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Independent Ranchers Seek Injunction of Beef Checkoff Funds in Thirteen More States

Checkoff programs in Hawaii, Indiana, Kansas, Montana, Nebraska, Nevada, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Vermont and Wisconsin would be barred from unconstitutionally collecting funds that subsidize corporate speech

National independent rancher group Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) today moved to expand their legal campaign to end the unconstitutional administration of the Beef Checkoff program by the U.S. Department of Agriculture. The current injunction against collection of checkoff funds, upheld by the 9th Circuit Court of Appeals in April, only applies to collection of checkoff funds in Montana. R-CALF USA is now asking for a halt to checkoff funds in Hawaii, Indiana, Kansas, Nebraska, Nevada, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, and Wisconsin as well.

“R-CALF members, including those in Montana, Indiana, Kansas, Nebraska, Nevada, New York, Pennsylvania, North Carolina, South Dakota, Texas, and Wisconsin, object to being required to turn over their hard-earned money to fund private speech with which they disagree and cannot influence”, reads the [supplemental pleading in the case filed today](#).

The Beef Checkoff is a federal tax that compels producers to pay \$1 per head every time cattle are sold, half of which is used to fund the advertisements of private state beef councils, like the Montana Beef Council. The Montana Beef Council is a private corporation whose members include representatives of the largest multinational beef packers, and the USDA has admitted as much over the course of this litigation. Public Justice is lead counsel in this constitutional challenge.

“The checkoff program has weakened the U.S. cattle industry by helping importers capture a greater share of our domestic market, and now the courts have found that USDA facilitated this by violating the constitutional rights of cattle producers. It is imperative that we proceed to protect the constitutional rights of cattle producers in these other states by stopping USDA from forcing them to fund private speech that undermines their financial and economic interests,” said R-CALF USA CEO Bill Bullard.

Montana’s Beef Council, for example, 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, for example, to

promote hamburgers that use North American beef, meaning beef that can come from anywhere on the continent, but not necessarily Montana or even the United States.

“Our side in this fight has the momentum, and we are using it to help bring relief to ranchers in these thirteen states who are currently being compelled to subsidize the speech of multinational corporations regardless of their wishes. Today’s supplemental pleading is the next step towards reform of the nation’s entire Beef Checkoff system that has become a tool for corporate consolidation and control, harming independent farmers,” said Food Project Attorney David Muraskin, lead attorney in the case.

In addition to Muraskin, R-CALF USA is also represented in its checkoff case by J. Dudley Butler, of the Farm and Ranch Law Group, and 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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