

# Feed yard owner tells his concerns

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 Thornberry, 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 requirement, 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.



**SAMANTHA CARSON** pitches during a recent softball game. Samantha is the granddaughter of Ed and Phyllis Carson.

# Granddaughter receives award

The Wildkatz, a 14-and-under fast pitch softball team out of Topeka, competed in the United States Softball Association Mizuno Softball Series tournament at Basehor Field of Dreams on June 5-7.

The Wildkatz overcame a slow day on Saturday and won five games but ended up losing the last game and placing second.

Samantha Carson, granddaughter of Ed and Phyllis Carson of Bird

City, was named Pitching Most Valuable Player of the tournament and was awarded a new pair of Mizuno softball cleats. Samantha pitched in nine of the team's ten games of the weekend.

Tim Carson, Glenn Roth, Greg Anderson and Dan Fischer coached the Wildkatz. The team has qualified for a second trip to the United States Softball Association World Series later this summer.

# Obituary

## Arline Mazon

March 13, 1919 - June 22, 2009

Arline Mazon was born on March 13, 1919, the daughter of Grover and Maria Runyan in San Diego, Calif., and died on June 22, 2009, at the Good Samaritan Center in Atwood.

She was preceded in death by her husband, Leo Mazon; daughter, Beverly Meeks, parents, Grover and Maria Runyan; brothers, Albert (Sonny) Runyan and Saul Runyan; sisters, Emma Pena and Victoria (Vicky) Troutt; nephews, Richard Cuthbert and Robert Runyan.

Left to grieve are son, Leo G. Mazon, nephew, Roy W. Troutt Jr.; granddaughters, Angela Arline Mazon and Dori Eichelkraut; son-

in-law, Paul Meeks, grandson, Paul Meeks Jr., great-grandsons, Paul Meeks III, Evan Eichelkraut and Makyah Meeks; great-granddaughters, Heather Meeks, Tonya Meeks and Hallie Eichelkraut; great-granddaughter, Victoria Meeks; niece, Carol Jones and husband, Donald and their daughter, Hannah Jones and son, Patrick Kunick and nephew, Anthony Runyan.

Funeral services will be held June 27 at St. John Lutheran Church in Bird City with burial at the Bird City Cemetery.

Memorials may be made to the Good Samaritan Center, Atwood.

# Student News

## University of Nebraska Kearney

Lincoln Pochop, son of Gerard and Anita Pochop of Atwood was among students to earn the dean's academic excellence award in the College of Business and Technol-

ogy at the University of Nebraska Kearney.

Pochop is a 2008 graduate of Cheylin High School

# Coach gets T-ball games going in area

At the end of the school year, the Cheylin Recreation Committee approached Kale Schields about the possibility of coaching this summer's T-ball kids, which Mr. Schields was happy to do.

Kale Schields grew up playing baseball in Goodland and loved the sport. Kale's father, Dale, had always been a big part of his baseball career, including coaching him in his early years. This being a big reason Kale has always wanted to coach his son, Andrew.

Last summer, before moving to Bird City, Kale coached Andrew's T-ball team in Colby and really enjoyed the experience and interaction with the young kids.

The Recreation Committee sent out sign up sheets to kids going into the first thru third grades; a great response of 17 kids showed

up for the first practice.

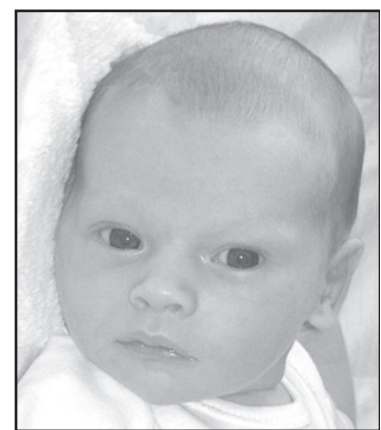
With the large number of kids interested in playing, and after contacting other coaches from St. Francis, Benkelman and Atwood, Kale was able to set up a few T-ball games for the first and second graders. In addition, a few coach-pitch games for the third graders, who are too old for T-ball, and bring up a few first and second graders to play coach-pitch.

Games have been set up so far with Benkelman and St. Francis, both agreeing to play a set of games in their towns and traveling to McDonald to play a set of games. He is still waiting to hear back from Atwood to see if they have any open dates to play. With Harvest just around the corner, Kale hopes to get all of the games finished up next week.

# Introducing

Clint and Jenny Antholz announce the birth of their son, Jack Kelly. Jack was born in Elizabethtown, Ky., on May 28, 2009 at 3:13 p.m. He weighed 8 pounds, 1 ounce and was 20 inches long.

Grandparents are Dr. Gary and Debbie Oehmke of Derby, and Hal and Becky Antholz of McDonald. Great-grandparents are Anne Butler of Derby, Harold and Donnette Oehmke of Linn, Gilbert and Janice Antholz of McDonald, and Bobbie Miller of Atwood.



Jack Kelly Antholz

# Bird City News

On Monday, Olga Walker of Aurora, N.D. and Lydia Frank of Aurora, Colo., came to the Keith Dorsch farm to visit their sister Hulda.

Olga and Lydia left Wednesday morning for Ellis to visit their youngest sister, Edna Homberg and husband August.

Thursday Keith and Hulda joined them in Ellis and for the first time in many, many years, the sisters were together for a happy time.

On Friday, a little mini-family reunion was enjoyed at the Homberg home when their sister-in-

law, Leona Fabrizius of Minneapolis, joined them along with nieces, nephews for a total of 27 representing seven states which included North Dakota, Colorado, New Mexico, Texas, Oklahoma, Missouri, and Kansas and in Kansas seven different cities and towns were represented.

It was a great time and the group decided they needed to plan an all inclusive family reunion in the near future. Olga and Lydia came back to Bird City Sunday and returned to Denver Monday morning.

# Newspaper Policy

Letters to the Editor

The Saint Francis Herald and Bird City Times encourages Letters to the Editor on any topic of public interest. Letters should be brief, clear and to the point. They must be signed and carry the address and phone number of the author.

Mail letters to P.O. Box 1050; St. Francis, KS 67756.

We do not publish anonymous letters. We sign our opinions and expect readers to do likewise.

We do not publish form letters

or letters about topics which do not pertain to our area. Thank-yous from this area should be submitted to the Want Ad desk.

Letters will not be censored, but will be read and edited for form and style, clarity, length and legality. We will not publish attacks on private individuals or businesses which do not pertain to a public issue.

Letters printed are not necessarily the opinion of The Herald staff. Replies to letters are welcome and, again, must be signed.

**If Karol Seymour is 65 years old, then Craig Seymour is younger!**



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**NOTICE • NOTICE • NOTICE**

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

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