

and seed dealers. In a 2007 report, the Center for Food Safety, in Washington, D.C., documented 112 such lawsuits, in 27 states.

Even more significant, in the Center's opinion, are the numbers of farmers who settle because they don't have the money or the time to fight Monsanto. "The number of cases filed is only the tip of the iceberg," says Bill Freese, the Center's science-policy analyst. Freese says he has been told of many cases in which Monsanto investigators showed up at a farmer's house or confronted him in his fields, claiming he had violated the technology agreement and demanding to see his records. According to Freese, investigators will say, "Monsanto knows that you are saving Roundup Ready seeds, and if you don't sign these information-release forms, Monsanto is going to come after you and take your farm or take you for all you're worth." Investigators will sometimes show a farmer a photo of himself coming out of a store, to let him know he is being followed.

Lawyers who have represented farmers sued by Monsanto say that intimidating actions like these are commonplace. Most give in and pay Monsanto some amount in damages; those who resist face the full force of Monsanto's legal wrath.

Scorched-Earth Tactics

Pilot Grove, Missouri, population 750, sits in rolling farmland 150 miles west of St. Louis. The town has a grocery store, a bank, a bar, a nursing home, a funeral parlor, and a few other small businesses. There are no stoplights, but the town doesn't need any. The little traffic it has comes from trucks on their way to and from the grain elevator on the edge of town. The elevator is owned by a local co-op, the Pilot Grove Cooperative Elevator, which buys soybeans and corn from farmers in the fall, then ships out the grain over the winter. The co-op has seven full-time employees and four computers.

In the fall of 2006, Monsanto trained its legal guns on Pilot Grove; ever since, its farmers have been drawn into a costly, disruptive legal battle against an opponent with limitless resources. Neither Pilot Grove nor Monsanto will discuss the case, but it is possible to piece together much of the story from documents filed as part of the litigation.

Monsanto began investigating soybean farmers in and around Pilot Grove several years ago. There is no indication as to what sparked the probe, but Monsanto periodically investigates farmers in soybean-growing

regions such as this one in central Missouri. The company has a staff devoted to enforcing patents and litigating against farmers. To gather leads, the company maintains an 800 number and encourages farmers to inform on other farmers they think may be engaging in "seed piracy."

Once Pilot Grove had been targeted, Monsanto sent private investigators into the area. Over a period of months, Monsanto's investigators surreptitiously followed the co-op's employees and customers and videotaped them in fields and going about other activities. At least 17 such surveillance videos were made, according to court records. The investigative work was outsourced to a St. Louis agency, McDowell & Associates. It was a McDowell investigator who erroneously fingered Gary Rinehart. In Pilot Grove, at least 11 McDowell investigators have worked the case, and Monsanto makes no bones about the extent of this effort: "Surveillance was conducted throughout the year by various investigators in the field," according to court records. McDowell, like Monsanto, will not comment on the case.

Not long after investigators showed up in Pilot Grove, Monsanto subpoenaed the co-op's records concerning seed and herbicide purchases and seed-cleaning operations. The co-op provided more than 800 pages of documents pertaining to dozens of farmers. Monsanto sued two farmers and negotiated settlements with more than 25 others it accused of seed piracy. But Monsanto's legal assault had only begun. Although the co-op had provided voluminous records, Monsanto then sued it in federal court for patent infringement. Monsanto contended that by cleaning seeds—a service which it had provided for decades—the co-op was inducing farmers to violate Monsanto's patents. In effect, Monsanto wanted the co-op to police its own customers.

In the majority of cases where Monsanto sues, or threatens to sue, farmers settle before going to trial. The cost and stress of litigating against a global corporation are just too great. But Pilot Grove wouldn't cave—and ever since, Monsanto has been turning up the heat. The more the co-op has resisted, the more legal firepower Monsanto has aimed at it. Pilot Grove's lawyer, Steven H. Schwartz, described Monsanto in a court filing as pursuing a "scorched earth tactic," intent on "trying to drive the co-op into the ground."

Even after Pilot Grove turned over thousands more pages of sales records going back five years, and covering virtually every one of its farmer customers, Monsanto wanted more—the right to inspect the co-op's hard drives. When the co-op offered to provide an electronic version of any record, Monsanto demanded hands-on access to Pilot Grove's in-house computers.