

SOUTH DAKOTA STOCKGROWERS ASSOCIATION

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

Madam Chairwoman:

South Dakota Stockgrowers members are shocked at the recent statement by Mr. Pat Roberts in the June 28, 2011 “**State of Livestock in America**” hearing held by the **United States Senate Committee on Agriculture, Nutrition and Forestry**.

Ranking Member Pat Roberts either spoke on a subject of which he has no knowledge; he spoke not of his own mind; or he intentionally spoke without regard to the integrity of the seat he occupies.

Mr. Roberts, in reference to GIPSA Administrator J. Dudley Butler, stated “*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.*”

Madam Chairwoman, I’m sure you are well aware that this “quote” made by J. Dudley Butler approximately a year ago was in reference to the content of the Packers and Stockyards Act as it now stands, without the proposed GIPSA Rule, not in reference to the content of the proposed Rule as Mr. Roberts stated.

Mr. Butler’s actual comment as he described his intentions for clarification of the 1921 Packers and Stockyards Act was: *.....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.”*

For these reasons the South Dakota Stockgrowers respectfully request you to bring a correction to the official record of the June 28, 2011 United States Senate Committee on Agriculture, Nutrition and Forestry, "State of Livestock in America" hearing, by introducing Mr. Butler's actual comment as stated above.

Without a correction Mr. Robert's blatant falsehood will bring dishonor to the U.S. Senate Committee on Agriculture, Nutrition and Forestry, and to the Grain Inspection, Packers and Stockyards Administration.

An apology from Mr. Roberts to these agencies and Mr. Butler would certainly be in order.

We thank you for your attention to this matter.

Sincerely,

/s/

Vaughn Meyer, Chairman
Marketing Committee
South Dakota Stockgrowers Association

Cc:
Senator Johnson
Senator Thune
Congresswoman Noem