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April 29, 2008

Mr. Thomas Barnett
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Room 3335
Washington, DC 20530

Re: JBS Swift acquisition of Smithfield and National Beef

Dear Mr. Barnett:

I have been contacted by various organizations in North Dakota with concerns regarding JBS Swift's proposed acquisition of Smithfield and National Beef. In discussing the proposed merger, other North Dakota entities have raised similar concerns. These expressed concerns prompt me to contact you and to urge you to thoroughly scrutinize JBS Swift's application for acquisition of Smithfield and National Beef and to issue a second request.

It is a great concern that this acquisition will further consolidate the beef packing industry and lessen competition to the detriment of many of the groups involved in the industry, including consumers. Removal of major competing buyers could significantly reduce the competition in the buyer market for cattle. It has been noted that the merger will harm the price, choice, innovation, and competition in the beef industry.

I urge you to look at JBS Swift's application with the scrutiny necessary to determine all the expected effects of the acquisition. I urge you to carefully evaluate both the expected and possible consequences the merger may have on the entire beef industry and, as a result, on consumers, including all direct and indirect impacts. I respectfully urge you to not only look at the direct effect to the buyers and sellers in this transaction, but also the effect on the industry as a whole and the indirect effect the merger would have on consumers.

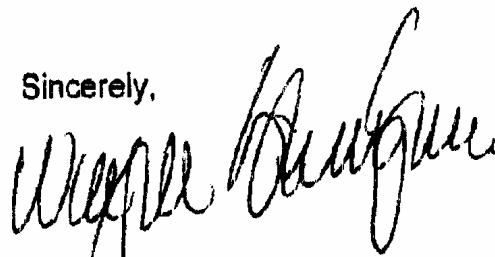
A major concern is the proposed merger's negative effect on competition in the market. A reduction from five major buyers to three major buyers likely will significantly reduce competition. It is a concern that the proposed acquisition will concentrate even more of the market power in this industry with the buyer. The effects of a reduction in competitive bidding and a concentration of market power in the buyer are believed to create a negative effect on the beef industry and drive prices up for the U.S. consumer. A thorough review of this proposed merger is, therefore, critical.

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I ask you to not allow this process to be hurried through the system without a careful consideration of the expected negative impacts on competition in the industry and the impacts on all the different levels of the industry, including the packers, feeders, ranchers, and consumers.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Stenehjem". The signature is written in a cursive, flowing style with a large, prominent initial "W".

Wayne Stenehjem
Attorney General