

# Cattlemen's Newsletter

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## Group Says NCBA's Claims Against COOL Are Baloney

The National Cattlemen's Beef Association (NCBA), which receives 82 percent of its annual revenues from government-mandated producer assessments under the national Beef Checkoff Program, is most likely using those government payments to offset the costs of its three-prong campaign to defeat country of origin labeling (COOL), that according to R-CALF USA CEO Bill Bullard.

The NCBA was unsuccessful in its efforts to repeal COOL in the U.S. Congress and in its efforts to declare COOL unconstitutional and contrary to U.S. statutes in the three lawsuits it filed against COOL in U.S. courts. But, the NCBA has found a sympathizer for its anti-COOL campaign in the World Trade Organization (WTO).

The WTO does not support country of origin labels and, instead, is promoting its own "Made in the World" initiative. The WTO initiative is replete with its own logo and is intended to promote global supply chains rather than domestic supply chains.

"There is an inherent conflict of interest within the WTO that is biased against country of origin labels like our U.S. COOL label as evidenced by the WTO's worldwide promotion of its own 'Made in the World' label," said Bullard.

Bullard said this is why it is no surprise that the WTO has again ruled against the U.S. labeling law which he said is now fueling unsupported and outrageous claims of harm. The claims allege that harm is arising from a mere label that informs consumers as to where the animal that produced the meat they buy for their families was born, where it was raised, and where it was slaughtered.

He said, for example, "The NCBA's public claim that for six years the COOL law has provided no benefits and has only cost our U.S. cattle industry is absolute baloney."

"USDA data clearly show that during the past six years COOL has been in place, the returns per bred cow based on operating costs for U.S. cattle producers have steadily improved each and every year. In fact, in 2013 and 2014, the

years when the latest COOL regulations were in place, the returns have been the highest in recent memory, if not in history," Bullard stated.

"The real problem is that the government is continually funding the NCBA through its national Beef Checkoff Program, which the U.S. Supreme Court has determined is a program that disseminates government speech, so NCBA can lead its anti-COOL campaign on behalf of the multinational meatpackers that have been trying to defeat COOL ever since its inception.

"We urge our U.S. Trade Representative to appeal the WTO's anti-COOL decision and we urge the U.S. Secretary of Agriculture to finally put an end to the NCBA's cash cow - the millions of dollars of government mandated producer assessments that flow directly to the NCBA enabling it to fight against policies that are of great benefit and value to independent cattle producers and consumers," Bullard concluded.

## Checkoff Lawsuit Seeks to Uncover Why OIG Did an About-Face

In a lawsuit filed recently, in the U.S. District Court for the District of Columbia, Organization for Competitive Markets v. Office of Inspector General, the plaintiff alleges that the U.S. Department of Agriculture (USDA) Office of Inspector General (OIG) is unlawfully withholding records regarding the agency's 2011 through 2014 investigation into the USDA-controlled national beef checkoff program.

The OIG investigation followed the 2010 discovery that the National Cattlemen's Beef Association NCBA had misappropriated over \$216,000 in beef checkoff program funds and all the USDA did at the time was ask that NCBA reimburse the checkoff program for those ill-gotten funds.

R-CALF USA is hopeful the court will order the OIG to release all the records associated with the OIG's multi-year investigation.

"Those secret records are particularly important because the OIG officially withdrew its original report that erroneously concluded that the USDA and the NCBA were operating the beef checkoff program in accordance with the law and that checkoff funds were being properly spent. The OIG later re-issued

its report and stated that the facts uncovered during its investigation did not support its original conclusions," said R-CALF USA CEO Bill Bullard.

The OIG's issuance of a corrected report resulted from a May 9, 2013 complaint that R-CALF USA filed under the 2001 Data Quality Act. The complaint alleged that the OIG's initial report was a "colossal whitewash of monumental proportions," and that it misled Congress and the public because it contained significant "errors, omissions, and falsehoods."

Bullard said the OIG's action of withdrawing its original audit report from the public domain and then reissuing a substantively corrected report is unprecedented.

"The credibility and integrity of the OIG and USDA are called into question as a result of the OIG's action of making false claims that improperly exonerated USDA and the NCBA for their roles in abusing producer checkoff funds.

"After we filed our complaint under the Data Quality Act, Secretary Vilsack unexplainably defended the original, false report by the OIG stating that he had "full confidence" that OIG's audit report on USDA's oversight of the

beef checkoff program was proper.

"Then, and even after the Secretary's confidence in the OIG was proven unwarranted when OIG was forced to re-issue a corrected report, USDA Under Secretary Edward Avalos, nevertheless continued to claim the OIG audit report had exonerated both USDA and NCBA.

"In response to our request that USDA take action to address the abuses within the current beef checkoff program, Under Secretary Avalos stated unequivocally that the OIG had fully addressed all of our concerns and that there is no basis for USDA to take any further action.

"The OCM lawsuit may very well help us to finally get to the bottom of these bizarre circumstances that strongly suggest that both the USDA and the OIG are involved in a serious cover-up designed to preserve the NCBA's primary income stream, which is the tens of millions of dollars it receives each year from the beef checkoff program that is funded by mandatory assessments on independent cattle producers," Bullard concluded.

## International COOL Ruling Runs Afoul of U.S. Court Decisions

The much anticipated ruling by the World Trade Organization (WTO) regarding whether country of origin labeling (COOL) passes muster with the international tribunal was finally made public today. The U.S. COOL law requires retailers to inform consumers as to the origins of meat.

The WTO has, for the second time, found in favor of the complaining parties because, according to the WTO, the COOL law continues to treat imported livestock less favorably than that accorded to domestic livestock.

As it did in 2012, the WTO is again recommending that the United States take steps to bring COOL into compliance with the WTO's interpretation of the United States' obligations under the world's international trade laws.

"We anticipated this unfavorable WTO ruling and believe, as nearly one-third of the Senate believes, that the U.S. has the tools to address this ruling without weakening or suspending COOL," said R-CALF USA CEO Bill Bullard.

"While we will be reviewing this lengthy decision to determine what, if any, additional modifications should be made to COOL, we urge the United States to exercise its right to appeal this decision and we fully expect that this dispute over COOL will continue at the WTO for many more months if not years," Bullard added.

Congress first passed the consumer-friendly COOL law in 2002 but heated resistance from international meatpackers delayed its implementation until 2008. Almost immediately, Canada and Mexico, joined by world meat exporters Australia and Brazil, along with five other countries, challenged the U.S. law at the WTO.

In 2012 a three-member WTO panel ruled that livestock from Canada and Mexico were being treated less favorably

than U.S. livestock under the COOL law and regulations.

Contrary to U.S. jurisprudence that would disallow such a blatant conflict of interest, one of the WTO's three-member panels that decided the case in favor of Canada and Mexico was a Mexican national.

Nevertheless, in an attempt to appease the WTO the United States rewrote the implementing regulations for COOL in 2013. The new regulations improved COOL by removing loopholes that had allowed multinational meatpackers to mislabel exclusively U.S. meat with a mixed-country label. It also provided consumers more detailed information regarding where the animal from which the meat was derived was born, where it was raised and where it was slaughtered.

But Canada and Mexico renewed their complaints at the WTO alleging that livestock from their respective countries continue to be less competitive in the U.S. market under the new COOL regulations.

Canada and Mexico also attacked COOL in a lawsuit by filing arguments against COOL on behalf of their respective governments in the U.S. Court of Appeals for the District of Columbia Circuit. The U.S. court ruled against Canada and Mexico and concluded that COOL complies with the U.S. Constitution and that Congress and the U.S. Department of Agriculture (USDA) had authority to pass and implement the law, respectively.

Today's WTO ruling in favor of Canada and Mexico creates a serious dilemma for the United States:

"On the one hand our U.S. courts have found COOL to be in full compliance with the United States' chosen form of government. On the other hand, the so-called world government, comprised of unelected and unappointed WTO offi-

cial, is now trying to supersede U.S. citizens' right of self-governance.

"Congress must weigh this WTO ruling against our U.S. Constitution and our U.S. sovereignty very carefully and not engage in a knee-jerk reaction, which is precisely what the multinational meatpackers that do not have any particular loyalties to the United States, are asking Congress to do through their request that funding for COOL be stricken from the 2015 appropriations bill," Bullard said.

Nearly one-third of the U.S. Senate recently sent a letter to the chair of the Senate Appropriations Committee that essentially urges no knee-jerk reaction by Congress in response to today's WTO decision.

The bipartisan Senate letter, drafted by Senators Jon Tester (D-Mont.) and Mike Enzi (R-Wyo.), expressly states that "the United States government has tools to address the outcome, once the WTO process reaches finality, to ensure labeling remains consistent with our trade obligations."

"We fully agree with the Senators statement and we recommend that the United States exercise its right to appeal this WTO decision while simultaneously exploring our options to further strengthen COOL in the face of this international attack," Bullard commented.

"Congress should not capitulate to the WTO's and the multinational meatpackers' efforts to weaken our COOL law," Bullard said adding "we must take the time to carefully analyze this ruling and then formulate a strategy for preserving our important, pro-competitive COOL law for U.S. citizens who deserve to know where their food is produced."

*Editor's Note: The USTR has appealed this decision. The decision is not expected for several months.*

## R-CALF USA Commends 32 Senators for Defending COOL

In early September Senator Jon Tester (D-Mont.) reached out to Senator Mike Enzi (R-Wyo.) to draft a bipartisan letter to demonstrate the U.S. Senate's resolve to defend the nation's 2002 country of origin labeling (COOL) law. Today, with the signatures of 32 Senators, their bipartisan, pro-COOL letter was sent to the chair and ranking member of the U.S. Senate Committee on Appropriations.

"As the end of the fiscal year approaches, we urge you to reject efforts to weaken or suspend Country of Origin Labeling (COOL) through any continuing resolution or omnibus appropriations bill," the Senators wrote.

Opponents of COOL, primarily importers of foreign meats, foreign governments, the National Cattlemen's Beef Association (NCBA) and multinational meatpackers, are fighting persistently and aggressively to end COOL on three fronts.

They tried unsuccessfully to eliminate COOL in the 2014 Farm Bill and are now trying to convince Congress to eliminate it within the FY 2015 appropriations process. They

lost three recent court decisions, first in the ruling by the U.S. District Court for the District of Columbia that found COOL to be constitutional and consistent with U.S. laws and then twice in decisions by the District of Columbia's appeals court to uphold the district court's ruling.

With the help of foreign interests, opponents have achieved some level of success in the third front they have opened against COOL. The World Trade Organization (WTO) is facilitating a global attack on the U.S. COOL law through complaints filed by the governments of Canada and Mexico and joined by other major beef exporting countries including Brazil and Australia that, like Canada and Mexico, do not want their beef labeled in the U.S. market.

Ironically, it was a 2012 adverse decision by the WTO that caused the U.S. Department of Agriculture (USDA) to tighten the COOL regulations in 2013 so meatpackers would no longer have the flexibility to mislabel beef produced exclusively in the U.S. with a label claiming the meat was instead produced in multiple countries.

COOL opponents want the more accurate 2013 COOL regulations rescinded claiming they are as bad as or worse than the regulations implemented prior to the WTO decision.

The Senators disagree: "The United States has the right to implement these popular and commonsense labeling laws," they wrote adding, "Consumers have the right to know where their food comes from and farmers should be able to market their livestock as born and raised in America."

"This bipartisan letter sends a strong signal indicating that the Senate won't tolerate the ploy by self-interested meatpackers and their allies to deprive consumers of information as to where their food is produced and U.S. producers of their opportunity to encourage purchases of U.S.-produced beef," said R-CALF USA COOL Committee Chair Mike Schultz.

"We commend Senators Tester and Enzi and all the other Senators on the letter for taking a strong stand in support of COOL," Schultz added.

## Over 200 Groups Urge Congress to Continue Supporting COOL

Recently, 207 groups representing a broad segment of the U.S. economy, including farm, ranch, consumer and manufacturing groups, joined in a letter that urges U.S. Senate leaders to continue supporting the U.S. country of origin labeling (COOL) law that is presently under attack by the governments of Canada and Mexico at the World Trade Organization (WTO).

The group's letter specifically urges Congress not to weaken, suspend or rescind COOL in the upcoming legislation to provide funding for the federal government in FY 2015.

"Some U.S. meatpackers that are vehemently opposed to COOL are achieving a self-fulfilling prophecy by refusing to buy and by imposing discounts on foreign livestock for the purpose of according Canada and Mexico with evidence to use at the WTO to undermine COOL," said R-CALF USA Bill Bullard.

Bullard said the packers would not be able to do this if the U.S. cattle market were not so concentrated because in a competitive market, another buyer would be available to purchase livestock the big four packers were shunning. This is not likely to occur in the U.S. market where just four meatpackers control about 85 percent of the fed cattle market.

"It is only because our entire domestic livestock market lacks competition that multinational meatpackers are able to impose discounts in a market in which the supply of cattle is extremely tight and retail beef prices are continually climbing to new highs," Bullard added.

Last week the Office of the U.S. Trade Representative (USTR) appealed the WTO ruling and a decision on the appeal is not expected until well into 2015.

"Congress should not short circuit the WTO process; nor should it unconditionally surrender to the threats of tariff retaliation by our trading partners. We believe the United States has strong grounds to appeal the most recent WTO ruling," the groups wrote.

As additional support for the U.S. COOL law, the groups wrote:

"American consumers are increasingly interested in understanding more about the origins of their food and the public overwhelmingly supports Country of Origin Labeling. The commonsense COOL labels that are in place today provide additional and more accurate information about where their food comes from. Farmers are proud of the food they put on American dinner tables and support the current COOL labels that allow consumers to make more informed food purchasing decisions."

These are the groups that signed onto the letter:

Agricultural Missions, Inc. (NY)  
Alabama Contract Poultry Growers Association  
American Agri-Women  
American Agriculture Movement  
American Federation of Government Employees (AFL-CIO),  
Local 3354, USDA-St. Louis  
American Grassfed Association  
American Outdoor Products (CO)  
American Raw Milk Producers Pricing Association  
Angelic Organics Learning Center (IL)  
Arkansas Farmers Union  
Ashtabula, Geauga, Lake County (OH) Farmers' Union  
Astronaut Foods (CO)  
Atlantic States Legal Foundation, Inc. (NY)  
Backpacker's Pantry (CO)  
Berks (PA) Gas Truth  
Buckeye Quality Beef Association (OH)  
California Dairy Campaign  
California Farmers Union  
Campaign for Contract Agriculture Reform  
Campaign for Family Farms and the Environment  
Caney Fork Headwaters Association (TN)  
Carolina Farm Stewardship Association (NC)  
Cattle Producers of Louisiana  
Cattle Producers of Washington  
Center for Family Farm Development (GA)  
Center for Food Safety  
Center for Media and Democracy's Food Rights Network  
Center for Rural Affairs  
Central Co-op (WA)  
Chicago Consumer Coalition  
Church Women United in New York State  
Citizen Action Coalition of Indiana  
The CJD Foundation  
Cleanwater Action Council of Northeast Wisconsin  
Coalition for a Prosperous America  
Colorado Independent CattleGrowers Association  
Colorado Spice  
Communication Workers of America Local 1082 (NJ)  
Community Farm Alliance (KY)  
Community Food and Justice Coalition (CA)  
Consumer Action  
Consumer Assistance Council, Inc.  
Consumer Federation of America  
Consumer Federation of California  
The Consumer Federation of the Southeast  
Consumers Union  
Contract Poultry Growers Association of the Virginias  
The Cornucopia Institute  
Cornucopia Network NJ/TN Chapter  
Crawford Stewardship Project (WI)  
Crowley-Kiowa-Lincoln (CO) Stock Growers  
Cumberland Countians for Ecojustice (TN)  
Dakota Resource Council  
Dakota Rural Action of SD  
Delmar Farmers Market (NY)  
Dock to Dish (NY)  
East New York Farms/United Community Centers  
Eco-Justice Ministries (CO)  
Ecological Farming Association (CA)  
The Ecology Party of Florida  
Equal Exchange  
Ethical Eating Task Force (CO)  
Fair World Project (OR)  
Family Farm Defenders (WI)  
Farm Aid  
Farm and Ranch Freedom Alliance  
Farmworker Association of Florida  
Federation of Southern Cooperatives/Land Assistance Fund  
Florida Certified Organic Growers and Consumers, Inc.

Food & Water Watch  
Food Chain Workers Alliance  
Food Democracy Now!  
Friends of the Earth U.S.  
Georgia Organics  
Glenn Miller Seed, Inc. (OR)  
Global Justice Ecology Project  
Government Accountability Project  
Grassroots International  
Hawaii Farmers Union United  
Hmong National Development, Inc.  
Idaho Organization of Resource Councils  
Illinois Agri-Women  
Illinois Farmers Union  
Illinois Stewardship Alliance  
Independent Beef Association of North Dakota (I-BAND)  
Independent Cattlemen of Nebraska  
Independent Cattlemen of Wyoming  
Independent Cattlemen's Association of Texas  
Indian Nations Conservation Alliance  
Indiana Farmers Union  
Institute for Agriculture and Trade Policy  
International Brotherhood of Teamsters  
International Texas Longhorn Association  
Intertribal Agriculture Council  
Iowa Citizens for Community Improvement  
Iowa Farmers Union  
Johns Hopkins Center for a Livable Future (MD)  
Kansas Cattlemen's Association  
Kansas Farmers Union  
The Kitchen Community (CO)  
The Land Connection (IL)  
Land Stewardship Project (MN)  
Laurie M. Tisch Center for Food, Education & Policy, Teachers  
College Columbia University (NY)  
Loretto Earth Network (CO)  
Maine Organic Farmers and Gardeners Association (MOFGA)  
Maine Sustainable Agriculture Society  
Marais River Livestock Association (MT)  
Massachusetts Consumers' Council, Inc.  
Michael Fields Agricultural Institute (WI)  
Michigan Farmers Union  
Midwest Organic Dairy Producers Association  
Minnesota Farmers Union  
Minnesota State National Farmers Organization  
Mississippi Assoc. of Cooperatives  
Missouri Farmers Union  
Missouri Rural Crisis Center  
Missouri's Best Beef Cooperative  
Montana Farmers Union  
Murray County (OK) Independent Cattlemen's Association  
National Consumers League  
National Family Farm Coalition  
National Farmers Organization  
National Farmers Union  
National Grange of the Order of Patrons of Husbandry  
National Hmong American Farmers, Inc.  
National Latino Farmers & Ranchers Trade Association  
National Organic Coalition  
National Women Involved in Farm Economics  
National Young Farmers Coalition  
Nature Abounds (PA)  
Nebraska Farmers Union  
Nebraska Sustainable Agriculture Society  
Nebraska Women Involved in Farm Economics  
Network for Environmental & Economic Responsibility of  
United Church of Christ  
Nevada Live Stock Association  
New England Farmers Union (CT, MA, ME, NH, RI, VT)  
New Jersey State Industrial Union Council

New York Women Involved in Farm Economics  
N. Carolina Assoc. of Black Lawyers, Land Loss Prevention Project  
North Dakota Farmers Union  
Northeast Organic Dairy Producers Alliance  
Northeast Organic Farming Assoc. - MA  
Northeast Organic Farming Assoc. - NH  
Northeast Organic Farming Assoc. - NJ  
Northeast Organic Farming Assoc. - NY  
Northeast Organic Farming Assoc. - RI  
Northeast Organic Farming Association, Interstate Council  
Northeast Sustainable Agriculture Working Group  
Northern Plains Resource Council (MT)  
Northern Wisconsin Beef Producers Assoc.  
Northwest Atlantic Marine Alliance (MA)  
Northwest Farm Bill Action Group  
Northwest Farmers Union  
Northwest Forest Worker Alliance (CA, OR & WA)  
Ohio Ecological Food and Farm Association  
Ohio Environmental Stewardship Alliance  
Ohio Farmers Union  
Oregon Consumers League  
Oregon Rural Action  
Organic Consumers Association  
Organic Farmers' Agency for Relationship Marketing  
Organic Seed Alliance  
Organic Seed Growers and Trade Association (OSGATA)  
Organization for Competitive Markets  
Partnership for Earth Spirituality  
PCC Natural Markets (WA)  
Peach Bottom Concerned Citizens Group (PBCCG) (PA)  
Pennsylvania Farmers Union  
Pennypack Farm and Education Center (PA)  
Pesticide Action Network North America  
Powder River Basin Resource Council (WY)  
Progressive Agriculture Organization (PA)  
Public Citizen  
R-CALF United Stockgrowers of America  
Ranch Foods Direct (CO)  
Raritan Headwaters Association (NJ)  
Real Food for Kids - Montgomery (MD)  
Real Men Charities, Inc.  
Rochester Technology & Manufacturing Association (NY)  
Rocky Mountain Farmers Union  
Rooted in Community (CA)  
Roots of Change (CA)  
Rural Advancement Foundation International - USA  
Rural and Agricultural Council of America  
Rural Coalition/Coalición Rural  
Rural Vermont  
Sister Eden (MD)  
Small Planet Institute  
South Dakota Farmers Union  
South Dakota Livestock Auction Markets Association  
South Dakota Stockgrowers Association  
Texas Farmers Union  
Tilth Producers of Washington  
Tooling, Manufacturing and Technologies Assoc. (MI)  
Transition Newton & Northwest NJ  
U.S. Cattlemen's Association  
United Church of Christ Justice and Witness Ministries  
Valley Organic Growers Association (CO)  
Virginia Association for Biological Farming  
Virginia Citizens Consumer Council  
Walter's Signs (NJ)  
Western Colorado Congress  
Western Organization of Resource Councils (WORC)  
WhyHunger  
Williams County Alliance (OH)  
Wisconsin Farmers Union  
Women, Food and Agriculture Network

## Group Informs Ag Secretary of Its Members' Checkoff Policies

In a letter sent recently to Agriculture Secretary Tom Vilsack, R-CALF USA provided a list of primary and secondary elements to be included in any future beef checkoff program. The letter is intended to address the Secretary's recent announcement that he plans to establish a new beef checkoff program under the Commodity Promotion, Research, and Information Act of 1996.

"R-CALF USA is the largest producer-only cattle trade association in the United States and its thousands of cattle-owning members are major contributors to the mandatory Beef Checkoff Program. Over the past decade our members have thoughtfully considered what elements must be included in a beef checkoff program to make it credible and worthy of producer support," the letter stated.

Included among the eight items the group labeled as "Pri-

mary Elements" are:

- Policy-oriented advocacy organizations must not be eligible to contract for checkoff funds.
- If a Federation of State Beef Councils is to have any decision-making authority in a checkoff program, it must be a legally independent organization with no ties to any policy-oriented advocacy group.
- Any governing board for a beef checkoff program must have the authority to contract directly with service providers, but not policy-oriented advocacy organizations, to carry out program objectives.
- A significant portion of beef checkoff funds collected in the U.S. must be used to promote beef exclusively born, raised, and slaughtered in the United States, which may necessitate a corresponding allowance for importers to pro-

wish I could tell you all what will happen, but I will be the first to tell you that I don't think anyone knows what will come of this. So instead of talking about the "ifs, maybes, and buts" let's stick to what we know.

The Secretary has opened it up on the federal register and you may now submit comments. That does it, that's all anyone knows is positively happening. After the comment period, there will most likely be a rule and a final comment period. But we will wait to see what will happen.

As for now, we are completing a draft of R-CALF's comments. These will be based on member policy and will not be in favor of or opposed to. Until the final draft,

mote their imported beef.

- Research to enhance the raising of live cattle should be an eligible expenditure under any checkoff program.

The group's letter concludes: "If a new or reformed checkoff program is established as a purely voluntary, opt-in program, then many of the safeguards recommended above may be unnecessary. This is because the critical need for the above-recommended safeguards arises from the current, mandatory national Beef Checkoff Program that is fraught with conflicts of interest, inefficiencies, abuses and downright waste.

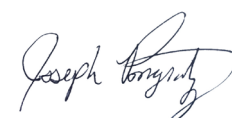
"Mr. Secretary, we look forward to working with you to finally put an end to the glaring problems associated with the current national Beef Checkoff Program."

R-CALF has a neutral position, but we want to aid and guide the Secretary with these comments.

Many things may happen between this column and the next but be assured we will keep an eye on this and with your member policy, and the board of directors guidance, we will fight for R-CALF member's views with this new checkoff.

Comments are due by Dec. 10, 2014.

Thanks,



## CHECKOFF CORNER

Joe Pongratz is the chair of R-CALF USA's Checkoff Committee. I am writing this to bring everybody up to date as to what is happening in regards to the Beef Checkoff program.



Hello Again,

I want bring everyone up to speed on what is happening with the checkoff, it seems it is changing weekly.

As you all know the Secretary of Agriculture is in the beginning stages of developing a second beef checkoff. There are lots of ideas of what is going to happen and I

Your votes are in and have been counted. Here are the results:

**Private Property Proposed Resolution 1:**

APPROVED BY 93%

WHEREAS, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers propose to amend the definition of "waters of the United States" within the Clean Water Act, thereby expanding the jurisdiction of the Clean Water Act;  
 WHEREAS, the federal government is improperly prosecuting agricultural producers for violating Section 404 of the Clean Water Act;  
 WHEREAS, the Clean Water Act permitting requirements are a means to control the use and enjoyment of private property and create an economic burden on livestock production;  
 WHEREAS, it was not the intent of Congress to impede agricultural production in the United States through the enactment of the Clean Water Act;  
 WHEREAS, the Clean Water Act includes exemptions from Section 404 permitting requirements, including those for farming and ranching activities, upland soil and water conservation practices, and the construction and maintenance of stock ponds and irrigation ditches;  
 THEREFORE BE IT RESOLVED, R-CALF USA supports strict interpretation of the original Congressional language and opposes the creation of any agency policy or federal law, including, but not limited to, statutes, regulations, executive orders, and judicial decisions, which would effectuate an expansion of the jurisdiction of the Clean Water Act.  
 THEREFORE BE IT FURTHER RESOLVED, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and any other government agency shall not enforce the Clean Water Act in any way that would impair, diminish, divest, or destroy the water rights vested under state and local laws; the traditional customs and usage; and the decisions by the courts.

**Private Property Proposed Resolution 2:**

APPROVED BY 92%

WHEREAS, the establishment of National Heritage Areas adversely affects private property rights by influencing local officials to pass zoning laws;  
 WHEREAS, National Heritage Area designations infringe

upon private property rights, subverts local sovereignty and compromises the authority and integrity of locally elected officials through a creation of a non-elected management cooperative entity advised by the National Park Service and whose management plan is approved by the Secretary of the Interior;  
 WHEREAS, National Heritage Areas are outside the purview and jurisdiction of the National Park Service;  
 WHEREAS, a fundamental interdependence exists between individual liberty and the ability to own property, and R-CALF USA is very concerned that National Heritage Area designations deprive landowners of their ability to use and enjoy their property as they see fit;  
 THEREFORE BE IT RESOLVED, R-CALF USA opposes any National Heritage Area within the boundaries of the United States and any future designation.

**Marketing Proposed Resolution 1:**

APPROVED BY 94%

WHEREAS, USDA/APHIS is attempting to relax U.S. foot-and-mouth disease (FMD) restrictions for Argentina and Brazil even though FMD remains endemic in South America and in regions within those countries.  
 THEREFORE BE IT RESOLVED, that R-CALF USA opposes any relaxation of FMD safeguards for any country that is not certified free of FMD without vaccination in every region within the country.

**Country-of-Origin Labeling Proposed Resolution 1:**

APPROVED BY 99%

WHEREAS, R-CALF USA believes consumers have an inherent right to know where their food comes from.  
 THEREFORE BE IT RESOLVED, we support expanding the country-of-origin labeling to include all meats and meat products at all points of sale, so that the consumer will be fully informed about the origin of their food.

**Checkoff Proposed Resolution 1:**

APPROVED BY 89%

WHEREAS, the Beef Checkoff program as it now stands is corrupt and has been and is being abused; and  
 WHEREAS, the Beef Checkoff program has been declared by the United States Supreme Court to be a tax; and

WHEREAS, the members of R-CALF USA desire to no longer be required to pay said tax;  
 THEREFORE BE IT RESOLVED, The Directors of R-CALF USA are hereby directed to communicate to the Congress of the United States of America that we desire that The United States Congress shall discontinue the current Beef Checkoff program.

**Proposed Bylaws Change 1:** APPROVED BY 96%

The bold, italic text below are proposed additions.

Article II - Nonprofit Purpose

Section 1: Purpose

The purpose for which the corporation is organized shall be to address the market interest of U.S. cattle **and sheep** producers with the primary purpose of addressing the threats posed to the domestic live cattle **and sheep** industries by unfair and illegal trade practices and imports. The corporation may address national and international issues which affect the profitability of U.S. cattle **and sheep** producers.

**Proposed Bylaws Change 2:** APPROVED BY 96%

The bold, italic text below are proposed additions

Article III

Section 1 Classes & Qualifications of Members

B. Associate Members

Associate membership shall be available to all affiliated businesses **and individuals** and shall be classified in categories and dues set annually by the Board of Directors.

**Directors Election Results:**

- Region IV: Jay Platt
- Region V: Cheryl Moore\*
- Region VI: Mike Schultz
- Region XV: Forney Longenecker

\*Moore is the only new director. All other directors were re-elected for their second term. Get to know the newest director below.

**Group Elects Texas Sale Barn Owner as Region V Director**

Cheryl Moore of Stephenville, Texas, was recently elected as Region V Director of R-CALF USA. All cattle-owning members in Region V had the opportunity to vote via mail-in ballot on this decision. Region V is comprised of Texas.

Moore along with her husband, Troy, have owned and operated Stephenville Cattle Company since they opened it in 1976. Moore has worked in every part of the salebarn business from alley to office with the exception of auctioneer.

Moore, who has been a member for over a decade, said she "got involved in R-CALF because it seemed like all the organizations around me quit fighting for the American cattlemen. And it seemed like R-CALF USA was – and still is – the only national organization that believes in the US cattlemen like I did."

The director's seat for Region V was available because Stayton Weldon from Cuero, Texas, had served the two-term maximum. Weldon recommended Moore as his successor on the board. According to him, "Cheryl is a

long-time member of R-CALF. She is active in the cattle industry and will bring new insight and energy to the leadership of R-CALF."

Moore's vision for R-CALF USA in Texas is to re-ignite the "Texas Spirit" of individualism and stamina and encourage cattlemen and women to take a stand for their cattle industry. She is encouraging every member in her region to go out and recruit at least one new member in 2015. Additionally, she is calling for members to help spread the word about the work R-CALF USA is doing as the only national voice that exclusively supports the grass-roots rancher. Moore continues, "We need to support the organization that keeps us honestly and regularly informed.

"I strongly support American Beef and believe that 'God and Grit' is what is needed to sustain the American Cattle Industry today. I am excited to be part of an organization that is fighting for the industry I love."

**R-CALF USA sends multiple FOIA Request**

At the direction of the R-CALF USA Sheep Committee, R-CALF USA has sent three separate FOIA requests.

1. To the Federal Aviation Administration (FAA) re: All Documents discussing the Proposed Powder River Training Complex in ND, SD, MT and WY (PRTC Expansion). They responded saying no records were found.
2. To the U.S. Air Force (USAF) re: PRTC Expansion. Sent Nov. 28, 2014. No response yet.
3. To the U.S. Fish & Wildlife Service (FWS) re: Documents Regarding Sec. 7 Consultation Between U.S. FWS and USAF regarding PRTC Expansion. Sent Nov. 28, 2014. No response yet.

These letters are available on our website at [www.r-calfusa.com](http://www.r-calfusa.com) or by calling 406-252-2516.

**Wishing you the joy of family, the happiness of friends, and the love of Christmas!**

**Please Consider Supporting USA FREE!**

*USA FREE is R-CALF USA's Charitable Foundation!*

Thanks to its 501(c)3 status, all donations to USA FREE are tax deductible as charitable contributions!

Donations to USA FREE are used to research issues facing Rural Americans and to continually educate the public on these issues.

Some of the ways to donate to USA FREE are listed. It is recommended that you talk with your CPA, attorney and/or estate planner as you consider which option is right for you. Creativity in giving is also encouraged!

**Give a donation!**

- One-time donations (cash/property)
- Recurring donations
- Bequests
- Gift Annuities
- Estate plans

**Shop on Amazon!**

Now you can support USA FREE by shopping on amazon through their Amazon Smiles campaign. Type in [www.amazonsmiles.com](http://www.amazonsmiles.com) and then search for United Stockgrowers of America Foundation for Research, Education and Endowment. Then shop!



**Send Flowers**

Send flowers anywhere. Make an impact right here in Billings.

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Send flowers through Billings, MT's locally owned flower shop and \$2 of your purchase will go to USA FREE.

With online ordering available, sending flowers has never been easier!

Be sure to indicate USA FREE in the Helping Hands program!

**Participate in our Auction Market Deduction Program** - and give a per head donation!

To donate/for more info: USA FREE PO Box 30715 Billings, MT 59101; 406-252-2516

# Cattlemen's Newsletter

United Stockgrowers of America

Nov/Dec 2014

R-CALF USA  
PO Box 30715  
Billings, MT 59107  
406-252-2516

Every credit card sends you a statement.  
This card lets you make one.

Introducing the new R-CALF USA  
custom Visa Platinum Rewards Card.



- \$50 donation by the bank when you first use the card plus ongoing contributions.\*
- 0% Introductory APR on purchases and balance transfers for 6 months.\*\*
- Earn points and bonus points at hundreds of participating online and neighborhood retailers.
- Redeem points for name-brand merchandise, event tickets, gift cards or travel reward options.
- No annual fee and no additional cost to you.
- Enhanced Visa Platinum benefits, including 24/7 Emergency Customer Service and 100% Fraud Protection, Purchase security, Warranty Manager and much more.

\*Donation made when card is used once within 90 days of issuance. \*\*After this period a low variable APR will apply.

Call 1-406-252-2516 or go to [www.r-calfusa.com](http://www.r-calfusa.com) Today!

## R-CALF USA is featured in Working Ranch Magazine!

### toppin' out BY TIM O'BYRNE

#### Things I learned at a Cattle Convention in Cheyenne



(Left) The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA), represents several thousand cattlemen who recognize the critical need for fair and swift legal representation in the myriad of business dealings and legislation beyond the ranch gate that directly affects what happens to the producer's livelihood.

**W**ild water is fascinating. The power, the physics... how it follows the path of least resistance. The Snake River in Idaho is my favorite example. Seems like there's a bridge for every two miles of highway. If left on its own, water pretty much goes wherever it wants to go, and if left uncontrolled, it will rage and flood and destroy, then settle back snugly into its banks and behave until the next raging storm.

This, I reasoned to myself, is a common denominator with all powers, be they law enforcement, military, or society-based, if allowed to run their own course unrestrained. They go where they want and, sometimes, gain momentum from a developing storm which usually means devastation for anything in its path.

I accepted an invitation this past August to the 2014 R-CALF USA convention in Cheyenne. I had wanted to attend one of these for a few years now. WR magazine has always presented itself as a non-biased platform upon which the three national cattle organizations feel comfortable to share their viewpoint. There was

much to be said here.

I squeezed myself into a thoroughly inspiring presentation delivered by well-known ranching advocate, **Ramona Hage Morrison**, daughter of Wayne and Jean Hage. Upon her ranching parents and family were inflicted many distasteful and less-than-fair challenges, courtesy of regional BLM and USFS authorities in Nevada, culminating in two very high profile lawsuits (*Hage v. the U.S.* and *U.S. v. Hage*), both of which the U.S. lost.

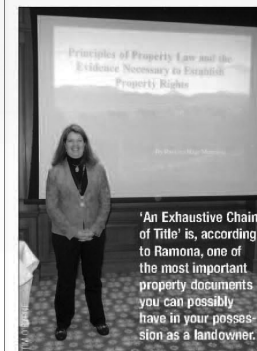
With a cheery attitude, and a solid three-wrap dally on the complex subject ("I grew up with discussions about it almost every night at the dinner table," she says of her childhood during the

decades the family was embroiled in the senseless litigation), Ramona had us all spellbound as she explained the incredible details of the cases. What she learned in those formative years would later serve her well in roles as founding officer of the Nevada Livestock Association, Executive

Note to self, I really need to update this picture.



Continued on page 20



Ramona Hage Morrison knows a thing or two about protecting ranch property rights.

Thanks to Tim O'Byrne for attending our 2014 Convention, and for including his experience in Working Ranch Magazine.

If you missed the 2014 Convention, make plans now to attend the 2015 Convention. We'll be in Denver mid-August!

For more information on Working Ranch Magazine or to subscribe visit [www.workingranchmag.com](http://www.workingranchmag.com) or call 855-894-7415.



Cheyenne attorney Karen Budd-Falen smiles as daughter Sarah, a gifted and accomplished FFA speaker, reminds attendees that our decisions today have a powerful impact on future generations.

Well, I'm glad I went to the R-CALF USA convention... I got a chance to get to know R-CALF USA CEO Bill Bullard, and met some real good grass-roots cattle ranchers who are

impassioned about protecting what American ranchers have worked so hard to achieve. It was both humbling and gratifying to know that there was such a committed group on

watched clouds disappear), and store the original in your ranch's fireproof safe on top of the bill of sale for Dad's first bull back in '46, right next to the 1923 Garcia spurs.

#### OTHER HIGHLIGHTS FROM THE R-CALF USA CONVENTION

**Karen Budd-Falen**, Budd-Falen Law Offices in Cheyenne, WY, had this to say about being vocal for property rights and creating a sensible strategy:

- There are lots of people who are making decisions about the West who've never even seen the West.
- We need to stand up more now than ever before.
- Under a revision to the Federal Tort Claims Act, it is now possible for an individual to sue certain federal employees.
- Document **everything**.

#### THE PROBLEM

Some entity has their eye on your ranch's rangelands, stock water or irrigation rights.

#### THE CHALLENGE

If it goes to court, and you must defend your property rights, you need as much written evidence as you can get your hands on, preferably dating back to when ink was first put to paper in your area.

#### HOW TO PREPARE

Ramona suggested, since the word 'Exhaustive' in this exercise really means exactly what it says, that you enlist the help of a young member of the family whose boundless energy and sleuth-like personality would take up the torch and dig through the dusty archives like they were competing for a full-ride scholarship courtesy of Ancestry.com. It's gonna take hours and hours and hours at the County Recorder's Office, the County Clerk's office, maybe the library archives, and possibly the musty filing depository of the local BLM office itself.

What you find may surprise the suspenders off of Grandpa, and we certainly hope it will be in your favor. When all the I's are dotted and the T's crossed, make a digital copy and a photocopy to store off-site with the rest of your important papers (I know, everybody's using a cloud, but I've

Continued from page 17  
Director of the Liberty and Property Rights Coalition, and governor-appointed member of the Nevada Board of Agriculture.

To a standing-room-only crowd of mature and progressive rancher folks, Ramona presented an expertly mapped out strategy to help us make sure we do the very best we can to NOT allow our property rights to be infringed upon in the manner in which her parents were forced to endure.

Called 'An Exhaustive Chain of Title', it is, according to Ramona, one of the most important property documents you can possibly have in your possession. Here's the breakdown:

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In addition, Karen brought along her charming 18 year-old daughter and accomplished FFA speaker, **Sarah Falen**, drove home a fact we should be reminded of often:

- "My generation will either benefit or be negatively affected by your generation's decisions."
- Kansas cattle feeder, entrepreneur and R-CALF-USA member **Mike Callicrate** had this to pass along, backed up by some impressive arguments:
- 50% of U.S. beef is sold wholesale, so it doesn't carry a consumer-style label.
- He wants to expand COOL to wholesale & restaurant product.
- Mississippi attorney, R-CALF USA member, and Past Administrator of GIPSA, **J. Dudley Butler**, shared this, in a nutshell:
- The Beef Checkoff is a **tax**. Six Supreme Court Justices said so.
- Mr. Butler explained rather convincingly the complex reasoning behind why R-CALF USA was pushing for a major reform of the Beef Checkoff.

the front lines making sure the wild water that affected them remained under control. No, the pioneer spirit of ranching's forefathers and mothers is not dead, not by a long shot. We're just getting smarter about how to lock it down in a manner that'll stand up in a court of law, like the Hage family did.

#### NEW WEBSITE FOR GRAHAM SCHOOL FOR CATTLEMEN

Hey folks, if you're trying to reach Graham School for Cattlemen please go directly to their new web address at <http://www.grahamschoolforcattlemen.com/>.

#### FAILED COWBOY INVENTIONS

- (from my archived files of yesteryear)
- Electric/hydraulic horse shoeing machine
  - Fully-automatic pocket knife
  - Remote-controlled cowdogbots
  - Vacuum-operated equine castration apparatus
  - Aluminum fencing pliers
  - Voice-activated auto-pilot for pickup truck **WR**