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**Federal Judge Agrees with R-CALF USA's Arguments on Beef Checkoff Being Unconstitutional,
Recommends Halting Program**

Great Falls, Mont. – A Montana federal judge yesterday released an initial ruling agreeing with R-CALF USA that the U.S. Department of Agriculture's Beef Checkoff program violates the First Amendment. U.S. Magistrate Judge John Johnston recommended that the district court halt the transfer of money to the Montana Beef Council, in a decision that could have national implications.

The Beef Checkoff is a federal tax which compels producers to pay \$1 per head every time cattle are sold, half of which is used to fund the advertisements of the Montana Beef Council. The Montana Beef Council is a private corporation whose members include representatives of the largest multinational beef producers. The council's private speech promotes the message that there is no difference between domestic beef produced under U.S. food safety laws and beef produced in foreign countries. It has paid for advertisements for the fast-food chain Wendy's to promote hamburgers that use North American beef, meaning beef that can come from anywhere on the continent not necessarily Montana or even the United States.

The Government has 14 days to object to the Magistrate Judge's recommendation. Should the district court uphold Judge Johnston's findings and recommendations, a preliminary injunction would be issued to ensure that Montana cattle producers' money did not fund the beef council's private speech without their consent while the lawsuit proceeds on its merits.

"We are encouraged by yesterday's recommendation, even though it is still subject to the district court's review, because it marks the first time in well over a decade that anyone within any of our three branches of government has agreed to take a critical look at our complaints regarding the illicit operations of the beef checkoff program," said R-CALF USA CEO Bill Bullard.

Bullard added that his organization's checkoff-related complaints regarding misappropriation of funds, conflicts of interest and unlawful checkoff operations have been repeatedly and summarily ignored by Congress and the executive branches of government for many years. "We're thankful for the opportunity to have our concerns heard by an independent branch of government that is not influenced by the intense, high-dollar lobbying efforts of the multinational meatpackers and their so-called producer-group allies."

David Muraskin, an attorney with Public Justice, a public interest law firm in Washington, DC that is representing R-CALF USA, explained that "the decision vindicates an important constitutional right. This decision ensures the government cannot give citizens' money away to private corporations. For too long

the checkoff programs have been a government subsidy of corporate meat producers at the expense of independent, domestic farmers. This decision ensures the government must take accountability for the program and respond to independent producers' concerns."

"Hopefully this is the start of trend to finally recognize the rights of independent farmers and ranchers in Rural America", said J. Dudley Butler of the Butler Farm & Ranch Law Group.

R-CALF is also represented by Bill Rossbach of Rossbach Law, P.C. in Missoula, Montana.

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R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America) is the largest producer-only cattle trade association in the United States. It is a national, nonprofit organization dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. For more information, visit www.r-calfusa.com or, call 406-252-2516.

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