

07/11/2003 Entry: "LMA Praises Appeals Court Decision on Beef Checkoff as 'Affirming Producers' First Amendment Rights'"

KANSAS CITY, MO. – Livestock Marketing Association President Billy Perrin said today's 8th U.S. Federal Circuit Court of Appeals decision, affirming that the beef checkoff is unconstitutional and unenforceable, "also affirms all American beef producers' First Amendment, free-speech right."

The 8th Circuit rejected the Cattlemen's Beef Board's assertion that its promotion and advertising programs were "government speech," and thus immune from LMA's first amendment challenge.

The Appeals Court agreed with Federal District Court Judge Charles Kornmann that the beef checkoff is, "in all material respects, identical to the mushroom checkoff," which the U.S. Supreme Court struck down in 2001.

"We conclude," the Appeals Court said, "that the government's interest in protecting the welfare of the beef industry by compelling all beef producers and importers to pay for generic beef advertising is not sufficiently substantial to justify the infringement" on producers' First Amendment free speech right.

Noting the Appeals Court statement that, based on its findings, "no remaining aspects of the (Beef) Act can survive," Perrin said, "Hopefully, this decision will bring finality to this long-running dispute."