

*Fighting for the U.S. Cattle Producer!*



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December 5, 2008

The Honorable Ed Schafer  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

**SENT VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Re: Request for Verification of USDA Authority Regarding NAIS and Disclosure of Ramifications from NAIS Participation**

Dear Secretary Schafer:

R-CALF USA represents thousands of U.S. livestock producers who are affected by your agency's proposal to register citizens' real property as a premises and implement a National Animal Identification System (NAIS). The NAIS, as proposed by your agency, is shrouded with inconsistency and uncertainty. For example, your agency continues to publicly claim NAIS is completely a voluntary program, though it has simultaneously issued an official memorandum to state animal health officials directing them to register as a premises the real property of certain livestock producers – regardless of whether these livestock producers consent to the imposition of such registration. Also, your agency has neither cited any authority that would grant it the power to register as a premises the real property of the Citizens of the sovereign states united or to otherwise implement NAIS, nor has it disclosed to the Citizens of the sovereign states united, the full ramifications of premises registration of real property or participation in the NAIS.

R-CALF USA seeks clarification and information from you regarding your agency's authority to register as a premises the real property of the Citizens of the sovereign states united and implement NAIS, as well as a complete disclosure regarding the potential ramifications of NAIS participation. To obtain this critical clarification and information, R-CALF USA respectfully requests that your agency provide answers to each of the ten (10) questions listed below:

1. What is the specific authority that grants USDA the power to register personal real estate as a premises without prior consent, power of attorney in fact, or by persons lacking legal age or capacity?
2. Does registration of real property as a premises become a permanent assignment to the affected property?

3. Does registration of real property as a premises constitute a burden or encumbrance on the affected property?
4. Does registration of real property as a premises alter, impair, diminish, divest, or destroy allodial title of land patentees, or heirs or assigns?
5. Does registration of real property as a premises constitute a taking as defined in the 5th Amendment to the U.S. Constitution?
6. Will those affected by premises registration of real property be compensated for any taking, in what amount, by what standard of elevation, and frequency?
7. Does an agency memorandum, on premises registration of real property, stand as an act of law?
8. Where, by an Act of Congress as legislated within the bounds of Article I, Section 8 of the U.S. Constitution, has USDA been given authority to register real property as a premises or otherwise implement the National Animal Identification System?
9. Where in the U.S. Constitution is USDA given authority to register real property as a premises or otherwise implement the National Animal Identification System?
10. Will future land title and use of private real estate be impacted by implementation of the National Animal Identification System, resulting in further Federal regulation or authority?

If your agency intends to proceed with its implementation of the NAIS proposal, including premises registration of real property, the cattle-producing members of R-CALF USA, who are directly affected by NAIS, deserve to know the specific authority underpinning your agency's actions, as well as the potential ramifications from participating in the NAIS.

We respectfully request your complete response to the above ten (10) questions within twenty (20) working days of the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "R. M. Thornsberry D.V.M.".

R.M. Thornsberry, D.V.M.  
President, R-CALF USA Board of Directors