was scary at times. You just never know.

PERCY SCHMEISER: And the phone calls, you know, where there would be somebody on the line saying, "You better watch it. They're going to get you." So it was pretty scary, and I was very concerned, when I was gone, that something would happen to her.

LOUISE SCHMEISER: And when they would watch us, especially in our own house here—they watched days on end every move we made, in our house and for our office, what we use for the land, I felt like I was a prisoner in my own home.

PERCY SCHMEISER: They did everything to bring us down financially and mentally. And that's what they're doing, is to mentally and financially break people. They are totally ruthless. They have no ethics. They have no morals. It's the bottom line.

AMY GOODMAN: An excerpt from the documentary *Percy Schmeiser: David versus Monsanto*. Here in Bonn, I asked Percy Schmeiser yesterday to talk about how things stand now between, well, he, Louise and Monsanto.

PERCY SCHMEISER: I hope my battle with Monsanto is over. But I realize that as long as I bring awareness around the world about Monsanto's patent—not only Monsanto's patent, but Bayer, Syngenta, DuPont—what their patents do for the control of the future of our seed and our food supply, and that's what it was all about. GMOs were never meant to feed a hungry or starving world. They were meant to get control of farmers' seed supply. That gives them the control of the world food supply. And so, that's where we stand at now, to bring that awareness around the world.

AMY GOODMAN: Percy Schmeiser, we're sitting here in Bonn, Germany, and you're traveling through Germany. In fact, there is a law here named for you, the Schmeiser law.

PERCY SCHMEISER: Mm-hmm.

AMY GOODMAN: People here are extremely interested in your case. What is the Schmeiser law?

PERCY SCHMEISER: Basically is that, here in Germany, that if a farmer is contaminated with Monsanto's GMOs, Monsanto cannot come after that farmer to seize their crop, whatever it may be, or take them to court, if they are contaminated.

AMY GOODMAN: And how much of an issue is that here in Germany?

PERCY SCHMEISER: That's a big issue, because that has become, I think also in North America, a big issue, the liability issue. And to give you an extent of that is that in North America, a farmer cannot—if he grows GMOs, he cannot get genetic insurance. So if—but I should go back, that at the last lawsuit with Monsanto in the courts, initially, before the final one, Monsanto said, first of all, the farmer is responsible for the contamination, because he knows if he grows GMOs, he will contaminate his neighbor by whatever means. When that did not go over in the courts, then Monsanto said the government is responsible for the contamination, because they gave us regulatory approval to sell it. And that did not go over. And so, in the end, Monsanto paid for the contamination cleanup.

So, that has become a very big issue around the world, that if you have a patent on a gene, doesn't give you the right to release it into the environment, where it destroys biodiversity, where it destroys organic farmers and so on. And I think it has become a bigger issue in Europe now, it's because the organic industry, I believe, is much stronger in European countries than it is in North America, although it's growing very fast in both our countries, in the United States and Canada.

AMY GOODMAN: Percy Schmeiser, you mentioned that you figured out that probably your property was contaminated, the second time, with GMO, with Monsanto GMO crops. How did you know that?

PERCY SCHMEISER: Well, what happened was that we were using this fifty-acre piece of land for, as I mentioned, for mustard research. And we did not grow any crop that year. And we had used a herbicide on it, and there were canola plants that did not die. And that field did not have canola in for at least ten years. Where did it come from? And so, we did testing then with—we, from our neighbor, got a little bit of Roundup, Monsanto's herbicide Roundup, and we sprayed it on ten plants, and then those plants were marked. And then, when they did not die after about twelve days, we realized it had to have some sort of—some of Monsanto's glyphosate in it, because Monsanto said, in the previous court trials, that if anything—any green thing is sprayed with Monsanto's herbicide Roundup and it does not die, it's their gene that's in it. So that's why we suspected immediately it was Monsanto's gene, herbicide gene, Roundup gene, in it. And that's why we asked Monsanto to come, because what they had said, that if a farmer thinks he's contaminated, he should notify Monsanto. And that's what we did, on what they had said in the courts before.

AMY GOODMAN: What are the Schmeiser's principles of food and agriculture?

PERCY SCHMEISER: Well, first of all, that all humans—number one, all humans have a right to food or to produce it, and that, number two, is that natural systems must be protected so that they can produce healthy food. Humans have a right to safe and nutritious food. And no rules should prevent countries controlling food imports. And everyone has a right to information about how their food is produced. Regions should have the right to regulate their own agriculture. Local production and consumption should be encouraged. So, like we say, local consumption or local produce, then you save the energy and the fuel that it's required to move it thousands of miles, which happens, although, to a lot of us in North America. And seeds are a common property resource. And that's where we felt very strongly that no one should have the right to the future of seeds. And then, no forms—no life forms should be patented. And terminator seeds should be globally banned. And we have a strong opinion that terminator seeds should never, never, ever be introduced, because, to us, it's the—I think the most serious assault on life we've ever seen on this planet. When they come out with—want to come out with a gene that terminates the future of the germination of that seed, so that would totally control the world seed supply.

AMY GOODMAN: Explain what you mean by a terminator seed.

PERCY SCHMEISER: A terminator gene basically, quite simply, is a gene that's put into a seed. And when the seed becomes a plant, all seeds from that plant are sterile. And so, it cannot be used the following year for seed. But the danger also of the terminator gene, it can cross-pollinate into indigenous crops, heirloom crops, and render those seeds from those plants also sterile. So it's a termination of the future of life.

AMY GOODMAN: So it forces farmers to buy seeds every year, rather than to conserve seeds so that they can be used every year.

PERCY SCHMEISER: Exactly. And that's why we say it's the greatest assault on life we've ever seen on this planet, where you terminate the future of life. Farmers would be forced to buy the seed each year, whether you're a gardener, a tree planter or a grain producer.

And then the—so, and then, another one, farmers—freedom to exchange seeds should be protected. And one of the reasons for that is that, in the seed industry, we say that one glove does not fit all. My wife and I were developing seeds and plants suitable for our local climatic and soil conditions. But if we probably would have went to Montana or to the next province or 200 miles away, climatic conditions are different, soil conditions are different, and that's why the farmers should always have that right to develop seeds and plants suitable for their own conditions. And that should never, ever be taken away, because we would use the biodiversity of our seeds and plants. And then, farmers should have the right—the right for the land and to be free of genetic contamination.

AMY GOODMAN: And how far have you gotten with these principles? Do you feel like, in the world, independent farmers are losing ground or gaining? I mean, is Monsanto gaining strength or losing?

PERCY SCHMEISER: Well, to answer that, I think that on the four crops that were introduced in 1996, which was maize, or corn, soybeans, cotton, especially in Canada, canola, is that it would be very difficult to find a way—and scientists say they don't know if it ever can be recalled back out of the environment. Have we been able to solve it? I would say yes, because there is more concern, because when they wanted to introduce GMO wheat, GMO rice, GMO alfalfa, there was a big uproar by people in both our countries that no more GMOs should be introduced, because we saw the damage of what the four have done. So that's why it's so important. What we do today will affect generations to come in the seed—control of the seed and food supply of this world.

AMY GOODMAN: Finally, you now travel around the world. I mean, you were the—a member of the Saskatchewan legislature, '67 to '71. You were the mayor of your own hometown of Bruno in Saskatchewan. Were you traveling much then? And now, after these lawsuits against Monsanto, how much are you spreading word, like seeds, around the world?

PERCY SCHMEISER: Well, I could be probably traveling full times if I accepted all the invitations. But to give you an example, last year I probably was gone ten months from Saskatchewan, all over every continent, except Antarctica, to bring this information and awareness out. And at our age—we're in retirement age—we felt that's the least we can do. And one of the other reasons that we look at it is the—as I mentioned before, the future generation. My wife and I have fifteen grandchildren and three great-grandchildren. And then we look at what kind of a future are we going to leave for them. And another thing that we're very concerned about is how much of the funding for our research in our university now comes from corporations? And that really scares me, because we know that if the funding is applied to these universities and the land-grant colleges in the United States, how much control will the companies then have over our universities? So, what kind of a future? My wife and I have six grandchildren in university right now. What kind of future will they have if their academic freedom is controlled? And we don't want to see that. A scientist should be free to express and release the findings that he develops or finds.

AMY GOODMAN: Has Monsanto dared to take you on again?

PERCY SCHMEISER: They've threatened us many times.

AMY GOODMAN: How did they threaten you?

PERCY SCHMEISER: They, with—I'll give you an example. My wife and I were speaking in the Parliament in Cape Town of South Africa, and coming out

of the Assembly, one of Monsanto's representatives from Johannesburg ran face-to-face into us. And he lost his cool, and he said to my wife and myself—and he shook his fist in our face and said, "Nobody stands up to Monsanto. We are going to get both of you, somehow, some day, and destroy you both." Phone calls my wife would receive: "You better watch it. We're going to get you." They would come into our driveway and watch what my wife would be doing all day. They would use their vehicles and sit on the roads alongside of our farmland, watch us all day long, to try and intimidate us and to put fear into us.

AMY GOODMAN: So, what keeps you going?

PERCY SCHMEISER: I think that we feel that we have to stand up for the rights of farmers around the world. All my life I've been in agriculture and worked for agricultural policies and laws. And we feel that a farmer should never, ever lose the rights to his seeds or plants, because if we do, we're going to be back to a serf system, we're going to be back to a feudal system, that our forefathers, our grandfathers, left countries in Europe many years ago to get away from. Now, in less than—or 100 years, we've come full circle, where the control is not by kings or lords or barons, but now it's corporations.

AMY GOODMAN: Percy Schmeiser, I want to thank you very much for being with us.

PERCY SCHMEISER: Thank you very much. It's a pleasure to be with you this morning in the beautiful sunshine.

AMY GOODMAN: Right Livelihood laureate and Canadian farmer, Percy Schmeiser.



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