

## Editor's Notebook



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### Diesel Fuel Inspections Called Unconstitutional

In response to an article in our last issue about roving IRS "diesel cops" who stop farmers on the highway to see if they're using tax exempt diesel fuel in over-the-road vehicles, we heard from New Mexico reader Anthony Heuser who went to court to challenge the state's right to random inspections of farm diesel fuel.

"Your article stated as a fact that a fine can be imposed if a farmer refuses to let an inspector look into your fuel tank. It would have been more accurate to state that the state 'claims' the right to inspect tanks, even though such searches may not be constitutional. For example, New Mexico requires a bulk fuel permit to store fuel on your farm. A clause in the application form states that by signing the permit you give inspectors the right to search your farm any time they want. I refused to sign the permit because of this clause and took the tax and revenue department to court and won my case. The form was then modified, leaving out the inspection clause. New Mexico had issued thousands of bulk fuel permits but I was the only one who ever protested.

"I believe such warrantless searches are unconstitutional, and that the state does not have the right to stop farmers randomly to look in their fuel tanks for dyed diesel fuel.

"Thomas Jefferson stated that he thought our rights would be taken away by small steps rather than by large overt acts or open warfare. These intrusions onto farms and into private vehicles may be a good example of what he meant."

### More On Open-Pollinated Corn

The main advantage of open-pollinated seed corn is that you can plant a small amount and then select seed for the qualities you desire from the finished corn. In effect, you can create a variety suitable to your operation and your soils.

In the 1930's and 40's, we still had about 1,000 varieties of open-pollinated corn. These coms were dropped in the rush to use the new hybrids. Today, if you count all seed bank samples, university samples, etc., you might find 400 varieties left, of which only 20 or so are being grown commercially. If you're interested in experimenting with open-pollinated corn, I suggest consulting your University corn man first, and then the folks on the following list. Start with seed from a variety you think will work and develop your own strain from that.

Here are sources of open-pollinated corn: 1) Morris Seed Farm, Rt. 2, Clark, Mo. 65243 (ph 573 875-8553); 2) Albert Lea Seed House, P.O. Box 127, Albert Lea, Minn. 56007 (ph 507 373-3161); 3) Morgan County Wholesale, Rt. 2, Box 35A, Barnett, Mo. 65011 (ph 573 378-2655); 4) E&R Seed, 1356 E. 200 S., Monroe, Ind. 46772; 5) J. Drause, 825 Abby Hills Rd., Mt. Vernon, Iowa 52314; 6) Leonard Borries, Teutopolis, Ill. 62467 (217 857-3377); 7) Seed Savers Exchange, 3076 N. Winn Rd., Decorah, Iowa 52101 (ph 319 382-5872); 8) Carl Barnes, Rt. 1, Box 32, Turpin, Okla. 73950 (ph 405 778-3515). (Reprinted from *Small Farm Today*, 3903 W. Ridge Trail Rd., Clark, Mo. 65243-9525)

### The True Costs Of Narrow Row Corn

Pioneer Hi-Bred agronomists have taken a hard look at expenses involved in switching to narrow row corn and come up with some surprising results.

The biggest extra cost is equipment - modifying cornheads, planters, sprayers and cultivators. There are also extra fertilizer, drying and handling costs due to the increased yields. After figuring in the extra expenses that would be incurred, they looked at narrow row corn yield data from trials across the country.

The bottom line: For a farmer with 250 acres yielding 125 bu. per acre, an 8 percent yield boost from narrow row corn would not be enough to outweigh the extra expenses. A farmer with consistent yields of 175 bu. per acre who experienced an 8 percent boost would earn an extra \$5 per acre. The problem is that 8 percent is the maximum yield boost shown in most studies on narrow row corn. Most studies have shown only about half of that.

Researchers point out that if you can make most of the modifications to equipment yourself - without having to hire someone or buy new equipment - you can greatly reduce the equipment expense, which is the biggest part of the increased cost of narrow rows. (Greg D. Horstmeier in *Farm Journal*)

### Technology Benefits Environment

Former president of the National Corn Growers Association, Steve Wentworth, recently gave a vivid example of how increased farm technology has benefited the environment over the past couple decades.

Wentworth compared figures from an 80-acre corn field he cropped in 1974 with the same field today. In 1974, the field produced 140 bu. per acre. The same field recently yielded 226 bu. per acre, a 60 percent increase. He applied 190 lbs. of nitrogen to the corn in 1974. He raised the recent 226 bu. crop on 40 lbs. less nitrogen and all of the nitrogen now comes from ammonium sulfate, a byproduct of lysine production at a local corn processing plant.

Back in 1974 it took 113 machinery hours and 865 gal. of fuel to farm the 80 acres. Through reduced tillage and larger equipment, he's now able to plant, raise and harvest the 80-acre crop with just 23 hrs. of equipment time and 147 gal. of fuel - an 80 percent drop in fuel consumption.

For weed control in 1974, Wentworth applied 8 lbs. of herbicides per acre. By using a corn variety today that's bred to be chemically resistant (imazethapyr-tolerant), he had virtually no weeds while using just 4 oz. of Pursuit per acre, or only 2.5 gal. on the entire field.

Finally, while in the mid-1970's the only wildlife you might see on a central Illinois farm would be a few rabbits or an occasional pheasant, today red-tailed and sparrow hawks, herons, deer, foxes and coyotes are common. Beavers were unheard of but now can be found in many streams. Although agriculture can't take full credit for repopulation of these species, farming is more wildlife friendly today. (Top Producer)

### No Need For Premium Gas

Americans and Canadians are wasting millions of dollars on premium gas, according to the American Automobile Association. The AAA says less than 10 percent of vehicles on the road today actually need premium's higher octane. Yet premium sales have reached nearly 20 percent of total sales in the U.S. Only exotic cars and some sport vehicles with high performance engines need premium fuel, says Dave Van Sickle, AAA's director of automotive information. "Contrary to popular opinion, premium gas does not provide more power, doesn't improve performance, burn more cleanly, reduce engine wear, or improve mileage," says Van Sickle. "If your owner's manual calls for premium, it should always be used. If it doesn't, why spend the extra money?"

### Ag Lemon Law Needed?

The other day we got a call from Melroy Buhr. He's the farmer featured on the cover of our last issue who won a lawsuit against Deere & Company over a defective 535 round baler. He reported that Deere decided not to appeal the jury verdict, which found that Deere had failed to live up to the terms of the baler's warranty. The company was ordered to pay Buhr \$28,992 in damages - which was ap-

proximately the cost of the baler. Melroy (and his lawyer) got a check from Deere in February.

After our story ran, Melroy says he heard from so many other farmers who've found themselves in similar situations that he has decided to lead the push for passage of a "lemon law" for farm equipment in Iowa.

"One of the calls I got was from a farmer in New Jersey who also got stuck with a high-priced lemon baler. Instead of suing the company, he went to the state legislature and got them to pass a lemon law for farm equipment that's similar to lemon laws for cars in many states," says Buhr.

Car lemon laws vary from state to state but they generally state that if a dealer or manufacturer is unable to repair a car after several attempts, the company must take the vehicle back and refund the customer's money.

"With the high prices for farm equipment, this issue may be more important than ever. If you get stuck with a \$100,000 lemon and the company can't or won't fix it, what can you do?" asks Buhr, noting that he spent nearly \$50,000 in his legal battle with Deere - nearly twice the amount he received in compensation for the defective baler.

Buhr plans to work with farm groups during the current session of the Iowa State Legislature to try to get a lemon law on the books. "I'm in a unique position because I'm one of the few farmers who have ever fought a manufacturer and won, so I feel a responsibility to try to keep what happened to me from happening to anyone else."

If you'd like to help, contact: FARM SHOW Followup, Melroy Buhr, 13727 Howard Ave., Elma, Iowa 50628 (ph 515 393-2675).

Farm tractor sales were up 6.7 percent in 1996 compared to 1995 levels. Most of the gain was for tractors under 40 hp., up 10.8 percent, but sales of large 2-WD tractors over 100 hp. and 4-WD tractors were also higher, up 4.4 percent and 2.2 percent, respectively. U.S. combine sales declined by about 2 percent in 1996 from 1995 levels. Inventories are expected to be tight in 1997 so don't expect deep price discounts. Best buying strategy: Avoid the seasonally strong demand periods of spring and fall. (Doanes)

### How To Plant A Garden

First, plant five rows of peas: Preparedness, Promptness, Perseverance, Politeness, and Prayer.

Next to them, plant three rows of squash: Squash Gossip, Squash Criticism, and Squash Indifference.

Then five rows of lettuce: Let Us Be Faithful, Let Us Be Unselfish, Let Us Be Loyal, Let Us Be Truthful, Let Us Love One Another.

And no garden is complete without turnips: Turn Up for Church, Turn Up with a Smile, Turn Up With Determination. (Anonymous)

The extension agent was out driving around the neighborhood when he happened upon a farmer he knew well. Emil was holding a pig up to an apple tree, feeding it apples.

"Emil," he asked, "Why are you feeding that pig apples?" he said. "Doesn't it take a long time to fatten a pig that way?"

"Yes," Emil said, "but what's time to a pig?"

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