

# Feedlot owner concerned about Tyson's court order

St. Francis feedlot owner, Mike Callicrate, is afraid what happened to Herman Schumacher will happen to him next.

The following article, submitted by Mr. Callicrate, tells the story:

Directed by a court order obtained by Tyson Fresh Meats, the U.S. Marshals Service on June 11, posted a "No Trespassing" sign and "Warning" on the front door of the home of South Dakota rancher and cattle feeder Herman Schumacher.

Tyson obtained a judgment against Mr. Schumacher because he tried to protect his fellow cattle producers by stopping Tyson from violating the Packers and Stockyards Act. A federal jury unanimously sided with Schumacher, but then a three-judge panel for the 8th U.S. Circuit Court of Appeals overturned the jury's decision. So, in a bizarre twist, Mr. Schumacher must now pay Tyson \$15,881 or Tyson will use the U.S. judicial system to finalize the seizure of his home.

"This retaliatory action against Schumacher, who courageously did what the U.S. Department of Agriculture was supposed to do but refused to do, is an extreme injustice," said Max Thornsbury, R-CALF USA President/Region VI director. "We cannot sit back and allow Tyson to intimidate U.S. cattle producers and destroy our markets. R-CALF is sponsoring this news conference to help protect Schumacher's property against Tyson's advances, as well as to highlight the urgent need to end - once and for all - the market-manipulating practices of the four largest packers who together control approximately 88 percent of the U.S. fed cattle market."

The department of agriculture is responsible for the enforcement of the Packers and Stockyards Act, which was established to protect family farmers and ranchers against unfair and deceptive practices by the highly concentrated meatpackers. In 2006, both the Office of Inspector General and the U.S. Government Accountability Office found that the department had failed for nearly a decade to properly enforce the act. As a result, anticompetitive practices and anti-trust actions by the concentrated meatpackers have gone unrestrained, causing hundreds of thousands of cattle producers to exit the industry.

During the prolonged non-enforcement of the act, the department of agriculture implemented a new price reporting require-

ment, but made a horrendous mistake. Over a six-week period, from April 2 to May 11, 2001, the department miscalculated beef values and underreported those values to the public.

It was widely believed that Tyson and the other two largest meatpackers - Cargill Meat Solutions, (Excel Corporation), and Swift and Company, now JBS Swift - knew that beef values were being underreported and were purposely underbidding the actual value of cattle. Prices paid for Schumacher's and other cattle feeders' cattle were forced lower during this period, causing producers to lose millions of dollars in income. The department refused to take any action to correct this injustice.

But Mr. Schumacher and two other cattle feeders, Mike Callicrate and Roger Koch, stepped to the plate in 2002 to do what the department of agriculture refused to do - they filed a lawsuit to enforce producers' rights under the act. They did this as a class action case to ensure that every U.S. producer harmed by the packers could recover their lost income. And they won! The federal judge in the case stated in 2006:

The jury carefully found that defendants (Tyson, Excel, and Swift) knew of the department of agriculture reporting errors on April 24, 2001, and took advantage of such knowledge thereafter...There is no dispute that the jury found defendants liable for damages for violations of the Packers and Stockyards Act. The jury awarded \$9.25 million to the class of cattle producers harmed by the packers. Mr. Schumacher estimated that he and the other cattle feeders in the class would each receive about \$40 for each head of cattle sold while the packers were driving cattle prices lower.

Tyson, Excel and Swift quickly appealed the jury's unanimous decision to the 8th Circuit in hopes of circumventing Mr. Schumacher's enforcement of the act against them. On Jan. 29, 2008, the 8th Circuit sided with the packers and overturned the jury's unanimous verdict. The 8th Circuit did not dispute the jury's findings that the packers had violated the provisions of the act. Instead, the court decided it wasn't enough for Mr. Schumacher to prove that the packers had committed actions prohibited by the act. The 8th Circuit overturned the jury's verdict on the basis that "a plaintiff (Schumacher, Callicrate and

Koch) must show that a packer intentionally committed unlawful conduct."

Armed with this shocking 8th Circuit decision, Tyson moved swiftly to retaliate against Mr. Schumacher by seeking an order to force him to pay Tyson's court costs. Tyson succeeded and initiated the action that has resulted in the U.S. Marshal's postings on Schumacher's front door. Similar legal action is now anticipated by Excel and Swift against plaintiffs Callicrate and Koch.

R-CALF is calling on both consumers and producers to help protect Schumacher, Callicrate and Koch from the packers' retaliatory actions and to help R-CALF step up the fight to convince Congress and the new Administration to follow through with their promises to restore competition to our U.S. cattle market. This is going to take four to five years to accomplish, but we must get started today. It is clear that unless cattle producers and consumers step up right now to initiate needed changes, no one else will.

This recent action by the U.S. Marshals Service demonstrates that family farmers and ranchers - our U.S. food producers - have no means of protecting either their livelihoods or their industry against the anticompetitive and antitrust actions of the packers that continue to drive food-producer prices well below sustainable levels.

Meanwhile, U.S. cattle producers are exiting the U.S. cattle industry by the tens of thousands each year, and consumers are continuing to pay at or near record beef prices while prices paid to cattle producers have fallen well below the cost of production. This spring, while cattle producers lost hundreds of dollars on each head of cattle sold, the share of the consumer's beef dollar paid to the cattle producer has fallen to the lowest level since the third quarter of 2002, the year when cattle prices were severely depressed. The cattle industry is fast losing the critical mass of independent producers necessary to ensure the safety and security of the U.S. beef supply.



EMERGENCY Medical Technicians Windy White and Teri Morris are on hand to answer any questions during the open house held on Saturday.



Glenn and Vicki Schliep were enjoying the open house at the new Emergency building while asking questions of Dale Weeks, fire chief.

Herald staff photos by Casey McCormick

## Cookin' with Peg

By Peggy Horinek  
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Appetizers are always a highlight of a party or to take away those hunger pains while you're waiting for that delicious meal to be served. Even people who don't care that much for spinach usually admit that they like these. The spinach balls are a great item to keep in the freezer and then pop in the oven when you have unexpected company.

### Spinach Balls

2 packages (10 oz. each) frozen chopped spinach, cooked according to package directions and drained well.

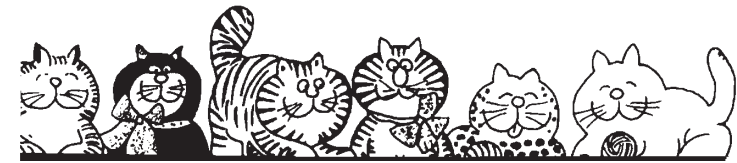
2 cups one-step chicken flavored stuffing mix

1 cup grated Parmesan cheese  
6 large eggs, lightly beaten  
1-1/2 sticks (3/4 cup) butter or margarine, at room temperature  
1/2 teaspoon salt  
Pepper to taste

Mix all ingredients together until well blended.

Roll level tablespoons of the mixture into balls the size of a walnut (you should end up with around 60 balls. Arrange them on a jelly roll pan, close but not touching. Freeze them until hard and then place in a gallon size zip lock bag.

To serve, heat oven to 350 and place balls on jelly roll pan and bake 15 to 20 minutes or until hot and firm enough to pick up.



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The Saint Francis Herald and Bird City Times will be closed Friday, July 3rd.



## 2010 Cheyenne County Young Miss



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Theme:  
Roaring 20s  
Saturday, June 28  
7 p.m. at the  
St. Francis  
High School Auditorium