

Right of Consumption - Epiphany or Pipe Dream?

March in Mississippi brings the pollen. The nose gets stopped up inhibiting breath from that apparatus. I used to take those little red pills containing the active ingredient pseudoephedrine. They used to be sold over-the-counter, albeit with a quantity limitation plenty sufficient for my needs. Then the state government decided a prescription would be required. Since the cost of a doctor visit to get a prescription exceeds the cost of a year supply of red pills I don't use them anymore.

I am offended that the state is willing to take my breath away for the sake of protecting crystal meth pipe users from themselves, however noble that cause may be. I am somehow impressed and disappointed that then governor Haley Barbour signed off on the law change even though he was a regular user. I took note of the irony that in a time of economic woes when we are supposed to be promoting consumption we passed a law restricting and greatly increasing the cost of consumption of this medicine so much that I imagine others like me quit using it. Folks like me may be limited to those who rarely need to see a doctor, but surely I am not the only one.

I am writing because the whole ordeal started me thinking about the right of consumption. There are certain rights provided by the U. S. Constitution that government cannot unreasonably infringe. The constitution of course means what the U. S. Supreme Court says it means. The court has said certain "fundamental" rights are the least subject to government restriction. The court has declared "fundamental" rights using word descriptions that do not actually appear in the constitution. Just naming a few off the top of my head, they include the right to travel, contraception, abortion, adult pornography and consensual sex. So I found myself a question I do not know the answer to - do we have a fundamental constitutional right to consume?

While it is important enough for to me to write about it, I am not sure if I care enough to do actual legal research. I did decide it was worth a simple Google search. I used the phrase "consumption right constitutional". The first thing I came to was a 09/20/2011 article about a Wisconsin court decision holding there is no such right, which meant in that case we have no right to consume milk directly from our own cow or produce and consume foods of our own choice.

<http://thenewamerican.com/usnews/constitution/9199-wis-judge-no-fundamental-right-to-produce-and-consume-foodsq>

Next I came across an article about that decision with a quote I thought was well put - "What of the right to do with my body and my property what I see fit, so long as I do no harm to others?"

<http://www.foodrenegade.com/your-choice-of-food-fundamental-right/>

That is not in the constitution either nor has the Supreme Court acknowledged such a right to the best of my limited law memory. I offer an opinion that failure to secure bodily freedom is the biggest flaw in our system of government. We fail to give ourselves this freedom which would probably include the right of consumption.

My problem is that I just do not understand how any right could be more “fundamental” than the right of consumption. Not a one of us can live more than a few days without consumption, yet our constitution allows government to prohibit a drink of water. Maybe a “consumption” right has just never been argued in the high court. If not, I think it qualifies as my epiphany of the day at least. On the other hand, where did we get this crazy pipe dream idea that we have the right to do with our bodies and property what we see fit, so long as we do no harm to others? It brings to mind a saying I can’t quote the source of, that if we don’t stand up for the rights of those we disagree with, pretty soon there will be no one standing with us. We should never have allowed government to restrict mere consumption of any kind.