

Fighting for the U.S. Cattle Producer!



R-CALF
USA

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June 30, 2011

Chairwoman Debbie Stabenow
United States Senate Committee on Agriculture, Nutrition and Forestry
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

On behalf of the thousands of cattle-producing members of R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America), please correct the official record for the June 28, 2011, hearing held by your United States Senate Committee on Agriculture, Nutrition and Forestry (Committee) and titled "The State of Livestock in America" (hearing). The correction we request is necessary to restore the credibility and integrity of the Committee following the occurrence of the deplorable action described more fully below.

During your hearing, a member of your Committee, Ranking Member Pat Roberts (R-Kan.), committed the unconscionable act of using false information to impugn U.S. Department of Agriculture (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) Administrator J. Dudley Butler and assail the proposed GIPSA rule that Mr. Butler published in the Federal Register on June 22, 2010.

Specifically, Senator Roberts falsely stated in his opening remarks:

Mr. Butler made a career out of suing many in the livestock and processing sectors. To be perfectly blunt, the rule as proposed look like a trial lawyer's full employment act. Better yet, I'll read a quote from the Administrator – Administrator Butler – regarding the core of the material in the rule. His quote: 'that's a lawyer's dream, a plaintiff lawyer's dream.' He was a plaintiff lawyer.

To demonstrate that Senator Robert's statement is false, below is a transcript of Mr. Butler's actual statement made during a public meeting held in 2009:

I truly believe that if you are going to regulate, authority has to be tempered with common sense.

You cannot try to over-regulate – you cannot try to under-regulate.

I am a big believer in balance and consistency.

The Honorable Debbie Stabenow

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If we want the industry to survive over the long haul, it has to be balanced.

We are developing rules that deal with problems in the marketplace across the board.

It's just like a piece of legislation, you can't write a perfect piece of legislation.

We need your comments so we can put out the best finished product possible.

Looking at it from the standpoint of sections 202 A and B, when you have terms like unfair, unreasonable, or undue prejudice, that's a lawyer's dream, a plaintiff lawyer's dream. We can get in front of a jury on that without getting thrown out on what we call summary judgment, because that's a jury question.

But the real thing now in trying to solve the problem quickly is not only to address the market issues, but to define some of these terms, to put parameters around them. What you can do, what the company can't do, what has got to happen in the marketplace."

To verify the authenticity of the foregoing transcript, please go to <http://www.youtube.com/watch?v=xFTiY-7iqyA> to view the video of Mr. Butler's speech.

Senator Roberts falsely asserted that Mr. Butler's descriptive phrase, "a lawyer's dream, a plaintiff Lawyer's dream" was in regard to the core of the material in the rule. Not under even a perverted interpretation of the English language can such an assertion be made. Both the foregoing transcript and the referenced video are unambiguous: Mr. Butler's descriptive phrase, "a lawyer's dream, a plaintiff lawyer's dream" is in explicit regard to the core of the material in the 90-year-old Packers and Stockyards Act of 1921, *not in regard to the proposed rule.*

R-CALF USA urges you to correct the official record for your June 28, 2011, hearing, "The State of Livestock in America," by introducing into Congress' official record the transcript of Mr. Butler's actual speech contained in this letter as well as the referenced video of that speech. We believe the requested correction is necessary to restore the integrity and credibility of the U.S. Senate Committee on Agriculture, Nutrition and Forestry, which has been compromised by the deplorable action of Senator Roberts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Bullard". The signature is stylized and cursive.

Bill Bullard, CEO

Cc: Select Members of Congress