

Cattlemen's Newsletter

VOLUME 14, ISSUE 4 Sep/Oct 2013

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R-CALF USA has a weekly radio show! If you're interested in sponsoring this 5 minute program in your area, let us know!

Nearly 150 Groups Ask for Rejection of Section 11102 in House Farm Bill

On Monday, R-CALF USA and 142 other organizations sent a letter to members of congress urging them to remove the language in the House Farm Bill (Section 11102) that blocks Grain Inspection Packers and Stockyards Administration (GIPSA) from protecting producers against retaliation, fraud, and other unfair and anticompetitive practices of concentrated meatpackers.

The letter states that “during the 2008 Farm Bill process, Congress heard extensively from livestock and poultry producers, farmer organizations and consumer groups about anti-competitive and unfair business practices... as a result, the final 2008 Farm Bill included provisions to require USDA to write regula-

tions to address the most egregious of these practices and to define certain terms in the statute.” Section 11102 of the House version of the 2013 Farm Bill threatens the protections placed in the 2008 Farm Bill. This section would also limit USDA’s authority to enforce the Packers and Stockyards Act of 1921.

The letter continues, “The impetus for Section 11102 is that the livestock and poultry companies whose practices were examined by the 2008 Farm Bill provisions and/or USDA’s implementing regulations don’t appreciate that scrutiny. Such practices include forcing poultry growers to make expensive upgrades to their chicken houses, at the same time as the companies controlling their contracts are

secretly planning to shut down plants and cancel their contracts, leaving the farmers with massive stranded investments and facing bankruptcy, and leaving the taxpayers to pick up the tab.”

The letter concludes with the 143 groups – which includes 16 cattle organizations – requesting the members of congress to “reject Section 11102 of the House bill during the 2013 Farm Bill Conference and allow farmers and ranchers to prosper in a business environment based on mutual cooperation and fair business standards, not fear, coercion and retaliation.”

Over \$20,000 Raised for COOL at Hermosa, S.D. Meeting

At a recent meeting in Hermosa, S.D. over \$20,000 was raised to support the fight for country-of-origin labeling (COOL). At the meeting R-CALF USA CEO Bill Bullard and R-CALF USA Vice President / Region III Director Bryan Hanson spoke to the crowd of over 70 people about COOL.

Bullard and Hanson gave a history of COOL and why after over a decade of fighting for meat to be marked with an exclusive “product of USA” label organizations are still fighting. This meeting was organized by Dean and Delia Johnson of Fairburn, S.D. and Rick and Theresa Fox of Hermosa, S.D.



The crowd at the Hermosa, S.D. meeting. Bryan Hanson speaking.

When asked why they contributed their time and money to organize this fundraiser Delia Johnson explained that it is an issue important to both producers and consumers. “In this day and age of food safety concern, we feel pretty strongly that consumers want the label. We want them to have that information

available to make an educated decision at the meat case.”

Hanson said that while the current fight to label products is focused on meat from livestock imported from Canada and Mexico, the U.S. Department of Agriculture (USDA) is working aggressively to allow live cattle and meat from Brazil, which has at least twice the number of cattle as the United States. According to Hanson, when Brazil is allowed to import live cattle and beef into the U.S., the pressure on U.S. cattle producers will be far more than they are experiencing now.

Bullard added “this fight is because farmers and ranchers want competition, and consumers want to know where their food is from while the meatpackers and their allies simply want to control the market.”

The battle for COOL will be expensive and more funds are needed to ensure R-CALF USA and the organizations fighting for COOL

can keep up the pressure. To host a meeting and fundraiser in your area contact Laurel at R-CALF USA. Send donations to R-CALF USA COOL FUND PO Box 30715, Billings, MT 59107.

Want to host a meeting or fundraiser in your area?

Contact Laurel at the office to get one scheduled!

406-252-2516
laurelmasterson@r-calfusa.com



Four Groups Petition Court for Permission to Defend COOL
Spurious Charges of Meatpackers Disputed by Farm, Ranch and Consumer Groups

Four groups representing, farmers and ranchers, rural communities and consumers filed court papers on Friday, Aug. 23, to defend mandatory Country of Origin Labeling (COOL) from a spurious lawsuit filed by the meatpacking industry. R-CALF USA, Food & Water Watch, the South Dakota Stockgrowers Association and the Western Organization of Resource Councils petitioned the court to allow them to intervene and defend COOL. Country of Origin Labeling was included in the 2002 and 2008 Farm Bills, but it has been under constant attack from domestic and foreign meatpackers that do not want consumers to know where their food is from and do not want to pay American farmers and ranchers a fair price for their livestock.

“Our interest is in preserving COOL for generations to come,” said South Dakota Stockgrowers Association (SDSGA) Executive Director Silvia Christen adding, “The COOL regulation that requires the meat labels to list each country where livestock was born, raised and harvested benefits U.S. cattle and sheep producers who can differentiate and promote American born and raised livestock in an increasingly international supermarket meat case.”

The meatpackers allege in their lawsuit that the final 2013 COOL rules violate their constitutionally protected rights to freedom of speech, that the labels were not spe-

cifically authorized by the Farm Bill and that COOL labels provide no benefit to consumers.

“The meatpackers are demanding a first amendment right to deceive consumers by insisting on vague and misleading labels that do not let consumers choose all-American beef, pork and lamb products,” said Food & Water Watch Executive Director Wenonah Hauter. “Consumers overwhelmingly support, use and deserve Country of Origin Labeling because they want to know the source of the food they are feeding their families.”

The meatpackers’ filed their lawsuit to prevent the USDA from implementing the final 2013 COOL rules, which requires muscle cuts of beef, pork, lamb and goat meat to display where the animal was born, raised, and slaughtered and prohibits the confusing “commingled” mixed-origin label that has allowed meat from all-American born and raised livestock to be labeled as if it were a product of multiple countries, like “Product of USA, Canada” or “Product of Mexico, USA.”

“Retaining the USDA’s 2013 rules as law of the land will ensure that a U.S. label stands for family tradition, quality, pride and a safe and wholesome product by allowing consumers to truly know when a product is born, raised, and slaughtered in the United States,” said Wilma Tope, a rancher for 30 years near Aladdin, Wyoming, who submitted an

affidavit in the suit and is a member of the WORC affiliate, the Powder River Basin Resource Council.

The meatpacker alliance that filed the suit against USDA’s 2013 COOL rules included nine trade associations, including one Mexican and two Canadian livestock-producer groups as well as six domestic meatpacker or meatpacker-producer groups. Tomorrow, the meatpackers will argue for a preliminary injunction to immediately prohibit the new COOL rules from going into effect.

“Marketplace competition can no longer occur without COOL,” said R-CALF USA CEO Bill Bullard adding, “In this global market, more imports from more countries are entering the U.S. each year and foreign meatpackers are trying to capture market share away from U.S. family farmers and ranchers. COOL allows U.S. cattle farmers and ranchers to highlight their product to U.S. consumers whom we believe will choose our exclusively U.S. produced product if they can identify it in the market. That’s what this fight is all about: farmer and ranchers want competition while the meatpackers and their allies want to control the market.”

The Motion for Intervention filed by R-CALF, FWW, SDSGA and WORC can be found here: <http://www.r-calfusa.com/COOL/130826MotionMemorandumInterventi> on.pdf

R-CALF USA Update on COOL Lawsuit

September 23, 2013

The National Cattlemen's Beef Association (NCBA), meatpackers, and foreign livestock associations (collectively referred to as "NCBA and its allies") filed their comprehensive lawsuit against the new country of origin labeling (COOL) rule on July 8. Although the new COOL rule went into effect on May 23, the U.S. Department of Agriculture (USDA) said it would not enforce the rule for six months (until November 24). Nevertheless, on July 25 the NCBA and its allies filed for a preliminary injunction to prohibit USDA from enforcing the new COOL rule until the entire lawsuit is finally decided. Of course, the NCBA and its allies are hoping to win the entire lawsuit, which would ultimately result in the nullification of the new COOL rule.

The lawsuit filed by NCBA and its allies attack the new COOL rule on three grounds: 1) they say it violates their First Amendment right not to be compelled to speak when they don't want to (they don't want to inform consumers about where the meat was born, raised and slaughtered); 2) they claim the COOL law does not allow labels that state where animals were born, raised and slaughtered and that the COOL law authorizes them to label exclusively USA beef with a mixed-country label (the new COOL rule ends this by no longer allowing mixed-country labels on muscle cuts); and, 3) they claim USDA violated its rulemaking authority by writing a rule that: (i) produced inaccurate labels; (ii) worsened the circumstances that the World Trade Organization (WTO) found to be in violation of trade laws; and, (iii) did not accommodate their request to delay the implementation of the new COOL rule until the WTO has a chance to review it.

Because a preliminary injunction stops certain actions before all the facts are fully considered in a lawsuit, it is considered an "extraordinary remedy." You will recall that R-CALF USA was awarded three preliminary injunctions in its BSE lawsuits that resulted in preventing the re-importation of higher risk Canadian cattle into the U.S. for longer than two years (during the period 2003-2008). To achieve the "extraordinary remedy" of a preliminary injunction at the early stages of a full-blown lawsuit, a party has to clearly show: 1) that it is likely to ultimately win the lawsuit; 2) that it will likely suffer irreparable injury if the preliminary injunction is not granted; 3) that the balance of interests tips in its favor; and 4) that a preliminary injunction is in the public interest.

In this current COOL case, on September 11 the

Court denied the request for a preliminary injunction by NCBA and its allies. The Court found that they had failed to meet three of the four necessary conditions for a preliminary injunction. The only condition they met, according to the Court, was that the balance of interests tips slightly in their favor because the new COOL rule will likely cost them more money than it would likely cost USDA for not complying with the WTO decision.

Regarding whether NCBA and its allies showed that they likely would win on their argument that the new COOL rule violated their First Amendment rights, the Court said they likely would not. The Court said this was because the information they were required to give to consumers was purely factual and that common sense showed that consumers were being misled by current labels when mixed-country labels were applied to meat exclusively of U.S. origin.

Regarding whether NCBA and its allies showed they would likely win on their arguments that the COOL law does not allow labels that state where an animal was born, raised and slaughtered, but does allow mixed-country labels even on beef that is exclusively of U.S. origin, the Court concluded that they likely would not. The Court found that USDA's interpretation that the COOL law allows labels that specify where an animal was born, raised, and slaughtered was entirely reasonable. Further, the Court found that Congress intended the COOL law to provide accurate information to consumers and, therefore, the COOL law did not authorize the use of a mixed-country label on beef that is exclusively of U.S. origin.

Regarding whether NCBA and its allies showed that they would likely win on their arguments that USDA violated its rulemaking authority because the new labeling would be inaccurate, would worsen violations found by the WTO, and that it should be delayed until the WTO had a chance to review it, the Court concluded they likely would not. The Court found that the potential inaccuracies in the new labeling were the result of the COOL law itself, and that the new labels improved the accuracy of COOL. The Court also found that the USDA did its best to respond rationally to the WTO ruling. Finally, the Court found that USDA acted properly by issuing a timely rule in the face of the WTO ruling.

The Court further found that the NCBA and its allies did not provide anything other than speculation to support their claim of irreparable injury, and such speculation was not enough to show that they would

be expected to suffer any irreparable injury if the preliminary injunction was not granted.

The Court also decided it was not in the public interest to grant a preliminary injunction because it was unlikely that the NCBA and its allies would ultimately win their lawsuit.

So, having found that NCBA and its allies did not meet any of the conditions for a preliminary injunction other than the condition that the balance of harms tips slightly in their favor, the Court determined that the preliminary injunction should be denied, particularly since the NCBA and its allies were not likely to win their case and because they did not show that they would experience irreparable injury.

Next Steps: The NCBA and its allies did not like the Court's denial of their preliminary injunction request so they have appealed the denial to the U.S. Court of Appeals for the District of Columbia Circuit (Appellate Court). On September 16 the Appellate Court issued an order that establishes a briefing schedule that ends on November 1. That means a hearing on this appeal will not be heard until sometime after November 1 and the Appellate Court's decision would not be expected until sometime after that.

R-CALF USA, the South Dakota Stockgrowers Association, Food & Water Watch, and the Western Organization for Resource Councils (WORC) will be submitting a friend-of-the-court brief to the Appellate Court by October 23 to help the Appellate Court understand the critical importance of COOL in facilitating market competition, enhancing food safety, and minimizing consumer confusion.

The motion to intervene in this case by R-CALF USA, South Dakota Stockgrowers Association, Food & Water Watch, and Western Organization for Resource Councils (WORC) is still pending before the lower Court. Although none of the current parties have objected to the intervention request, the Court had not made its decision by the time of this writing.

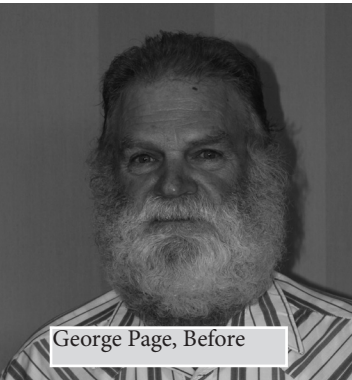
To help R-CALF USA defend COOL, please send contributions to:

R-CALF USA
P.O. Box 30715
Billings, MT 59107

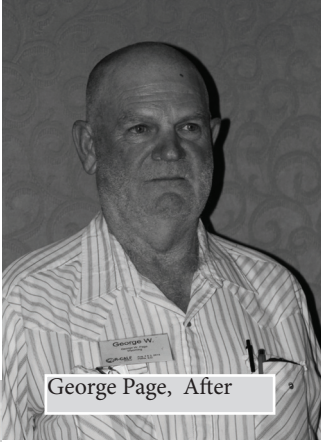
Thanks for your support and we'll keep you informed of our progress!

THE COWBOY WAY As mentioned in previous newsletters, Paragon Foundation is no longer publishing *The Cowboy Way* magazine. R-CALF USA has been unsuccessful in finding an alternative magazine to provide for those who purchased subscriptions to *The Cowboy Way*. We hope that you'll consider donating the subscription fee to R-CALF USA. If you prefer, we will be happy to refund the subscription price. Refunds will only be given upon request.

CONVENTION 2013



George Page, Before



George Page, After



A group enjoying the Friday night event at the Casey Tibbs Rodeo Center.



Leroy Scott, Bryan Hanson and son, Chase



Robert Thullner, Emcee



Another group enjoying the Friday night event at the Casey Tibbs Rodeo Center.



Above: George Chambers with wife Candi Chambers and son Kaleb Chambers. Not pictured daughter Taylor Chambers.



Sheriff Richard Mack



John Hanson, Forney Longenecker, Dexter Davis

Striking Out in the Beef Checkoff by Vaughn Meyer, South Dakota

Background: Vaughn Meyer from Reva, South Dakota, is a rancher, R-CALF USA member, and an appointed Director on your Cattlemen’s Beef Board. Vaughn granted R-CALF USA permission to reprint his article below. This is such an excellent summary regarding what is happening to your Beef Checkoff dollars that we want to be sure you have read it elsewhere and we encourage you to share it with your friends and neighbors.

As an appointee to the 106 member Cattlemen’s Beef Board (CBB) I often wonder if I/we are spending your beef checkoff dollars in the best interest of beef promotion. To begin this examination of our commitment to our fellow producers of investing your money wisely (all \$40 million), let us review the Beef Board mission statement, “The Cattlemen’s Beef Promotion & Research Board is dedicated to improving producer profitability’ expanding consumer demand for beef and strengthening beef’s position in the market place.” These 3 areas of concern are very straight forward and complement each other so to piece the puzzle together let’s begin with expanding consumer demand.

A very recent independent consumer poll conducted by the Consumer Federation of America documented that 87% of consumers prefer information concerning origin and production of the food they feed their families. Farmers and ranchers also fought hard to establish Country of Origin Labeling (COOL) in 2002 to address consumer choices for a safe and wholesome product. However on July 8th of this year the National Cattlemen’s Beef Association (NCBA) in conjunction with eight other plaintiffs filed a law-

suit against USDA for its role in defending COOL in the eyes of the World Trade Organization (WTO). Keep in mind that three of the fellow plaintiffs are foreign organizations who are not only challenging U.S. producer and consumer rights to COOL but also attacking U.S. sovereignty. Also keep in mind that the NCBA is the major contractor for the CBB and derives nearly 82% of its revenue from the beef checkoff. Yes, you will hear screams of a monetary fire wall which separates checkoff and policy activities. However the bottom line is still that over \$32 MILLION check-off dollars are invested annually in those offices and personnel who also work for the contractor that would rather promote corporate profits over producer family livelihoods and consumer choices. In reality we are indirectly spending YOUR checkoff dollars to include your contractor in a lawsuit against YOU AND YOUR RIGHT to identify and label your produce. Checkoff dollars are supporting a contractor who places packer profits above consumer choices for a safe and wholesome diet for their families? Does this sound like we are expanding consumer demand or lining packer pockets with your hard earned dollars?

For the next piece of the puzzle let’s examine our role in strengthening beef’s position in the market place. This spring we released the results of a two-year project to rename beef cuts in conjunction with the pork industry. This was part of a \$2.6 million authorization request by NCBA of which 83% were implementation fees for in-house implementation by NCBA. This aggressive NCBA request included ULTRA or Uniform Retail Meat Identity Standards Labeling Term Review Application which when simplified helped to create generic meat names with pork. Names like New York

Strip Pork Chop which the pork industry ads are proclaiming as “a cheaper cut than beef”. Don’t blame the Operating Committee as most were never informed of the details of this joint attempt to standardize protein cuts for what some believe as adding more value to lessor valued species! Whatever the reason it worked as pork is laughing all the way to the bank and cattlemen are staring at pickled cows feet. Are we strengthening beef’s position in the markets yet?

Examining the final piece of the mission statement, “improving producer profits”, is directly related to the first two pieces. However if we look at the motives behind our contractor involvement in the lawsuit to make it convenient and profitable for foreign product to be included in the USA label then perhaps we have improved FORIEGN producer profits. Maybe that answers the question of why each morning we wake up to 33 fewer producers in the U.S. along with a dwindling cow herd equal to 1952.

To summarize our performance of investing your hard earned dollars wisely; I am afraid we have struck out on our mission statement and our commitment to cattlemen. This is not necessarily due to a non-dedicated CBB board of directors but more often the result of the board being lead to the watering trough by a contractor driven by foreign and domestic corporate interests. A contractor which due to its grandfathered status under the Act and Order believes they know best for you and your money. A contractor which refuses to display pride for USA Beef, USA Cattlemen, the US Constitution and all US Veterans.

For comments on our performance or to reclaim your beef checkoff you may find contact information at: <http://www.beefboard.org>

WE NEED YOUR HELP!

How is R-CALF USA promoted in your area?

Do you, a neighbor or a local business have a sign up? Send us a picture!

Why do you support R-CALF USA?

Send in your story about why you started and continue to support R-CALF USA!

Other ways to get involved:

Local and State Membership Chairs -

Help build membership in your area!

Outreach - Can you get local sponsors or can you sponsor the R-CALF USA radio show or write letters to the editor?

Committees - Animal Health, Animal ID, Bylaws, Checkoff, Convention, Country-of-Origin, Hazard Analysis and Critical Control Points (HACCP), Marketing, Private Property Rights, Sheep and Trade
Join the USA FREE Team! - Help discover ways to raise money and promote R-CALF USA’s 501(c)3 foundation, USA FREE!
For more information or to sign up, contact Laurel at 406-252-2516 or laurelmasterson@r-calfusa.com

Groups Urge Rejection of Shuanghui’s Acquisition of Smithfield Foods

In preparation for today’s Senate Agriculture Committee hearing on the proposal by Chinese-owned Shuanghui International Holdings, Ltd. (Shuanghui) to purchase U.S.-owned Smithfield foods (Smithfield), R-CALF USA and 16 farm, consumer and trade groups sent a comprehensive, 12-page letter to 9 of President Obama’s cabinet members urging them to reject the proposed sale.

The groups wrote that the proposed sale “poses an unacceptable national security risk, undermines the safety and security of the U.S. food supply, threatens the environment and economy of rural communities, provides significant taxpayer-financed technology and intellectual property to foreign competitors and will raise the cost of food for American consumers.”

According to the Foreign Investment and National Security Act of 2007, the U.S. can reject an acquisition of a U.S.-based business by foreign investors if the sale would potentially disrupt the critical infrastructure of the United States.

The group’s letter suggests the acquisition would do just that, disrupting the U.S. food supply, agriculture land and rural economies. In addition, the groups argue the proposed sale would have a debilitating impact on national security.

“In the simplest terms, Smithfield is a significant supplier of pork products to U.S. military installations. If the merger were approved by CFIUS, the Chinese-

owned Smithfield would control a portion of the food supplied to U.S. troops,” the letter states.

Other reasons cited for prohibiting the sale include the potential implications for food safety:

“Shuanghui’s takeover could compromise the food safety at U.S. Smithfield plants as they absorb the management culture from China’s food processing industry. China’s food supply has suffered from the persistent trend of ‘economically motivated adulteration’ and a culture of adulteration in China’s food and agricultural sector. The purchase could export the less rigorous Chinese food manufacturing standards and business culture to Smithfield and erode its food quality and safety practices.”

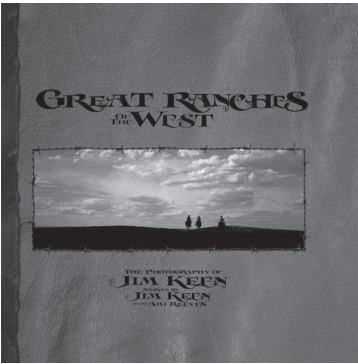
Yet another reason for the group’s objection to the proposed sale is that it would accelerated the ongoing global concentration of the food system and meat supply, which would further harm rural economies. The groups warn that there is already a dangerous trend associated with foreign acquisitions of U.S. food processors:

“Shuanghui’s proposed takeover of Smithfield is only the latest in a string of foreign takeovers of U.S. meat and poultry processors over the past five years. Brazil’s JBS purchased both Swift & Co’s beef and pork business as well as the poultry integrator Pilgrim’s Pride Corp.; Brazil’s Marfrig Alimentos purchased poultry processor Keystone Foods; Mexico’s Sigma Alimentos

bought the Bar-S Foods packaged meat business; Mexico’s Industrias Bachoco took over poultry integrator OK Foods; Ukraine’s Omtron made a significant partnership purchase of poultry company Townsends, Inc.; and South Korea’s Harim USA bought the poultry firm Allen Family Foods,” the letter states.

“The U.S. should not wait until it wakes up one morning to find that it is suddenly dependent on foreign countries and foreign companies for its food,” said R-CALF USA CEO Bill Bullard adding, “The Foreign Investment Committee should block this proposed sale and cabinet members should begin establishing a long-term food security plan for the United States.”

The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.
-Thomas Jefferson



Great Ranches of the West
This beautiful coffee table book shares pictures and stories of ranches in 17 states. And with each book purchased, a \$20 donation will be given to R-CALF USA! To preview go to <http://nobull.mikecallicrate.com/great-ranches-of-the-west/>

Orders can also be made through R-CALF USA by phone 406-252-2516, at www.r-calfusa.com or by mailing a check for \$35 to R-CALF USA.
This would make a great Christmas present!

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Cattlemen's Newsletter

United Stockgrowers of America

Sep/Oct 2013

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Meatpackers' Incessant (and Highly Successful) Efforts to Neutralize the Packers and Stockyards Act of 1921

Background: In August 2010, the largest number of U.S. cattle producers in memory converged on Fort Collins, Colorado, to demonstrate the need for both the U.S. Department of Justice (DOJ) and the U.S. Department of Agriculture (USDA) to begin enforcing U.S. antitrust laws and the Packers and Stockyards Act of 1921. Based on comments made by the government officials also in attendance, expectations in cattle country were high that the DOJ and USDA would finally put a stop to the meatpackers' aggressive efforts to eliminate competition in U.S. livestock markets through vertical integration (through their capture of the live cattle supply chain) and stop them from committing deceptive, fraudulent, retaliatory, and anti-competitive actions against independent cattle producers.

Unfortunately, while cattle farmers and ranchers were in Fort Collins fighting to preserve competition, the meatpacker lobby began in earnest to wine and dine the leadership of the U.S. House of Representatives and together they devised a plan to thwart any effort by the DOJ or USDA to stop their anticompetitive activities.

Today's smallest cattle herd in decades, smallest number of cattle operations in decades, smallest number of cattle feeders in decades, and lowest level of domestic beef production since the mid-90s (with the exception of the 04 and 05 BSE-related reductions) are not the result of any natural economic or environmental phenomenon. No, these failings are directly attributable to the meatpackers' efforts to capture the live cattle supply chain away from independent producers. They began this process in the 80s – a period referred to even by USDA as beef packer “merger mania.”

If our industry is competitive, and if the industry pundits who keep saying 95 percent of the world's population lives outside the U.S. and are demanding more beef, than why, pray tell, has our U.S. cattle industry been shrinking so rapidly over the past 17 years? Our entire nation certainly has not been in a 17-year drought.

Since the 80s, competition among and between each of the largest four packers – JBS, Tyson, Cargill, and National Beef – consisted of each of them trying to capture the largest market share possible and controlling the largest volume of live cattle possible. They did this until there were too few empires left for them to fight over. When the dust settled, and the packers began exercising their new found market power arising from their unprecedented market shares and control over unprecedented volumes of live cattle, they realized too late that in their fervor they had devastated the U.S. live cattle industry.

With extremely tight cattle supplies, competitive market forces are, once again, becoming a match for the meatpackers' tremendous market power, and cattle producers are experiencing higher nominal cattle prices than ever before. We witnessed this before in 2003 when a relatively small volume of Canadian cattle were banned from entering the United States. Because U.S. meatpackers suddenly could not use Canadian imports to leverage down domestic cattle prices, competitive market forces were suddenly unleashed and U.S. cattle producers first began receiving historically high nominal cattle prices – after well over a decade of depressed prices.

Given the degree of market power held by the largest packers, this unusually favorable circumstance for U.S. cattle producers – that of cattle supplies far below what the packers had ever dreamed of – is only temporary. The packers know this and that is why they have

never stopped wining and dining the leadership of the U.S. House of Representatives.

In 2011 the U.S. House did the packers' bidding by stripping USDA of funding for which to write a final rule that would have implemented certain provisions of the Packers and Stockyards Act (P&SA). Those particular provisions are necessary to stop the packers from engaging in deceptive, fraudulent, retaliatory, and anti-competitive practices. The weak-kneed U.S. Senate went along with the House's charade. In 2012, the U.S. House again did the packers' bidding by again stripping funds needed to properly implement the Packers and Stockyards Act. And, again, the weak-kneed U.S. Senate went along with the charade. Now in 2013 the U.S. House has included language in its version of the 2013 Farm Bill that would permanently strip USDA of the rulemaking authority granted it under the P&SA, which would effectively neutralize the Packers and Stockyards Act. In addition, the U.S. House has just passed a continuing appropriations resolution that yet again includes language that strips USDA of its rulemaking authority. Past experience suggests the weak-kneed Senate will go along with both charades, unless we prevent them from doing so.

Action: A “Dear Colleague” letter circulated by Senators Jon Tester (D-MT) and Charles Grassley (R-IA) urges the U.S. Senate to flatly reject the language contained in the House's version of the 2013 Farm Bill that undermines USDA's rulemaking authority granted under the Packers and Stockyards Act. At the time of this writing, only six additional Senators had signed the letter. They include Senators Tim Johnson (D-SD), Heidi Heitkamp (D-ND), Al Franken (D-MN), Tammy Baldwin (D-WI), Jay Rockefeller (D-WV), Joe Manchin (D-WV).

Also, the U.S. Senate will soon be voting on the continuing resolution for appropriations recently passed by the House. We need the U.S. Senate to reject the language in the House version of the continuing resolution that, again, would undermine USDA's ability to write rules to properly implement and enforce the Packers and Stockyards Act.

Please contact your two Senators as quickly as possible and explain to them that U.S. cattle producers want and deserve competitive markets and the only way to keep our markets competitive is if the Senate rejects the language in both the House's version of the 2013 Farm Bill and the House's continuing resolution for appropriations that undermines USDA's ability to write rules to properly implement and enforce the Packers and Stockyards Act. If one or the other pieces of legislation has already passed when you call, ask how your Senators voted and either thank them or tell them how disappointed you are that they would not support U.S. cattle farmers and ranchers.

You can contact your Senators by calling the Capital Switchboard at 202-224-3121 and asking for them by name. Be sure to ask to speak to your Senators' agriculture staffer if you cannot speak directly to your Senators.

Thank you for your help and support!

Note: R-CALF USA helped write and circulate a letter in opposition to the language that undermines USDA's rulemaking authority that was signed by 143 organizations and sent to each member of the U.S. Senate on September 9. It may be helpful to ask if your Senators have seen that letter. If they have not, please call the R-CALF USA office and we will send it to them again.