

Declaration by Robert B. Alexander

I, Robert B. Alexander, do certify and state:

My name is Robert Alexander. I am 55 years old and a member of the Old Order Amish church. My wife and I live on an 86-acre farm near Coral in west central Michigan. We have been farming in Michigan since 1977, except for a few years when we lived out of state. We have always been in the dairy or beef business, as well as hogs, poultry and most other livestock. We make our entire living on our farm, as do most members of our community and neighboring communities. I am also a free-lance writer, with work appearing in several nationally-distributed periodicals and books. During our few years out-of-state, I was on the editorial staff at Pathway Publishers, an Amish publishing house.

An Overview of the Amish

The beginning of our church goes back to the earliest days of the Reformation. Our forefathers broke from the other Reformers in 1525 and were considered the radical left wing of the Reformation. A century and a half of the most violent persecution followed, during which time a remnant survived by living at the very edge of society in the mountains of Switzerland and South Germany. That legacy of separation from the affairs of the world is still with us today, and our lifestyle remains entirely rural and deliberately separated.

By 1693 the Amish church emerged as a separate group within the broader Anabaptist movement. The other two branches are the Mennonites and the Hutterites, both of which are found especially in rural areas across the US and Canada. By 1693 the era of violent persecution was about over, and our people were able to live more openly, mostly in South Germany and Alsace. Milder forms of persecution continued though. Much like the Jews of eastern Europe, the Amish were highly valued for their skills, and survived only under the toleration of sometimes-fickle petty nobles. They were not normally able to purchase land, and made their living by farming on estates rented from the nobility. Other strong restrictions applied to areas of social life and

freedom of movement. It was a constant struggle to remain out of military service. Following an invitation by William Penn, the first Mennonites arrived in Pennsylvania about 1711, and the first Amish soon afterward. The main reasons for immigration were the promises of freedom of worship and freedom from military conscription, and the freedom to farm their own land. Immigration continued in several waves through the 1850s. All of the Amish and Hutterites, and most of the Mennonites, completely disappeared from Europe after this period, due to increasing intolerance toward their principle of separation, and their somewhat forced integration into European society.

Already by the end of the 18th century, the Amish name was used in Europe as a synonym for "good farmer", in much the same way that it is used today as a symbol of quality. While scorned for their religion, they were admired for their inovative farming practices, including manuring, crop rotation, cover cropping and other practices that would today be called "organic" farming. We have continued this tradition down to the present.

At the turn of the 20th century, the Amish numbered about 5,000. Scholars were predicting that the Amish were headed for extinction within a few decades, due to their undesireably simple lifestyle. We didn't listen. Today the Amish population is nearing a quarter million, and we are doubling every twenty years. This is partly due to a high birthrate, but also due to a surprisingly high retention rate, contrary to what is seen on TV. Apparently our simple lifestyle is now desireable! There are perhaps 26,000 families in about 1300 churches, in maybe 250 settlements scattered across 27 states. No one knows for sure, partly because it changes so fast, and partly because of our aversion to counting people and keeping records of them all. It must seem strange that a quarter million people can be happy, healthy, prosperous and free without being recorded, chipped and tracked!

Michigan has the fifth highest Amish population, just behind Wisconsin, and far behind the big three of PA, OH and IN. We may be switching positions with WI, as many, many families have left that state in the last 3 years due to mandatory premissis ID. But

then again, Michigan is poised for the same disruptive emmigration. Michigan has about 1350 Amish households in 63 church districts in 31 communities, with a total population of about 8,000. Of these, about 570, or 42%, are farmers or retired farmers, living on more than 500 farms.

Our importance in the farming community across the state and region is far out of proportion to our total population in the state. For example, most of the farmers are small dairymen. We could easily be 25% of the dairy farmers in the state (that figure is close), though we of course produce far from 25% of the milk. We are locally very important to the economies of small towns. I have heard comments that we don't buy cars, appliances or a lot of gas from local merchants, which is true. But ask the local feed store, livestock trucker, sale barn, logger, hardware or bulk grocery store, and you will get a different picture. A recent article in the Grand Rapids Press on the NAIS issue stated that "not all Amish raise cattle, but those who do typically have herds of 8-10 animals", and MDA's Kevin Kirk went on to dismiss our output as "very, very small". I don't know where the 8-10 figure came from, but most Amish milking herds are 10-25 cows. In addition, many calves and heifers are raised as replacements or as a separate sideline. Most farms would have between 20 and 80 head of cattle, in addition to a dizzying array of other livestock. In addition, most of the other 800 non-farming families live on rural acreage, and most have a number of types of livestock which are raised at non-commercial levels. In other words, the 500 farming families have non-farm sidelines, and the 800 non-farming families often have farm sidelines. Of course, literally all families own horses for work and transportation, totalling perhaps 5700 head. In addition to these numbers, there are numerous other non-Amish Plain churches across the Midwest, many of whom share our convictions and our simple rural lifestyle.

The more conservative communities, of which ours is one, have the highest percentage of farmers, perhaps 75%. And most of the rest are either will-be farmers, often newlyweds, or has-been farmers, retired but living in the small house alongside their farming children. But even in communities with a lower percentage,

the farmers are the backbone, with most other families conforming to the general pattern of farm life. It is rare to be involved in an occupation that sets one apart from the community. Our church rules do not allow working at a regular job except in small Amish enterprises. Mennonite author Donald Kraybill says, "The Amish have always been a people of the land. Ever since persecution in Europe pushed them to rural isolation, they have been tillers of the soil- and good ones. The land has nurtured their common life. ... They have tenaciously clung to the soil and have purchased more of it whenever possible. 'Agriculture,' according to one leader, 'is a religious tenet, a branch of Christian duty.' The divine injunction to Adam in Genesis 'to till the ground from which he came' provides a religious mandate for farming. The Amish believe the Bible instructs them to earn their living by the sweat of their brow. Tilling it ushers them into the presence of God. 'I don't know what will happen if we get away from the soil,' a young farmer said. 'I can see where it's not a very good thing. You get away from working with the soil and you get away from nature and then you are getting away from the Lord's handiwork.' ... Although the Amish delight in working in it, the soil is not an end in itself; it is the seedbed for Amish families. A persistent theme, extolled by virtually all Amish elders, praises the farm as the best place to raise a family... Farms provide a habitat for raising sturdy families. Parents and children worked together. Daily chores taught children personal responsibility and the virtue of hard work. Parents were always nearby- directing, supervising, advising or reprimanding. Pitted against the forces of nature, families forged a strong sense of identity and cohesion. Moreover the demands of farm work kept young people at home and limited interaction with the outside world. The family farm was the cradle of Amish socialization."

Each Amish community sets its own rules, and the variations are endless, though you might not notice the differences from the outside. The ministers and leaders are chosen from the ranks, and decisions are made by a form of consensus. The rules governing each congregation are called the Ordnung (or, Order in English). There is normally a written portion of varying length, which is

sort of a charter upon whose rules the community was founded, followed by a much longer oral portion. Part of this oral portion consists of decisions which were made after the community was founded, which aren't written down because almost everybody heard it, and a much larger portion which is traditions which are so obvious to everyone that it is never even discussed, much less written down. For example, the Ordnung does not specifically mention that we don't have cars, helicopters, electricity, computers or electronic ID. These things are so far from our collective minds that writing them down would seem insulting to our intelligence, as well as a waste of time and paper. Because of the consensual nature of the rules, each member has a stake in them and conformity is generally good. If someone finds himself seriously not-in-favor of something, they are free to move to another community, and they frequently do.

The Ordnung of the church is far-reaching, and as one might expect, it reaches furthest into areas of potential conflict. Talented leaders try to see trends before they become problems. Many areas of the Ordnung are designed to head off potential problems before they arise, or to contain them when they are still small. Bishop Elmo Stoll wrote, "It should be understood that no plain church, to my knowledge, claims their Ordnung to be the only correct one. Let us look at it like this. We all agree we need to be separate in order to maintain a scriptural difference from the world. But how different? Where shall we draw the line?... Not everyone arrives at the exact same answer. But generally, the farther downstream we go to build the dam, the harder the force of the current, and the more work and effort to resist it." We see NAIS as a fast-rushing stream, soon to become a large river!

Amish life is inseparable from Amish religion. Kraybill says, "The scant specialization and rationalization in Amish life means that religion itself is not viewed as a separate entity to be studied or taught in school or in any other setting. Typical of more primitive societies, religion permeates all levels and dimensions of Amish culture. It is never taught in a formal fashion. In the words of one Amishman, 'Cur religion is insepar-

able with a day's work, a night's rest, a meal, or any other practice.' By contrast, modern religion is often relegated to special hours, facilities, objects and officials."

Chief Justice Burger wrote in WI vs Yoder, "The history of the Amish sect was given in some detail, beginning with the Swiss Anabaptists of the 16th century, who rejected institutionalized churches and sought to return to the early, simple, Christian life deemphasizing material success, rejecting the competitive spirit, and seeking to insulate themselves from the modern world. As a result of their common heritage, Old Order Amish Communities today are characterized by a fundamental belief that salvation requires life in a church community separate and apart from the world and worldly influences. This concept of life aloof from the world and its values is central to their faith. A related feature of Old Order Amish communities is their devotion to a life in harmony with nature and the soil, as exemplified by the simple life of the early Christian era that continued in America during much of our early national life. Amish belief requires members of the community to make their living by farming or closely related activities. Broadly speaking, the Old Order Amish religion pervades and determines the entire mode of life of its adherents."

Our separation from the world is as complete as we can make it within the context of modern society. It is far more than symbolic. We do not partake in Social Security, private insurance, voting, unions, the stock market, photo IDs, political office, nor any other entanglements. This goes far beyond the obvious outward manifestations of our lifestyle, such as dress and transportation. Kraybill writes, "The Amish fear of worldliness is rooted in a spiritual concern to preserve the purity of the church. The drama between church and world is a battle between good and evil, between the forces of righteousness and those of the devil. It is the ultimate struggle, and to succumb to worldliness is to surrender the community to apostacy. This key unlocks many of the riddles in Amish society. The impulse to separate from the world infuses Amish consciousness, guides personal behavior, and shapes institutional structures. The sectarian suspicion of the world confounds Moderns, who are enchanted by inclusivity, acceptance, diversity

and religious pluralism. If social separation is indeed a byproduct of technological progress, the Amish believe they can only preserve their community by separating from the Great Separator, modernity itself."

In a similar vein, Bishop Elmo Stoll wrote, " But there are enemies around us, not enemies to us as persons, but enemies to the values we love... There is only one way to remain different from the world, and that is to be separate. There is no way we can mingle freely and unrestrictedly with people who hold different values, and not be influenced by that mingling." The Bible also tells us "Wherefore come out from among them and be ye separate, saith the Lord, and touch not the unclean thing." II Cor 6:17, and again, that we are to be "in the world" but not "of the world" Jn 17:14,15. And also, "Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction, and to keep himself unspotted from the world." Js 1:27.

In the book "1001 Q&A on the Christian Life", I once wrote, "How does our Christian faith shape and influence our way of life? In many ways. For instance the desire to live in a rural setting. ... What are some of the advantages of rural life?... Only by living in the country is it possible to farm, which we consider the most ideal occupation for Christian families. This is not to say that everyone must be a farmer, only that it is the most ideal. In what way is it ideal? Farming allows us to be part of the cycle of life, death and renewal that God planned in his wisdom. In our daily contact with creation, we cannot help but stand in awe and wonder of God. Are there other reasons? The Christian father belongs at home with his family. On the farm, we have the opportunity to work together as a family. The lines of 'your work' and 'my work' become blurred so that it becomes 'our work'. There are always tasks for the children, and they grow up knowing how to work and to accept responsibility... Is there a reason to farm so old-fashioned? A number of reasons, the main one being to limit the size of our operation. The worldly philosophy claims 'bigger is better'. Instead it has driven many farmers to bankruptcy and saddled the rest with a work-load and a debt-load that is not healthy to bear. We prefer to farm in a smaller way so there is less risk and a lower

investment. What are some of the other reasons? One reason for encouraging agriculture is to provide work for all members of the family, including the young. Using all the labor-saving machinery would defeat this purpose. Also, large-scale farming is likely to conflict with the 'quiet and peaceable life' of which Paul writes (I Tim 2:2; II Thes 3:12). Nor is it spiritually advisable to earn a large income or to control excessively-large assets (see Luke 12:15-21 and 16:19-30). Large-scale farming also tends toward self-sufficiency. Isn't self sufficiency a virtue? In the sense of less reliance on the things of the world, yes indeed. But we mean here an independant attitude of 'I don't need others.' In the Christian community, it is right to be neighborly and to work together helping each other. With small-scale farming, neighbors help each other do the work that modern farmers each do alone with their big machinery. Would this hold true for other technology as well? Usually. It is not that the Plain people oppose all new ideas and practices. There is a need to choose only those that will be of genuine benefit, and to reject those that break down the values we uphold. This would apply to modern appliances and household gadgets, many of which have the potential to change our family- and community-oriented way of life in ways we may not realize until the damage has been done."

Mennonite scholar John A. Hostetler wrote, " The Amish have made some adaptations to modernization, but they will not allow technology and convenience to run away with their family and community." The Amish magazine Family Life often discusses the principle of separation in our way of living and farming, including the following 3 quotations. David Wagler wrote, "It's the responsibility of the church to decide if something is detrimental to the church. If we feel it is, we must take our stand against it the same as we do against such things as TV... We ought to take a critical look before accepting every new invention that comes along. In the long run, how will affect the family färm? Will it help to make more use of horsepower and family labor on the farm? Will it encourage working together as a family unit and as a community, to help each other?" I added the following, "That the farm economy in general is a hard place these days is plain to

nearly any observer. We see our high-tech neighbor with the latest equipment, farming more acres quicker, and getting higher yields and production than ever. He is also going deeper and deeper into a spiral of debts that will eventually bankrupt him. How is it then that the Plain people have been able not only to continue farming, but actually to expand their total acreage (often on smaller and smaller farms)? The answer is in farming practically. We have mostly resisted 'buying into' the system that has driven most American farmers off their farms in the last half century. If we wish to remain a rural people, we will have to continue to resist the salesmen of modern agriculture. It hasn't done our neighbors any good, either financially or spiritually, and it won't treat us any better." To which Elmo Stoll added, "Surely we can see that the host of material inventions, although not evil in themselves, have brought with them an overwhelming influence that has swept the world in the wrong direction. Isn't it reasonable to think that these same inventions also have an influence on the church to whatever degree we accept them? Recently, a young man who grew up in an Amish home, but is now completely out in the world, made the statement, 'All the Amish should be stuffed and put into museums. That's the only place in today's world they fit in.' It's true that we don't fit in today's world. Let us hope and pray we never will."

It should be plain from the last few paragraphs that we have led a deliberately separated life, and have accepted change only when it brings benefits to family, church and community. We reject change for the sake of change. And we purposefully reject the salesmen of modern agriculture. It has driven our neighbors off the farm, and we intend to stay! The NAIS system is technology that goes against our belief. It will drive the current generation of farmers off the farm, and result in massive consolidation, as other technological leaps have. Historians thirty years from now will look back and know this. We Amish have always been able to choose to accept technology, or to reject it. We have never been forced, and a way has always been left open for us to continue our farming and our way of life. The NAIS system will force us to go where we don't wish to go, and leave us no option.

The typical Amish farm of today is much busier than it was a generation ago. Although we still farm in an old-fashioned way, we have modern bills, taxes and mortgages to pay like everyone else. An average farm with a good-sized family might milk 15 cows by hand, sending the milk to a local grade-B cheese house. In addition they will have another 15 heifers, and may feed additional heifers or steers, or have a hog operation on the side. Many of our hogs today are being sold to "natural" outlets for a premium. There will normally be 25- 200 hens for eggs, and maybe some broilers or turkeys to sell. During the summer, produce will be raised and sold. During the winter there may be an on-farm shop to produce furniture or other crafts, or perhaps a sawmill. The women will often do quilting, or custom baking, sewing or canning. While the major items enter the commercial wholesale market, as much as possible will be sold retail to the many customers who come to the farm to buy healthy and wholesome products direct from a family they know and trust. A typical gross income might be between \$25,000 and \$60,000 depending on the size of the family workforce. Of this, the net income might be \$2,000 to \$20,000. Our own family being small, our gross income most years is \$30,000 to \$40,000, with \$10-15,000 left after direct expenses. I recall one of the first years we were farming, our living for the year was \$1200, and someone from the county came out to see if we needed free cheese and rice. No thanks, we are fine. Although we are well below the poverty line, we do not consider ourselves poor or underprivileged. We are normally well-fed, healthy, happy, and feel blessed with our abundance. Can these incomes survive the added burden of NAIS?

As mentioned earlier, our belief system is something that is not often discussed. We have no church heirarchy above the congregational level, no theologians, and no value system imposed from above. Therefore, there is some variation in personal beliefs, or rather in emphasis. Kraybill says, "Religion is practiced, not debated. The Amish way of living and being requires neither heady talk nor formal theology." We are Biblical literalists, with a simple faith, and generally take the Bible to mean what it says.

While we have no highly-developed End-time scenario, we do

expect a literal return of Jesus as stated in the book of Revelation. I believe that the themes in Revelation will all be fulfilled. It could be that some have been already, or they might be again, and some are surely in progress right now. I believe that some of the details are figurative or representative of deeper truths. But we wish to take these deeper truths very seriously. The NAIS system falls into this category.

Elmo Stoll writes, "We live in a complex world. We are faced with decisions and influences that were unknown to earlier generations. Our church Ordnung does not replace the Bible. It interprets the Bible as the church feels it applies to life today." We believe in a strong application of Biblical principles. Among these are separation from the world, personal responsibility as well as to family, church and community, temperate living, and modesty. Also highly valued are gentleness, honesty, humility and hard work. We strive against pride, wealth and power.

We wish to be obedient to the government, and generally good citizens, except in those areas where it compromises our faith. We prefer petitions to demands. When we were testifying at the Michigan Senate, the senators noted especially that our bishops had worded their statements more as a humble plea than an angry demand. Kraybill notes, "In another petition to members of a state legislature, Amish leaders concluded, 'We pray you allow us to live inoffensively and quietly. Let us, unhindered, live our calling. We respect your right; respect our mode. We ask nothing of you, but that which the Word of God entitles us.'... The Amish rarely invoke the 'rights' language of modern citizenship, but they do occasionally remind their 'men of authority' that certain regulations 'interfere with the religious rights and liberties which were promised to our forefathers when they came to America and which are now granted to us by the constitution of our state and of our nation.' Although the posture of subjection presents a docile image of obedience and dutiful respect, it nevertheless pivots on cardinal religious convictions that are stubborn to the core. Reluctant to demand rights and privileges, the Amish will not, however, acquiesce on deeply held beliefs but will respectfully take a stand, even if it brings fines, imprisonment, prosecution

or migration... When the Amish do sit in jail, they are probably there for resisting new statutes that hinder their free exercise of religion... In any event, negotiations with the state at various levels seek to balance the twin hopes of the Amish heart by enabling the Amish to practice their faith conscientiously while abiding by the laws of the land. They will negotiate with Caesar and they will make concessions, but most of all they desire to live their calling unhindered." Glen Mast added, "We're never happier than when we're just left alone. That's all we are asking." That is our plea to the government at this time: Don't make honest people into criminals, and don't make us go against our conscience!

Involvement Of The Michigan Amish With NAIS

I will not attempt to give the general history of NAIS, as I am sure it will be covered by other writers. I do have grave misgivings about the reasons behind the program, as well as the integrity of its management up to this point. I will, however, leave that and move on to the involvement of the Michigan Amish in this program. Although I have been involved from the beginning of our involvement, I may not have perfect knowledge of every step or what other people were doing, and I am sure that others may have a slightly different perspective. I will attempt to give it to the best of my knowledge.

The idea which eventually became NAIS was hatched in the late 1990s by an industry group called the NIAA. This group consisted of the large meatpackers, farm organizations and technology companies. By 2002 they were organized enough to conduct meetings around the country to get input into the project from the same type of organizations. These meetings were conducted for about 2 years, during which time neither farmers nor the media were informed. This was not an oversight. I believe the plans were well underway when, in December 2003, we had our first reported case of BSE (Mad Cow). Within days, USDA Secretary Ann Veneman announced an ambitious program of tracking in response to the BSE scare. This was my first hearing of the potential program, though no details were given. In retrospect it appears that the program was a foregone conclusion waiting for a "cassus belli", and BSE was it. Great timing. The interim plan was published in 2004, but was not common knowledge,

and the first Draft Plan in April 2005. These do not appear to have been released to the general public or to the media during this time. I am not aware of any opportunity for public hearings on such a controversial subject. The media apparently became aware about the fall of 2005, as a number of farm papers began publishing the story in January 2006. All of the stories that I saw at that time were against the program, alarmed, and written with a sense of outrage.

I believe the MDA conducted a series of promotional meetings around the state in the spring of 2006, though they must have been preparing the program long before that. A meeting was held for the Amish at Glem Mast's in the Blanchard area. The barn was full to standing room only, as Amish were there from all over the state, as well as many non-Amish from the area. Kevin Kirk from the MDA gave a pep talk on the program, as well as a demonstration of the tagging system. The Amish were there to express their opposition to the program. The MDA wasn't listening.

The Amish have an informal committee to deal with government issues, which we call the Steering Committee. Our state committee-man, Alvin Bontrager from Centerville, was apparently getting a lot of complaints, so he called a meeting at his place to discuss the issue and arrive at a consensus. It was well attended by Amish from all over the state, some coming a great distance, as Centerville is on the Indiana line. We believed there would be higher-ups there from the MDA, with whom we could discuss the issue. But there was only Kevin Kirk again, who is either without authority or inclination to discuss the issue. Apparently the higher-ups wanted to avoid meeting with us. Kevin gave his demonstration again, apparently believing that we were against the program because we didn't understand it right. After he left, we conducted a formal meeting where everyone expressed himself, and we were able to come to an agreement of opposition, though it was probably not unanimous. (We don't vote).

At all of these meetings we were told that this program would be mandatory by March 1, 2007, just 8 months away. We were not given any options, not was there any chance for input. We were expecting higher officials to be present at both meetings, and Senator Cropsey's aide was present at at least the first meeting to assist us,

We feel the state was deliberately avoiding talking with us, and their strategy was to offer no discussion until after the deadline. They hoped we would forget about it and it would go quietly away. It didn't.

The upcoming deadline was an item of hot discussion amongst the Amish all summer. We were worried. Glen Mast was working through Senator Cropsey's office to try to get someone to listen. I am not sure about the interaction between that office and MDA, but I think they were trying. I worked with several national lawyers.

Meanwhile I received some petitions from Liberty Ark, which we kept at our Farmers Market stand each week, along with a display describing the program. We collected many pages of signatures, including our biggest neighborhood dairy farmers. Almost everyone expressed their outrage at NAIS (national level), and I do not recall a single person making a favorable comment all summer.

In late summer 2006, I called the state's Hotline to order the metal eartags that we had been using for years in the TB testing program. I needed to get my beef calves tagged to go to fall feeder calf sale. I received the standard letter, along with a supply of tags, dated September 15. Included was a poor photocopy, which ran off the page, of a form letter dated 2-24-06, describing the new RFID tags and the Premesis ID program, PIN. Also was an order form which you innocently signed to get your new PIN number, and then order the new tags. It asked sweetly, "Would you like to order electronic RFID tags today?" Uh, no! Also included was a Q&A sheet to allay our fears. Of course it asked all its own questions, and they weren't the right ones.

In November we received another letter about the program, and a similar letter again dated 2-14-07. The March 1 deadline for having the PIN number and using the RFID tags came and went. My calves all went in the fall, so I had nothing to send to the sales at this time. I don't believe any of the Amish in this area signed up for a PIN at this time, and I think everyone sent cattle before the deadline, and avoided shipping any more. I guess we were stalling for time, but I'm not sure what we thought would turn up.

On March 27, 2007 we were called to a meeting at the capital office building in Lansing. The meeting was called by Senator

Cropsey (whose aide was present) and Rep. Ball (who was himself present). We understood that MDA Director Mitch Erwin was supposed to be there, but he wasn't. Instead was Kevin Kirk again, State Vet Steve Halstead, and an aide. The Amish group was much smaller, perhaps 50, mostly ministers and others more directly involved. Kevin Kirk tried to give his demonstration again, and this time he even had an eartag cut in half so we could see inside it. This was to allay our fears that something diabolical, like the devil or something, was lurking inside the tag. (I didn't see anything). Rep. Ball tried to keep the meeting on track, made sure the MDA at least listened, and came up with a list of 4 possible solutions. The MDA was non-committal. but we eventually came up with an agreement that we could live with. This was basically that we would keep accurate records of cattle shipped, and they could be tagged with RFID tags at the stockyard after they left our farm. Russ Harding from the Mackinaw Center (a Michigan libertarian thinktank) was present to advise us and peer behind the scenes. As former head of the state DEQ, he knows the bureaucracy, and he knew what would happen with our agreement as soon as we were gone. He told us to get it in writing, get it all signed, and by registered mail with receipts. He said what will happen is that they will do nothing until after the Budget Hearings, and once they have their annual money they will be out of control for another year. Our only chance is to get them to sign an agreement before the budget, while they are still scared about their funding. I guess the Amish are naive enough to think that an agreement is an agreement, and that because they are honest and forthright, then others are too. And especially government officials. We didn't do the registered mail routine, and you can guess what happened with our agreement. Bishop John Brenneman summed it up at the meeting when he said, "This is just a simple issue. We are against the numbers, and against further meddling in our farms. We see this as destroying our way of life."

The next month was quiet, as we thought things were taken care of. On April 25 we were called again to Lansing on very short notice (I only had a half day) to give testimony before the Senate Appropriations Committee. I'm not sure who was responsible for allowing our testimony, but I suspect Senator Cropsey's office. We

appreciated the opportunity. The MDA spoke first, and Mitch Erwin gave a fine speech on how this will open up foreign markets to us, and become a model program for all the other states to follow. He then played the food safety card, and described how another food contamination scare was in the papers that morning, though he failed to state how this program could possibly prevent contaminated dogfood coming in from China, which is what it was! Most of the senators were unaware of this program, or its involvement with NAIS. Senator Scott, from an urban area, stated that this was the first time she ever heard of this, but she certainly was in favor of keeping the food supply safe! Senator Kahn had been receiving calls against it. Vet Halstead stated, under questioning from the senators, that the PIN numbers were nothing new, that they are the same number series that we had been using in the TB program for several years. He also made several other false statements. Presumably he is smarter than that. When the Amish spoke, it was at least John and Alvin Brenneman, both bishops, Glen Mast and myself, both laymen, and I think it was Alvin Shetler. I was asked specifically whether I believed the TB numbers we had been using for several years were in fact PIN numbers. I said that I don't believe so. Alvin Brenneman stated that if this was so, he wished to withdraw from the TB testing program as well. We were surprised at how hard the senators were on the MDA. It was almost as if they had dealt with them before.

As a humorous aside, I will describe an interesting conversation I had while we were waiting for our turn to come up. I walked over to watch the House session in progress. In the hall under the dome I was talking with Senator Cropsey's aide and an aide from the MDA. She had been at the March meeting, and I thought at the time that she had more sense than the rest, and seemed to be listening to what we were trying to say, though she was on the "other side". She was expecting, and with a great deal of emotion told me that this is all about food safety, and she needs to protect the health of her baby and the children at home. That's why we need this program! I told her that the best thing she could do is buy her meat and produce from a local organic farmer. She said she already does, and doesn't trust the meat at Meijers and

Walmart. I think she said she buys both meat and produce from a local organic farmer. HMMMMM!

It really bothered me about Halstead's assertion that we were using the PIN number for years. So a few days later I called the Hotline and asked what I need to do to get my RFID tags. I was told that first I need a PIN number. I told him I already had a number through the old TB tags. He said those numbers are now invalid, and I needed the new number. I asked how long have they been using the new numbers, and he said only about the last six months. Oh.

I'm not sure when, but it must be that sometime during the spring of '07 the agreement between the Amish and the MDA was made known to the USDA, because they have responded unfavorably. Which is strange, being as the NAIS and PIN programs are entirely voluntary at the national level, with a capital V and all. I am also unsure of whether our tentative agreement still stands. To my knowledge, we still have nothing in writing. I believe they are still tagging the cattle at the sale barn. At least for now.

In June of 2007 I received a letter from the MDA thanking me for my past and future support (??). Enclosed was my new federal PIN number on a nice green plastic card. The letter assured me that "This card does not contain a tracking device" (in bold letters), and "It is merely a visual reminder of your number." In case I wished to be reminded, and at least it would be safe to carry the card around in case I ever needed it for something! I believe all the Amish got one about this time. Some I heard sent them back, but I doubt if their names were deleted from the database. Andy J. Hershberger also got one, even though he had left the state a year and a half earlier.

Non-religious Concerns About NAIS

I have a number of concerns with the NAIS which are non-religious in nature, but still tied in to the overall picture. As we shall see, there needs to be a compelling state interest to over-ride other important interests, including religious interests. For the following reasons, we have cause to question the viability of that state interest.

The initial impetus behind NAIS was the wish to expand export markets. That was the main reason given in the early period. It was clearly stated that none of our trading partners were demanding it, but they might. Our competitors were gearing up for this, and we might lose market share if we don't have it. The main 2 countries that are working on an ID system are Australia and Canada. Australia's herd is $\frac{1}{4}$ the size of ours, and Canada's is maybe a tenth. But Canada's main market is us, and they are IDing their cattle because we cut them off over the BSE scare. Australia was told they need an ID system because we will have one. A quick check of figures shows that exports were growing by leaps and bounds before NAIS was ever thought of: in 1980 we exported 173 million # of beef, in 1990 it was one billion #, and in 2000 was 2.4 billion #. Just beef. In 2000 while we were exporting 2.4 billion #, we imported 3.2 billion#. Why are we worrying about exports? For the same reason that the big meat packers have opposed implementation of COOL, even though it was mandated years ago. Because they can sell 3.2 billion pounds of cheaper (for a reason) unlabeled foreign beef to unsuspecting US consumers. If meat were required to be labeled as per COOL, most consumers would buy American beef instead of the Mexican or Brazilian. Consumption of domestic beef would go up, and my friend at MDA could feel better about buying meat at Walmart again! In fact, none of our markets are requiring IDed beef. They are demanding that our cattle be tested at slaughter for BSE, a \$10 test. This is what Europe, Japan and Korea all require of their own beef, and they require it from us. The USDA threatened to sue Creekside Farms, a small packer, if they tested their beef for export. Are we really needing NAIS because of exports?

The next main reason that was given for NAIS is animal health, which is tied to the export argument more than it is to having healthy animals. While there are still animal and human diseases, we can rest assured there always will be. But the control of these diseases in the US over the last century is a success story bordering on the miraculous. In humans, Smallpox is gone, and all other serious contagious diseases are controlled by vaccines to the point of being very rare. In animals, TB which was very prevalent, is gone with the exception of continual reinfection of cattle in

wooded areas by wild deer. It is obvious that the TB control program we had for decades worked very well, and of course it doesn't work on deer - but then neither do RFID tags. Brucellosis is no longer a problem, and was controlled by traditional means. Hog Cholera must be about gone. There has not been a case of Foot-and-mouth disease in the US in over 70 years. And yet after a recent outbreak of pseudorabies in WI hogs, an Ag official was complaining about the lack of PIN registrations, " This time it was pseudorabies-serious and fatal in many cases, but not a disease that moves terribly fast or that harms humans. What if it had been foot-and-mouth disease? What if it had been the deadly strain of avian influenza? We were lucky - this time!" Incredibly, another reason given for the need of RFID tracking is that many of the most serious diseases are now so rare that the USDA is having trouble keeping tabs on them! Who knows, they could flare up any minute! Are we living in cuckoo-cloud-land or something? We're worrying because our traditional disease control is working too good? We might as well propose chipping humans in case the Black Death or smallpox comes back. Furthermore, literally all of the serious disease outbreaks are occurring in large-scale confinement operations. If anyone visits one of these places, whether poultry, hogs or beef, they will see why. My animals are healthy, and when they get sick I doctor them. They are clean and eat good feed. Regarding the TB program in MI, the incidence of TB has gone up since the RFID tags went into use in the TB zone, already several years ago. We are not saying they are causing the problem, but they certainly aren't stopping it any better than the old system. In fact, other states, such as MN, have TB for the same reason MI does, and they control theirs much better. Even if the USDA could prove that the RFID system is better, which I doubt, they should first be required to prove that the system we have now is not adequate for our reasonable needs. And also to offer proof that there is any real benefit to the 48-hour traceback goal.

Connected to the animal health argument is food safety. This is much played up in the press, because it is a hot-button issue for urban people, who are totally at the mercy of what is sold in the

stores. Our meat has been inspected at slaughter for a century. Sick animals are not allowed into the foodchain. The USDA Guide for non-commercial producers says, "The purpose of NAIS is not food safety. The US already has a comprehensive system of food safety policies, testing and inspection requirements in place to ensure the safety of our products." It should be noted that literally all of the food scares and recalls are the result of contamination in the packing plant, not of sick animals. Furthermore, numerous studies have shown that consumer confidence in the food chain is poor - and going down. But many consumers express more confidence in the food they buy from their local farmers. If the big packers are having consumer confidence problems, they should fix those issues themselves, and don't drag us into it. We are the ones the consumers like! Can the USDA prove that NAIS is the least restrictive way to fix consumer confidence issues?

Next is the question of whether the USDA, as well as the MDA, has the authority to mandate these programs without statutory approval. They both claim they have all the authority they need. If that were true, then why do they seek to get bills passed to authorize them? In several states where legislation has been sought there has been considerable public uproar, as the plans then became very visible to the public. It is my understanding that the Michigan Senate called down the MDA on this issue, because they were shocked that such a potentially controversial, large and expensive program was started without ever coming through the legislature. We are told by history that one of the founding principles of our country was "no taxation without representation". In this case we could say "no regulation without the approval of our representatives." NAIS will make taxation look mild, but where is the representation?

Related to this is the lack of grassroots support. It has already been noted that the driving force behind NAIS was the big multi-national meatpackers and the very large farm organizations. These farm groups may represent a large percentage of the livestock herd, as well as the interests of the wealthiest farmers, but they are far from representing the average farmers. The program was well underway before the average farmer ever heard of it, so there was no opportunity to voice opposition. Perhaps the best measure of poor grassroots support is the poor response to property registration.

The federal benchmark for April 2007 was about 35% participation. As of that date, 30% of the states still had under 10% sign-up, and fully 62% of the states had less than 20% response. Only 12% of the states (6) had above the benchmark, and they were all states which had either mandatory registration, such as MI and WI, or where the state simply turned over state records to the feds without the knowledge or consent of the farmers, such as ID and NY. Total sign-up has only been about $\frac{1}{2}$ of the benchmarks, and we can assume that at least $\frac{1}{2}$ of those have been non-voluntary. In some states, the children must have a PIN before taking their animals to FFA and 4H fairs, and children are unknowingly registering their parent's properties at school. To make it worse, one state is giving the local FFA chapter \$15 for each child's premises that it registers! I don't know why they try so hard to get that magic signature. Eventually they just send you a nice green plastic card without one.

Another concern is the growth of the bureaucracy. This has been a stated article of faith throughout the development of NAIS. In the Plan dated 4-25-05 it says, "It is important to ensure that this effort does not unduly increase the size or scope of the federal or state governments." Kevin Kirk told the Amish, "Boys, the government that governs best is the one that governs least." I wonder if he read that line in a book or something! Michigan Senator Papa-george said that "often the rules impose unnecessary burdens on people and industries." At a press conference on 4-06-06, USDA Secretary Johanns said, "...first, it must not unnecessarily burden producers. Second, it must not unduly increase the size of government." If this is a concern to all of these people, then why are they doing it? Is there any thinking person who thinks that NAIS will not increase the size and scope of government? This program will dwarf any other federal program. There are 100 million cattle in the US, and about as many of other species, not counting over 9 billion head of poultry. While the IRS only bothers the 300 million people once a year, someone will be recording and tracking 10 billion units of livestock on a continuous basis throughout the year. We cannot imagine how big this will get!

Related to this is the issue of costs. The USDA has refused to give any cost estimate, let alone subject NAIS to a cost/benefit

ratio analysis. They only refer to the millions they have already spent, as if that justifies spending more. State staffs are months behind on registering premises now. They will ^{need} much larger staffs. The private databases will be expensive. The argument is that private competition will drive the prices down. But recent history at the gas pumps and elsewhere show that when there are only a few vendors, prices don't go down. The tags are now subsidized at an introductory price of \$2 each, but commercial passive tags for pets and horses are \$20-40 each, and in humans run \$200. I understand the Australian tags are now closer to \$40, once they are mandatory. Who will pay for this? Michigan has had to have government "holiday" because they are out of money, and funding has been cut to roads, schools and libraries. The state will not want to pay for this. On the federal level we are multi-trillion dollars in debt, with annual deficit in the billions. The billions that NAIS is likely to cost is literally all borrowed money. USDA says that the farmers and the industries who will "benefit" should pay for it. Does anyone really think that the meat industry will pay for this? That only leaves the farmer. How can our struggling young Amish farmers afford the added cost of this? It may be a choice of shoes for the children or chips for the cows.

Another area of concern is conflict of interest. As already noted big business set up the NAIS program, and big business will be the only big beneficiary. The connections between the current administration and big business is disturbing to say the least. Closer to illegal. A December 2004 bulletin from the US GSA to federal agencies states, "Agencies are encouraged to consider action that can be taken to advance the industry by demonstrating the long-term intent of the agency to adopt RFID technological solutions." A number of former secretaries and White House staff have recently joined the boards of high-tech RFID suppliers. In addition, the for-profit private-sector databases are a concern. Can the government mandate forced participation in a private enterprise? The record of integrity of private databases is not good, as they are often for sale or rent. Also, the RFID tags are both hackable and reprogrammable, leaving a huge possibility for mischief, whether intentional or not. From an Amish standpoint, this is all part of a technological, political

and commercial system that we reject in the strongest terms. This represents the "world" in all its worst aspects. Why do we want to be part and parcel of this, and why do they want us to be?

Another question is whether the program is mandatory or not. In the April 2005 Guide, it was clearly stated that the program would become mandatory, and with enforcement. In the April 2006 Strategy paper it states that it is voluntary, but may become mandatory if everyone doesn't volunteer. In the April 2006 news conference, Johanns does not answer the direct question. By October 2006, Deputy Secretary Chuck Conner attempts to soft-pedal when he declares, "I ask you to keep stressing that this is a voluntary system... Since we've had some confusion on this, we need to be as clear as we can be. This is voluntary with a capital V. Not currently voluntary, then maybe a mandatory system. This is a permanently voluntary system at the federal level." However the December 2007 Business Plan creates a series of choke points at the federal level, where participation in NAIS is requirement of a number of other programs, which happen to pretty well cover the livestock industry almost completely. By this means a technically voluntary program becomes de facto mandatory. Almost all of these choke points relate to the Amish, so even if the NAIS program goes ahead as voluntary, the maintenance of the choke points will constitute an infringement on our religion. They will put our farmers out of business if they follow their conscience.

When we add up what we have just been saying, it leads us to wonder where is the honesty and integrity in government? If the NAIS program has merit, then why is it necessary to use force, deception, and trickery to sign people up? Americans are smart enough to go for a good thing. It must be that it isn't seen that way. Why do the benefits all accrue to big business, and how can that possibly be called a compelling government interest? And how can the USDA and the MDA possibly have considered a less restrictive method when they won't listen to us, or to the other millions of Christians who feel NAIS is a serious infringement?

A Special Concern

The last area of concern is the most difficult to address, though

as we shall see in the following section, it is the one that affects the Amish the most. And that is the probable progression of the program as regards both technology and scope. From the standpoint of technology, the MDA is currently requiring RFID ear tags. One claim was made that they stay in the ear better than the old metal tags, which every farmer knows to be untrue. In fact Kevin Kirk's next comment was to tell us to be sure to take the twines off the hay bales, or the next morning we will find all the RFID tags lying in the feeder, which is true. If retention is poor, the next obvious step is to require an injectable chip, which can't be lost. This is already what is being done in horses and pets, so is nothing new. In fact the USDA has anticipated this by changing the terminology in their documents from "microchip" (which their public relations consultants discovered was offensive to a lot of people), to "injectable transponder" (which they hope is such a big word that most of us farmers won't get it). Of course, the injectable aspect makes it even more offensive. For tracking animal movements, the MDA told us to "just jot it down somewhere in case you ever need it." When it comes to record-keeping, under a voluntary system, most won't. Under a mandatory system, some won't. Either way, the system won't work for very long. It hasn't in Australia where after the program was going a couple of years, they did an audit. They found 40% of the current records were wrong, and there were on paper twice as many cattle as there really were in the entire national herd. The only way to fix this dilemma is by using trackable tags, which is what Digital Angel does for a living. The MDA says there is no plan like this, and the USDA also won't say. But some officials are so extatic about the possibilities that they can't help themselves. Dave Griswold, Assistant Director of PA BAH says, "NAIS will for the first time require even hobbyists or families that keep a couple of chickens or sheep, to register with the Federal Database."...if animals leave the farm, "Animals with tags could then be tracked by a global positioning system, through the use of satellite surveillance." Tracking 100 million animals in real time (let alone ten billion) would not be easy, but it would be possible, and I'm sure it is getting easier with each passing day. And of course, that is where the premissis ID

comes in. These PINs are not location identifiers, like a street address. they are GPS coordinates. The technology to track an object's movement on the ground from a satellite is here, and its not as expensive as we wish it was.

The second area of concern is pertaining to scope. Before we dismiss the idea, we must keep in mind that every technology is put to evil use by someone, and the history of the 20th century doesn't give us a lot of hope that it won't be this time. We are not suggesting that this is the goal of the USDA, or that they are consciously involved in the steps. I am simply stating the fact that people get used to even bad ideas in small degrees, and end up in a situation which they never would have accepted at the beginning. Not too many years ago, there was the new idea of tagging pets and show animals voluntarily. It has not become a really widespread practice, but it is nonetheless totally acceptable by now. Once we get used to the idea, we have mandatory chipping of animals, which is what we are now facing. Parallel in time to this, we have the voluntary chipping of humans, though it likely started a few years after the animals. Some parents have chipped their children for security reasons. Some sensitive-clearance employees are being chipped. The Veri-chip company offers this for about \$200, a real deal. There are now plans being discussed (seriously) for mandatory chipping of certain classes of people, including parolees, Alzheimers patients, and US soldiers. These are all being proposed either for the good of the chipped person, or the greater good of society. There are some people proposing that everyone be chipped so that all transactions are done without money. This would stop crime and drug trafficking, so would be a reasonable social goal. We will soon be used to the idea of chipping some people, and it is no great mental leap from that point to chipping everybody. Dr. Peter Zhou, president of ADS subsidiary Digital Angel has this to say, "A few years ago, there may have been resistance, but not anymore. People are getting used to having implants. New century, new trend... We will be a hybrid of electronic intelligence and our own soul." That of course brings us to the point where we can be manipulated through our implants. This used to be science fiction, but it's

here and it's now, and it's coming on faster than anyone would have thought just a decade ago. The NAIS program as it stands right now is a few steps back up the list, it is part and parcel of the direction we are headed, and all the other steps are already in place, technically. It does not require a great mental leap to see the potential future outcome. A hybrid soul is exactly where Christians have no intention of going. Brave new world, indeed!

Religious Objections

It is obvious from the previous two paragraphs wherein our main religious objection lies. Revelations 13:16,17 tells us, "And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no ^{man} might buy or sell, save he that had the mark, or the name of the beast, or the number of his name." As mentioned earlier, we do not claim to be scholars of the Book of Revelation, nor do we claim to know at what point we have accepted this mark. Many will view it stronger than others. I am not saying that the NAIS system is the mark in and of itself, but I feel it is part of the coming beast system. At what point the actual mark occurs is irrelevant. What is rellevant is our willingness to participate in the system, We do not need to expect a literal mark on the hand or the forehead, because in the next chapter the saints receive a mark in their foreheads. I feel that the mark on the right hand represents our works, and the mark on the forehead our minds, both of which are able to cut us off from God, through our own efforts or lack thereof. We are not held accountable for that which is done to us without our consent, but when we willingly participate at any level, we have accepted something evil with either our minds or our works. It is clear that if the NAIS system doesn't offend in the letter, it certainly does in the spirit.

In addition to the mark itself, another trigger here is the restriction on buying and selling. We certainly do see this aspect, though in a limited way, in the NAIS system. We will be severely restricted in our ability to make a living and to provide for our families. "If any provide not for his own, and specially for those of his own house, he hath denied the faith and is worse than an

infidel." I Tim 5:8. "But rather let him labor, working with his hands the thing which is good, that he may have to give to him that needeth." Eph 4:28. "In the sweat of thy face shalt thou eat bread, till thou return unto the ground." Gen 3:19. As we have seen, there are already ideas afoot to restrict all buying and selling without a chip. But even the current program will push us out of our traditional means of livelihood. And as we have seen earlier, without farmers, the fabric of our community will not endure.

We are not natio-centric enough to think that an American program means the end of the world. But neither do we want to be foolish enough to be sure it couldn't be. In fact, NAIS is spreading. An example is that the old RFID tags that were used in the US to date are at a frequency of 125 kHz. The new chips for all applications including NAIS are ISO compliant, and are using the European frequency of 134.2 kHz. In addition, the WAHO (animal equivalent of WHO) has now drawn up international guidelines which are basically the same as NAIS in all points. So the possibility exists very strongly that the entire developed world, as well as any other products entering commercial channels, will be part of the same system. Furthermore, the level of entanglements between governments of the world is pulling us strongly in the direction of a world government. It must also be remembered that the companies behind the formation of NAIS are multi-national corporations such as Cargill, Tyson, Monsanto and Microsoft. Both their interest and their influence is worldwide. This is disturbing.

As mentioned earlier, we are ^{not} saying where the line is that enters fully into the beast system, but we are all sure we would lose our salvation once we have willingly crossed it. If NAIS is any part of that system, or leading to deeper involvement in it, then we wish to oppose it at the very beginning, and not later when it is very much larger. It will be a substantial burden on every conscience to wonder when we have crossed that line. It would be tempting to think that the millions upon millions of Christians in the US would not let something like this happen. Surely they will all recognize the beast and make no compromises. But could it be that, Tim Lahaye notwithstanding, they are mostly already drawn in too close to recognize it or to resist?

The second major aspect that causes us to resist NAIS is

the involved technology in and of itself. We have consistently rejected technology which is not community- or family-building. Graybill states, "The evil lies in where a new invention might lead. The Amish ask: What will come next? Will other changes be triggered by this one? How will a new practice affect the welfare of the community over the years?" For example, "The proscription against electricity effectively quarantined the Amish from outside electronic media- radios, televisions, record players, CD players and computers." We do not have cars, electricity, telephones or modern plumbing. It goes without saying that we neither have nor want to have computers and microchips. In fact, the Ordnung of our community, and the neighboring ones, does not allow quartz watches or clocks, or anything with a digital display. I cannot think of anything electronic that we do have. (Actually about $\frac{1}{2}$ the farms in the US do not have computers, and many for the same reasons we don't). It would therefore be impossible for us to do the record-keeping and tracking components of NAIS. Incidentally, the USDA does make allowance for forms of ID other than electronic, but has in fact only approved RFID tags. So it is de facto RFID tags. Surely this is the domain of the "least restrictive way". Our objection to the MDA plan could rest entirely on the level of technology, even if it was not tied into the PIN system. Which it is. Our belief is to consciously choose the level of technology that we feel safe and comfortable with. The RFID requirements are way outside of that.

Further Amish Objections

Two further points that I wish to make are related to the above, and could probably be sub-headings within them. In general, we are against most provisions of the Patriot Act. As we have seen above, we are on the cusp of a great deal of surveillance technology, and the Patriot Act gives the government the legal means to use it against citizens that are uncooperative or different. And if the Amish are nothing else, we are certainly different. Just because something has been made legal doesn't make it safe or right. It should be remembered that everything the Nazis did was legal, They

simply legalized what they wanted to do. The Patriot act represents the giving up of many of the principles our country was founded on. Our forefathers would stand in dumb shock. One of those freedoms is the right of free assembly. The tracking aspect of NAIS involves the reporting of horse movements off the farm. The June 2006 non-commercial Guide attempts to calm this issue by stating that something such as going on a trail ride with a friend would not be a reportable activity. Kevin Kirk sent a number of these Guides to an Amish minister to distribute whenever the horse question comes up. Which is very strange beings as MDA claims the have no interest in a horse program and really **not** part of NAIS anyway. Far from being a little trail ride, anyone who has ever seen an Amish church service knows it must be a reportable event. We have 50 steaming horses from 30 different barns all crammed together and eating together for 4 hours, and then maybe visit a few more farms on the way home. If we have to report these events, it ammounts to reporting our church service and everyone who was there. If tracking becomes active, it will report itself. While we are sure that isn't the intention at this time, this does bring back hints of persecution times, which is a memory still kept deliberately alive for future use. Assuring statements made on handouts, pep talks, news releases and articles are not the law. What ends up written in the rules is the law. If the government chooses to ignore a provision for now, that is no guarantee it won't be enforced later. We consider tracking of our horses to be an infringement.

A final effect would be that on our way of life. The assurances found in the non-commercial guide are not for us. We are commercial farmers, though small ones. Some have stated that they will sell their cattle if the MDA rules are inforced. I know of one minister who has already done so, and others who will. But as the full NAIS provisions go into affect, it will apply to our other stock as well, and then all livestock farming will be out. And of course, what about our horses? It is obvious this isn't something we can easily shift away from. To follow the conscience would mean leaving the farm. Then what will become of our centuries-old way of life and our separated churches? To ignore the conscience would mean accepting more technology, spending a lot of money on

something that doesn't help our young families pay the bills, and with another layer of inspections, tracking and paperwork that further entangles us with the world. And then we have still lost our separation. Either way is a substantial burden.

Some have said they will leave the state, but again, that won't work for long. In WI, where PIN is mandatory, many Amish have left the state, and there has been serious discord in the churches there as they try to decide what to do. In a 2007 article in the Grand Rapids Press, it was quoted as saying, "Some say they will quit farming if it comes to it. Some say they will leave the state." To which Kevin Kirk replied, "They keep saying that, and that's their choice." What a cavalier attitude for an MDA official! Does our state need to loose anymore of its economy? What about the consumers who are trying to "buy local" and will loose their suppliers? Some Amish are planning to leave the country if NAIS is implemented. There have been land-looking trips to South and Central American. If past patterns hold true, some will go and some will not. What a shame to our country if the Amish are offered more freedom in a small military dictatorship, simply because they are too poor to waste money on something as foolish as NAIS. During the ^{hearing} Michigan Senator Cropsey summed it up when he told the MDA he couldn't believe they aren't smart enough to come up with a compromise for these people. Perhaps smart is not the problem.

What We are Not Against

Lest it sound like we are against everything, let me mention some things we are not against. (This is not to say that we are in favor of all these things. We are mostly in favor of leaving well enough alone!) We are not against the TB testing program as such. We have always been willing to test and vaccinate for scientifically sound health reasons. We are also not questioning the cost of tagging with the old metal tags, even if the cost is higher. We are not opposed to providing accurate records for shipment. We are not ashamed to be identified with our animals clear through the food chain, and we are not afraid the government

knows where we live. (People that look like us don't hide easily!) We are not opposed to a split-price system that might evolve with a truly voluntary national system. In the event of premiums for ID'd meat, we would take the lower price as conscience dictates, just as we now do in the milk market. We are not against a truly voluntary system. If it is good for the marketplace, then a totally free two-tiered system that is market-driven will result in a high participation rate. This is how breed registries and product certification programs work. Some Amish participate in these and some do not. Farmers interested in export markets should be allowed to test or trace their animals, as per the other country's requirements. This is how all market-driven businesses meet their customer's needs.

We are not opposed to certification or health inspection as is normal and reasonable for disease control or product certification. Please see the case of Landis vs PA Dept of AG settled on 6-25-07. We are also not opposed to less coercive forms of tracking. As an illustration, allow me to tell one more Kevin Kirk story. At the Centerville meeting in 2006, he was trying to explain how well the new system was working. He told that the USDA sprang a surprise inspection on his office. They sent the two girls an equally long list of tags to track down, one a metal tag list and the other a new RFID tag list. Kevin thought this will take all day. But in 45 minutes, both girls were done with their lists, and even discovered one "cow" which was actually a goat thrown in as a trick. Rather than be impressed that the new system worked as good as the old, I asked then why don't we just keep the old if it works as good as the new. Kevin stammered and said, well, he wasn't expecting such fast results on the metal tags, and it might not happen again next time! Unfortunately, expectations and "what ifs" aren't the real world. This could be used as a parable for the whole NAIS system. Our old system of testing, tracking and response has worked very well. We have eliminated most serious human and animal contagious diseases from North America. The USDA says our food chain is the safest in the world. The old system was cheap, effective, and non-coercive. So why change it for some "what if" scenario that is as unlikely as the Black

Death (which actually still does exist on the reservations in Arizona). This is the real world, so why can't we look at it the way it really is?

Goals Of The Amish

What we are asking for is not much, and it isn't hard to achieve. In the question of NAIS, we are asking for the following points:

- No premissis ID on either the national or state level.
- Honor requests to be removed from the existing database.
- No compulsory tagging of animals with electronic forms of ID.
- A completely voluntary system if NAIS is instituted at any level.
- No choke points which turn nominal voluntary into de facto mandatory. This includes milk liscence, coggins test, vet certificates, shipment permits, breed registries, and process certification (such as organic or grass-fed).
- Greater freedom to direct-market farm products to willing consumers at the farm.

Thankful For RFRA

I have long understood that Yoder is often regarded as the high-water mark for religious freedom in the US. On the one hand, it represents possibly our greatest level of tolerance for minority religious groups. On the other hand, religious freedom has been steadily eroding since then. I am thankful that the RFRA seeks to bring us back to the fair and balanced approach of Yoder, and especially the 4-part test.

William Ball, one of the lawyers that argued Yoder, writes, "The danger to religion lies, not in obviously **anti**-religious laws, but in laws that, when applied to secular matters, may be innocuous or even salutary. When lumping religious matters into their coverage, however, they may be disasterous to religious liberty." "As legislation increasingly intersects areas of American life that have been the traditional domain of religion - education, health, the care of children, and morality, for example - it is the 'religiously neutral law of general application' which, through hostility, or by ignorance or accident, will limit or destroy religious freedom. That is what all religion in America now faces,

and that obviously includes the Amish."

In describing Yoder, William Ball states, "The court laid down a four-part test... First, the religious claimant would have to show the court a sincere and truly religious claim. Second, the religious party would have to demonstrate that the contemplated government action was really injurious to religious practice. The burden of proof would now shift to the state. Third, the state would have to prove that its action was necessitated in the name of a 'compelling state interest'. And finally the state would have to show that no alternative means existed to its contemplated action which would be less burdensome to religious liberty. The meaning of the words 'show', 'prove', and 'demonstrate' is that actual evidence would have to be produced, first by the religious party under the first two parts of the test; second, by the government in the last two parts of the test. This matter of requiring proof in court is extremely beneficial, both to the state and to religion. It filters out false religious claims and false claims of injury to religion. Moreover, it forces the state to come up with actual proof that its actions are necessitated in the name of a supreme societal interest and that no less restrictive means exist to accomplish that interest."

Chief Justice Burger, writing the decision in Yoder states, "It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice of a legitimate religious belief, it must appear either that the state does not deny the free exercise of religious belief by its requirement or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause. Long before there was general acknowledgement of the need for universal formal education, the Religion Clauses had specifically and firmly fixed the right to free exercise of religious beliefs, and buttressing this fundamental right was an equally firm, even if less explicit, prohibition against the establishment of any religion by government. The values underlying these two provisions relating to religion have been zealously protected, and sometimes even at the expense of other interests of admittedly high social importance."... "We come then to the quality of the claims of the respondents concerning the

alleged encroachment of Wisconsin's compulsory school attendance statute on their rights and the rights of their children to the free exercise of the religious beliefs they and their forebears have adhered to for almost three centuries. In evaluating those claims we must be careful to determine whether the Amish religious faith and their mode of life are, as they claim, inseparable and interdependent. A way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations.... Giving no weight to such secular considerations, however, we see that the record in this case abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living. That the Old Order Amish daily life and religious practice stem from their faith is shown by the fact that it is in response to their literal interpretation of the Biblical injunction from the Epistle of Paul to the Romans, 'Be not conformed to this world'. This command is fundamental to the Amish faith. Moreover, for the Old Order Amish, religion is not simply a matter of theocratic belief. As the expert witnesses explained, the Old Order Amish religion pervades and determines virtually their entire way of life, regulating it with the detail of the Talmudic diet through the strictly enforced rules of the church community. The record shows that the respondents' religious beliefs and attitude toward life, family and home have remained constant - perhaps some would say static - in a period of unparalleled progress in human knowledge generally and great changes in education. The respondents freely concede and indeed assert as an article of faith, that their religious beliefs and what we would today call 'lifestyle' have not altered in fundamentals in centuries. Their way of life in a church-oriented community, separated from the outside world and 'worldly' influences, their attachment to nature and the soil, is a way inherently simple and uncomplicated, albeit difficult to preserve against the pressure to conform. Their rejection of telephones, automobiles, radios and television, their mode of dress, of speech, their habits of manual work do indeed set them apart

from much of contemporary society; these customs are both symbolic and practical. As the society around the Amish has become more populous, urban, industrialized, and complex, particularly in this century, government regulation of human affairs has correspondingly become more detailed and pervasive. The Amish mode of life has thus come into conflict increasingly with the requirements of contemporary society exerting a hydraulic insistence on conformity to majoritarian standards."

We do ask the court to consider whether there is a compelling enough state interest to override the rights of the centuries-old Amish community. We seek only to live a quiet and peaceable life in harmony with God and our fellow man. And not only for ourselves, but for millions of concerned Christians across the land. And secondly, if the NAIS program is to continue, could there be found for us a less restrictive way.

In closing I would like to quote one of my favorite paragraphs from the Burger decision (Yoder):

"We must not forget that, in the Middle Ages, important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. There can be no assumption that today's majority is 'right', and the Amish and others like them are 'wrong'. A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different."

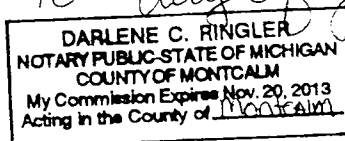
I declare, to the best of my knowledge, that the foregoing is true and correct.

Robert B. Alexander

signed, Robert B. Alexander

7-10-2008

Date



Darlene C. Ringler