

Winston & Strawn Submits “Powerful Amicus Brief”

NOVEMBER 10, 2014

Winston & Strawn’s amicus brief in *Horne v. U.S. Dept. of Agriculture* was referenced in the November 10, 2014, *Forbes*’ article titled “[The Federal Raisin Ripoff -- Will The Court Or Congress Revoke This License To Steal?](#)”

Under a USDA marketing order decreed during the New Deal era, American raisin growers are required to provide the U.S. Government’s Raisin Administrative Committee with nearly half of their yearly crop. Marvin Horne, a California raisin grower, argues that this is unconstitutional. His case reached the Ninth Circuit in 2012, but he lost when the court ruled *en banc* that it lacked jurisdiction. The U.S. Supreme Court unanimously disagreed with that holding, and sent it back to the Circuit Court, which then held that the Fifth Amendment’s just compensation requirement for actual physical takings of property applies only to real estate.

On behalf of the Cato Institute, the National Federation of Independent Business, and several other groups, Winston submitted a brief arguing that, according to the Fifth Amendment, when the government takes private property for a public use, it must pay just compensation.

Forbes described the brief as “a powerful amicus brief supported by a host of the usual opponents of governmental overreach and oppression,” noting that it “should easily convince at least four justices (the number necessary for the Court to grant certiorari) that the Ninth Circuit needs yet another reversal.”

You can read the full brief [here](#). Winston earlier submitted two additional amicus briefs in *Horne v. U.S. Dep’t of Agriculture*: [amicus brief on the merits](#) and [amicus brief in support of certiorari](#). To access other briefs submitted by Winston & Strawn, view our [Appellate Brief Bank](#).

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