

National Cattlemen Magazine  
Focus on the Consumer

Nov./Dec. 1994

Don't Fight Change: Embrace It  
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Opinion

Change, Challenge And Choice  
The Art Of Thriving In The Rapidly Changing '90s  
By Dr. Nate Booth

Of all the jobs available in ten years, 50% haven't been invented yet. Between 1987 and 1992, 143 companies were replaced on the Fortune 500 list.

In the second quarter of 1993, my wife's home-cleaning business made more money than IBM.

In 1980, 2% of the population in the United States was over the age of 85. In 2050, it will be 19%.

Times are changing rapidly. That's a fact. What isn't a fact

Having Your Day in Court  
by Bill Myers

While many Americans, and certainly most cattlemen, despise the increasing number of lawsuits in today's society, we all can agree the opportunity to have your day in court that is, to be heard is of vital and fundamental importance. This is increasingly true as cattlemen across the country are either sued directly by environmentalists or are, in fact, losing the party in claims brought against the federal government alleging failure of governmental agencies to comply with various environmental laws.

Until now, there has not been any organized method by which cattlemen can protect their rights in court. That all changed in December 1993, when The CATL Fund (Cattlemen Advocating Through Litigation) came into being as an incorporated, non-profit organization.

NCA is on the front lines working hard on behalf of the industry in both the legislative and administrative arenas. The association is also recognized as a powerful advocate in the halls of Congress and in agencies such as the Department of the Interior, Department of Agriculture and Environmental Protection Agency. We have not, however, been known as a force to be reckoned with in the courts.

Environmental organizations such as the Sierra Club Legal Defense Fund and the Natural Resources Defense Council have long used the courts to press their claims. When they could not obtain their goals through legislation or agency action, they used the courts. They have aggressively pursued their goals before friendly judges who have been willing to take activist positions and essentially legislate from the bench. No better example can be found than that of wetlands regulation.

The word "wetlands" cannot be found in the Clean Water Act. Only through expansive interpretation from activist courts has it come to be such a drain on the productivity of American agriculture.

Of course, federal agencies with their never-ending regulations are a great source of interference for cattlemen. These regulations are designed to thwart common-sense modern agricultural techniques. Perhaps the best recent example of this is the creation of the new National Biological Survey office within the Department of the Interior.

The goal of The CATL Fund is to advocate the conservation of natural resources through funding litigation, education, research and related activities to protect the property and individual rights of all Americans. Founders of the fund have jumped through all the regulatory hoops of the Internal Revenue Service and the fund received its charitable-organization status, which will allow donors to take a deduction on their tax returns. The CATL Fund is directed by its officers and directors. All are in the cattle business; four are attorneys. Past NCA President Roger Stuber, Bowman, N.D., is chairman of the Board of Directors.

The fund will solicit contributions from sources with a vested stake in seeing private-property rights strengthened, including cattlemen (NCA and non-NCA members), charitable foundations and corporations. Cases will be carefully reviewed. Only those that provide a cost-efficient opportunity to set broad-based precedents in the courts will be funded. The CATL Fund will identify cases that have a tremendous impact on the future of the industry.

It is sad that resources must be thrown into this type of legal battle, but there is no denying the tremendous costs

associated with civil litigation today. Rarely can individuals afford to uphold their rights. The Dolans discovered this when they sued the City of Tigard, Ore., for taking their property as a condition of issuing a building permit. The Dolans spent \$35,000 of their own money in the fight. Only through outside, collective financial support were they able to withstand seven straight losses until their Fifth Amendment rights were upheld by the U.S. Supreme Court. The CATL Fund is positioned to help families and businesses like the Dolans. The fund can, however, only help to the extent that people believe in and contribute to the fight.

In many cases involving water allocation, endangered species, private-property protection, the Clean Water Act, and virtually every other environmental statute, cattlemen are either involved as parties or wish to protect their interests. The CATL Fund will make this possible.

Our opponents are on notice. We are taking a stand in the third branch of government on behalf of all citizens who cherish private property and the protections afforded to us by our Constitution. n

Bill Myers is CATL Fund corporate counsel.

#### People

##### Taylor Joins ANCW

Lisa Taylor recently joined the American National CattleWomen (ANCW) as executive vice president. Taylor comes to ANCW with experience in agriculture, food science, human nutrition and education. Prior to joining ANCW, Taylor was the director for the North Central Texas Tech Prep Consortium, which developed career and technical-training plans for 40,000 non-traditional, college-bound students.

##### NCA Members Chosen For Advisory Committees

Three members of NCA were chosen by former Secretary of Agriculture Mike Espy and U.S. Trade Representative Mickey Kantor to serve on key-trade advisory committees. President-Elect Bob Drake, Davis, Okla., was invited to serve on the Agricultural Policy Advisory Committee for Trade. Past president Bob Josserand, Hereford, Texas, and Vice Chairman of the NCA Foreign Trade Committee Mark Armentrout, Roswell, Ga., were invited to serve on the Agricultural Technical Advisory Committee for Trade in Animals and Animal Products. The committees are major advisory bodies that provide information and advice relating to U.S. agricultural trade policy.

##### Gardner Speaks At Healthcare Forum

Phyllis Gardner, Max, Neb., chairman of the NCA Health Task Force, recently spoke in Washington, D.C., at a roundtable discussion on rural healthcare. Sponsored by the National Health Policy Forum of George Washington University, the forum featured top experts in the field of healthcare and targeted discussion on systems for providing care to those in rural areas. Representing NCA, Gardner related her experiences as a board member of a small, rural hospital in Nebraska and stressed the particular needs of rural healthcare consumers.

##### Monfort Wins Industry Honor

The Ranching Heritage Association presented the 1994 National Golden Spur Award to Kenneth Monfort, Greeley, Colo. Monfort is the former president and chief operating officer of