

Ag antitrust discussed at USD law school

By Travis Gulbrandson

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Changes have to be made with antitrust laws to reverse the trend currently seen in many areas of agriculture, where production is controlled by the same few companies, who then use their stronghold to control the market price.

This was the consensus reached during the South Dakota Law Review 2013 Symposium, Antitrust & Competition in America's Heartland, which was held March 15 at the USD School of Law.

As to how that change was to take place, however, answers were not as forthcoming.

Bill Bullard, CEO of the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, suggested a return to the implemented statutes of the early 1900s, which prevented meatpackers from owning critical elements of the marketing channel,

such as feedlots.

In the 1980s, Bullard said many of these competitive protections were eliminated, and by 2010, 85 percent of all steers and heifers slaughtered were controlled by only four firms.

"In the last three decades, we saw a tremendous radical change in our cattle industry," Bullard said. "What we have done is move our cattle industry closer to the industrialized production model, the model that has been successful in both the poultry and pork industries, in which the meatpackers themselves virtually capture the livestock supply chain leading up to these industries."

Thanks to increased meatpacker control, approximately 2,100 feedlots now feed 89 percent of all fed cattle, Bullard said.

"(The meatpackers) know that if feedlot owner does not have timely access to the market, then the feedlot owner is going to be subject to price degradation because the animals are

going to gain fat, not meat and muscle, and they're going to degrade in quality," he said.

As non-industrial producers do not have timely access to the marketplace, they have an incentive to give up revenues to ensure what access they do have, he said.

"The meatpackers that created the market access risk in the first place now provide a solution to the producers: 'We will guarantee you market access risk if you will commit your cattle to us without establishing a price,'" Bullard said.

As the volume increases, the price decreases. Bullard said that since 2005, there has been a price reduction of approximately 50 percent in the cattle industry.

"The meatpackers have a huge incentive to manipulate this cash market because they know that the value of all contracted cattle is ultimately based on the price discovered in the cash market," he said.

"It's because these cattle were never priced when they were removed from the cash market.

"After these cattle are called in by the meatpacker and slaughtered, the value is based on what the packer paid the previous week when it did bid in the cash market," he said.

Peter C. Carstensen, professor of law at the University of Wisconsin, agreed that more regulation is necessary.

"We need rules, we need a statute that authorizes and sets the parameters so that we can define what is an appropriate marketing entity, what membership rights exist," Carstensen said in relation to co-ops. "Right now, none of that is set forth anywhere."

Diana Moss, vice president and director of the American Antitrust Institute, said antitrust laws alone may not be able to address some of these problems.

"These may not be your traditional, run of the mill exclusionary antitrust issues," she said. "These may be really

systemic, controlling, entrenched concerns which raise some issues about how we can fix it.

"I don't think that ... antitrust alone can solve this problem," she said. "I really don't. I don't think the tools are there. I don't think the political will is there."

Bullard said a change needs to be made soon.

"In 1980 we had 1.3 million (cattle) producers. Thirty years later we've lost four out of every 10 producers," he said.

The same thing already has happened with the hog and dairy industries, he said.

"This exploitation of the cash cattle market that can result in lower prices for producers is exploiting both producers and consumers," Bullard said. "We need to establish again that we must maintain robust, competitive markets if we are going to ensure a viable economic community and economy for South Dakota."

MICHEL'S

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a state university within its borders, and hence, no city on earth can surpass its moral tone."

The ad also mentions the educational opportunities Vermillion provides to local youth, and describes the community as a place "where we can find rest and peace."

On a more serious note, Michels said Vermillion citizens were promoting the community as a destination back in the 1920s, and that work continues today.

"I know a number of you, and that our destination is full of people with a belief and a reliance on self-government and self-determination," he said.

In the time when Lincoln was in the White House, the people of Vermillion took part in a grand experiment of self-governance, Michels said, and they were successful.

"Vermillion indeed is a beacon of self-governance, and educational institutions that say, 'This is a gift that we can't squander.' Vermillion remains a gateway of South Dakota, demonstrating and teaching the rest of the state, by the energy you see here tonight."

Michels noted that Vermillion is a community that is also willing to take risks, and noted businesses that exist in the city today because people were willing to take a chance.

Risk-taking is part of the community's and state's heritage, he said. "People came to this state, and they came to this region because they had the courage to embark on a new life, a new opportunity, and they didn't even know whether or not there were sufficient resources to survive," Michels said. "Can you imagine?"

"The ideal of courage remains a steadfast ingredient of Vermillion," he said. "We are

continually taking risks here in our region. The stakes are still extraordinarily high. Small business owners, entrepreneurs, all of you strive for courage when you weigh those big business decisions like an expansion."

Michels concluded his talk by noting that his family is living proof that Vermillion is community of compassion. He talked of the difficult time his family faced when he was growing up here. When Michels was at student at Vermillion High School, his father moved away from town, divorced his mother, and suddenly she found herself to be a single mother trying to keep the household together. The family was emotionally devastated, and Michels was old enough at the time to know they were deep in debt.

"Talk about being afraid ... obviously, it's affected me to this day," he said. "But, Vermillion is a community of compassion. The community rallied around us. Many, many people - many are in this room - came to our aid."

Michels said that her mother taught his children that through hard work, education, and dedication, there would come opportunities.

"She also said you had the responsibility to make sure that you took care of others," he said, "and of course, she was right."

Michels turned to his mother, sitting at a front banquet table, and jokingly said, "You did an amazing job, Mom, even though you are a SDSU grad."

"She has successful children that are in service, and we are resilient, we aren't reliant. We're driven to give thanks by our deeds and our service to others," he said. "It's because of people like you, and our predecessors, that we continue to embrace and care for others in the community. I know Vermillion is a community of compassion, because I've seen it."

those eligibilities with the Safe Routes to School, Scenic Byways and Recreation Trails programs.

TAP builds upon the legacy of the Transportation Enhancement Program by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment.

About \$2.1 million is available through a competitive grant process administered by the South Department of Transportation's Office of Project Development.

The maximum amount for each grant is \$400,000 in federal funds. SDDOT may approve a larger amount for phased projects.

GIFT

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everything about it," Knaphus said.

She also auditioned this year for the South Dakota Youth Philharmonic Orchestra.

"She desired to reach out to people and share the things that were exciting to her," Knaphus said.

Madison's life sketch includes a quote from Jenkin Lloyd Jones to give listeners a broader perspective her life and the outlook the Wallace family has adopted as they cope during this time of sadness and loss:

"Anyone who imagines that bliss is normal is going to waste a lot of time running around shouting that he has been robbed. The fact is that most putts don't drop, most beef is tough, most children grow up to be just like people, most successful marriages require a high degree of mutual toleration, and most jobs are more often dull than otherwise. Life is just like an old time rail journey ... delays,

sidetracks, smoke, dust, cinders, and jolts, interspersed only occasionally by beautiful vistas and thrilling bursts of speed. The trick is to thank the Lord for letting you have the ride."

The importance of faith Lidia Dotson, Madison's seminary teacher, also spoke at the March 19 service. She began taking the religious classes last year, early in the morning, along with several other students, many of who were loud and outgoing.

"Last year, I never heard her speak," Dotson said. This year, in a much smaller class, "she found her voice."

Dotson said Madison always showed up at least 15 minutes early for class. "This is the time I really got to know Madison," she said.

This year, Dotson's course of study is the New Testament, and she chose to teach the four gospels independently, meaning Madison and her classmates heard the stories of Christ's life, suffering and resurrection repeatedly.

"She was a keen student this year," the teacher said. "She was always anxious to put into action what she had learned."

TEEN

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be just about anything in this water," Sideras said. "The other thing we're working with is the stress factor for our firefighters and our law enforcement officers. They've been down here for nearly 24 hours, and we're expecting another 12 hours. We've been moving and rotating crews out so that we can make sure they don't get overstressed, and that they remain healthy with low temperatures and don't experience hypothermia."

The Vermillion School District brought together guidance counselors and outside resources March 14 to meet with students grieving the drowning death of

their classmate.

Madison Wallace was a sophomore at Vermillion High School, Superintendent Mark Froke said.

Her younger brother, Garrett, 6, attends kindergarten in Vermillion.

Froke said the school district's crisis team, made up of administrators and guidance counselors, met early March 14 and assembled resources to meet with students.

"Even though this is quite a sad and shocking situation for everyone at the school, we're trying to maintain a normal school day and be respectful and help all of those who need assistance with their grieving," Froke told the Sioux Falls Argus Leader.

A fund has been set up for the Wallace family at Wells

Fargo banks, in care of the Madison Wallace Family Fund. You can also donate online at <http://www.madisonwallacefund.com/index.html>.

Garrett Wallace was reportedly climbing on rocks Thursday evening when he fell into the frothing water, Sideras said.

Witness accounts differ on whether someone pushed the boy out of the water or he popped up on a rock before being pulled ashore. Emergency workers carried the boy away from the river wrapped in a blanket and he was not injured, he said.

"He wasn't in that long," Sideras said.

Napoleon Ducheneaux, 21, said his friend fell into the river while trying to help the boy and his sister. He was holding onto

the woman and boy by their hands before his hands began sliding, then he just "slipped and disappeared," Ducheneaux told

The Associated Press late Thursday.

"These people literally jumped in without thinking of their own safety and trying to rescue that child," he said. "It's a very noble act that they did, and they probably contributed to saving that boy's life."

Sioux Falls is named after the river's cascading waterfalls in the park, which is a popular spot in the summer and spring. For the first time in months, the temperature rose to around 50 degrees in Sioux Falls on March 14.

The Associated Press contributed to this report.

South Dakota DOT Transportation Alternatives Program funding available

PIERRE – The South Dakota Department of Transportation announces that Letters of Intent are now available for the Transportation Alternatives Program (TAP).

TAP is a grant program that uses federal transportation funds designated by Congress for specific activities that enhance the intermodal transportation system and provide safe alternative transportation options.

TAP was authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21), signed into law July 6, 2012. The program redefines the former Transportation Enhancement Program activities and consolidates

South Dakota's state flower

"That bold bit of life at the edge of the snows" is how South Dakota poet laureate Badger Clark described the state flower in his 1939 poem "Pasqueflower."

The pasqueflower is a wildflower that reaches eight to 12 inches in height. Each stem has one cup-shaped flower with five to eight petals that range in color from dark lavender to almost white. Silky hairs cover not only the leaves but also the stems and buds. As one of the first flowers to bloom in the spring, it is a reminder of life's springing anew out of a wintry death.

Pasque refers to Easter and Passover, and it is around that time of year that the plant blooms. On the prairies and plains of South Dakota,

pasqueflowers typically bloom in late April and early May. In the Black Hills, the wildflower may flower well into May and June. In most cases, by June the flowers and fruits are long gone and by the end of July even the

leaves are gone – dormant until the following year.

The little lavender flower earned a place in the hearts of American Indians and pioneers before it earned a place in the state's law books.

The University of South Dakota Grounds Keeper

The University of South Dakota is seeking a Grounds Keeper to perform responsibilities such as mowing, trimming, landscape maintenance, snow removal, events set up, various freight/furniture moving, and trash/debris clean up. This position is responsible for providing the USD campus community with a safe and pleasing environment.

Successful applicant will have the ability to work outdoors in all kinds of weather and knowledge of, and ability to use landscape and grounds tools and machinery. Knowledge of horticulture, landscaping planning, and/or pesticide application is a plus. Applicant must have a valid driver's license or be able to obtain one.

For more details and to apply, go to <http://yourfuture.sdbor.edu>



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