



MEMBER NEWSLETTER

Fighting for Economic Justice for America's Family Farmers and Ranchers



PRESIDENT Vaughn Meyer

Greetings OCM members and agriculture producers. This past summer has challenged agricultural producers with many variations in climate conditions and marketing issues. Some areas have witnessed poor crop yields while others have had an abundance of moisture and crop production. I hope most of you experienced the latter case. Markets for the most part have been suppressed with the exceptions of the grains which again have been heavily influenced by varying weather conditions.

The OCM 2021 summer has been very busy with our late June meetings in Washington D.C. where OCM staff and board members interacted with Congressional delegations from their various states. On August 21st staff, board of directors and members met in Rapid City S.D. for our Annual Membership meeting following two information packed days of the RCALF convention.

At our Saturday morning OCM meeting, members and guests were privileged to a presentation by Richard L. Bylsma, Director of Dairy Sales for National Farmers, who presented on how Federal Milk Orders have created dairy industry consolidation. Next Peter Carstensen, Law Emeritus at University of

Wisconsin Law School, addressed Antitrust Law and competition policy. OCM thanks both these presenters for sharing their knowledge of present-day industry consolidation resulting from unchecked corporate mergers and consumer efficiencies policies.

OCM is very optimistic for future Biden administration plans to strengthen the Packers and Stockyard rules and enforcement of unfair and deceptive practices, undue preferences and unjust prejudices. We applaud administration plans to propose a new poultry industry tournament system and expansion investments in new processing facilities. OCM stands ready to assist in the planning and enforcement of the Biden Administration endeavors to return fairness to our industry markets.

In summary, it was a busy and productive summer for OCM. Through collaboration with Congressional and Administrative leaders we are gaining recognition of our work in seeking fair and just markets for agricultural producers. I thank all staff, members and our board of directors for their steadfast attention to addressing the current monopolistic corporate marketing issues. I also welcome all producers to join the OCM mission of returning fair and competitive markets for America's family farmers. Speak out for your vocation and family's future by joining an organization which is fighting for America's largest industry. Check us out at competitivemarkets.com or look us up an Facebook.

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Expanding Independent Meat Processing;

the last, best hope for a competitive cattle market?

Fred Stokes

September 15, 2021

Meat packer concentration has long been recognized as the biggest obstacle to a truly open, transparent, and competitive cattle market. Four firms currently control 85% of the slaughter steer and heifer processing. Two of these are foreign-owned. The game is rigged!

Expanding the independent meat processing sector is an obvious way to address the problem. We simply need more bidders for our cattle. For more than a year now, OCM has pursued this approach for advancing competition and binging about a fairer price for our cattle. Expanding independent meat processing is now our major project. We are working with USDA, other governmental agencies and several other NGOs in this effort.

There have been some recent breakthroughs.

In March of this year, USDA announced the appointment of Andy Green as Senior Advisor for Fair and Competitive Markets. Probable due to our name and mission, OCM was contacted early on by Mr. Green and a working relationship has ensued. We have also established a rapport with Dr. Seth Meyer, the current USDA Chief Economist.

In a July Press Release, USDA Secretary Vilsack announced a \$500 Million program to expand meat processing, perhaps a belated action stemming from the 2010 Fort Collins workshop of the Obama Administration. At that event, producers pointed out the problem with "decentralized meatpacking" and urged bringing back small and medium-sized meat packers.

In an announcement on September 9th,

the Administration released <u>a document addressing Concentration in the Meat Processing Industry.</u> The document put forth a compelling indictment of the existing situation.

There have been several encouraging signals from Capitol Hill, calling for an investigation of anticompetitive behavior by packers, providing for stronger enforcement of the Packers and Stockyards Act, and allowing state-inspected beef to be shipped in interstate commerce.

USDA has renewed its effort to resurrect the Packers and Stockyards Act of 1921 (PSA) by rulemaking that would precisely define certain violations of the act and strengthening the contention that a demonstration of harm to competition across the industry is not required to invoke the Act. In addition, action is being taken is preclude beef from foreign sourced cattle being sold with a "product of USA" label.

To strengthen its campaign to expand independent meat processing, OCM has teamed up with a long-standing ally, American Antitrust Institute (AAI). *This joint initiative* "seeks to create an advocacy resource for enforcers, regulators, and legislators policies to support the growth of a vibrant independent ranching and processing sector".

The point I am trying to make is that the stars are in very good alignment to make a strong move forward. One that will allow this reduced number of independent family producers to survive and provide a secure, wholesome, and affordable supply of beef for our consumers. OCM has worked long and hard, with scant positive result in bringing this about. I see this as perhaps our best chance ever!

Please see **Independent Beef** on page 3

DISCLAIMER: All author's written opinions are their own and are not intended to imply the organizations position. OCM has membership with diverse viewpoints on all issues and is committed to one principal; competition.





OCM Washington DC Meeting Update By Tom Dierks

On June 29th and 30th, eleven OCM board members and executive director Mike Eby gathered in Washington D.C. to further the cause of the OCM Mission. Located in a hotel conference room two blocks from Capitol Hill offices, members of congress or their staff were invited to discuss our concerns regarding an array of issues, with a focus on packer concentration, country of origin labeling (COOL), and check-off programs.

Over two days, thirty-minute meetings were conducted with each of 17 Congressional offices, over half of these in person, and the rest online. Meeting at a nearby hotel was a result of Covid restrictions at Hill offices. Director Dave Wright stated, "I don't think I have ever seen a more efficient way to lobby Congress than what we accomplished this week, meeting in person, face to face."

In addition, the board met with Andy Green, assistant to Secretary of Agriculture Tom Vilsack, and with NSAC policy director Eric Deeble. Press opportunities included a press conference announcing the OFF Act, introduced by Congresswomen Dina Titus (D-NV) and Nancy Mace (R-SC). Board members, Marty Irby, Vaughn Meyer, David Wright, Dr. Taylor Haynes, and Fred Stokes, and Director Mike Eby, also presented.

Directors reinforced the OCM message to Congress. Dr Haynes on COOL: "We know where our Mercedes and Toyota's come from, but we're not allowed to know where our beef comes from." Dave Wright emphasized that packer concentration has resulted in a loss to producers of \$20 billion a year, which also results in a loss of economic power on the local level, as well as a loss of political power to representatives and constituents. Mike Schultz stated experiencing a loss of \$1000 per head every year for the past six years.

OCM presenters reinforced the message that check-off dollars collected from producers are spent in a manner that works against them, as evidenced by a continued decreased share in overall revenue.

Sheryl Atkison with Full Measure interviewed Mike Eby and Fred Stokes. Journalist Clint Rainy from New York was present to obtain more information for his ongoing efforts to address the harmful effects of check-off programs.

The OCM board meets monthly by conference call. Because members live in states from Washington and California to Alabama

Please see Tom Dierks on page 4



Marty Irby and Mike Eby - Washington DC Meeting, June 29th, 2021



 $\label{eq:continued from page 2} \textbf{Independent Beef} \ (continued \ from page \ 2)$

We envision devoting resources to this joint initiative to enable a day-to-day, vigorous and ongoing effort that will play a significant role in making an expanded independent meat processing sector a reality. AAI President Diana Moss has vast experience in interacting with the DC political/bureaucratic complex and is a superb writer. AAI is also working to perform analysis of beef markets to explore the efficacy and role of various reforms that would promote competition. They will play a critical role.

OCM currently has its Executive Director, advisor and board members working on our end of the effort. We will conduct interviews aimed at understanding the issues involved with start-ups and sustained operation of these smaller plants.

We intend to avoid the partisan/political aspects and try to build on the existing bipartisan congressional support. OCM is looking to hire a staffer with a background in beef processing, meat inspection or sales, with an appreciation of the merit of this undertaking and a passion for making it happen.

OCM has always been a non-profit with meager resources. To do justice to this project, we will need help. I believe we have a real opportunity to do something very significant. I am all-in on this one and ask for your support in making this happen!



Tom Dierks (continued from page 3

and Mississippi, mealtimes and evenings were especially helpful in facilitating further

discussions on how to advance the aims of the organization. Members of the board traveled and lodged at no expense to OCM.



Dr. Taylor Haynes speaking - DC Meeting, June 29th, 2021





Membership Meeting Update

By Pat Craycraft

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The 2021 Membership Meeting was held on August 21, 2021 in Rapid City, South Dakota. The meeting began with a breakfast sponsored by the Sodak Angus Ranch.

Vaughn Meyer and Executive Director Mike Eby welcomed our members and began the meeting by providing information and updates for the past year and moving forward.

The presentations included Richard Blysma, National Director of Dairy Sales, NFO (National Farmers Organization). He discussed Block Voting, Dairy Supply Management, Federal Orders and USDA/NFO interactions. Joining his presentation was Peter Carstensen, the Fred W & Vi Miller Chair in Law

Emeritus at the University of Wisconsin Law School. In his presentation he discussed Poultry issues, Information sharing (ala Agri Stats) and Antitrust Enforcement in Agriculture in General. Together they collaborated in their discussions and answered questions from the group.

The August 2020 Virtual minutes, Board proposed Bylaw changes and the Private Property Resolutions were reviewed. All were approved by the members with no objections.

ELECTION: There were four nominations for Directors: Jerika Brumbeloe, Taylor Haynes, Marty Irby, and Deborah Mills. An information sheet for these four nominees was handed out to the members. Since there were no other nomina-

tions from the floor, motion was made to elect these four nominees by acclamation for a 3-year term of office with OCM as a Director. Motion carried with no objections. Nominations for President and Vice-President were Vaughn Meyer for President and Taylor Haynes for Vice-President. There being no other nominations at the meeting, motion was made to elect Meyer for President and Haynes for Vice-President by acclamation. Motion carried with no objections.

Here are the new Directors to be added to the Board for the 2021-2022 Year: From left to right: Jerika Brumbeloe, Taylor Haynes, Marty Irby and Deborah Mills.









Note From Fred Stokes



Folks, I find myself at a new chapter of life. I recently made a plane trip and had to be wheelchaired from gate to gate at the airport. Old age is downright inconvenient!

In coming to terms with things, I declined to accept renomination for my position as an OCM Director and instead, offered to serve in an advisory capacity. This would free up a seat on the board and allow me to continue be involved. So, as of Monday, September 13, I am officially an advisor. No vote but still have a voice in things.

As the only remaining member at the founding, I know of OCM's past experiences and can perhaps help avoid reinventing wheels

Deborah Mills joins a super board of directors and will bring new talent to the effort. Within my declining ability, I intend to do whatever I can to advance our worth cause; especially the very promising joint OCM/AAI initiative to expand independent meat processing. Keep the faith!

Making a difference?

The 2021 Year is ending soon. Please consider OCM as a tax deduction this year.

I would like to make a **2021 Donation to OCM TODAY!** All donations to OCM are recognized by the IRS as a 501(c)3 non-profit tax deduction. Your support and donation can **MAKE A DIFFERENCE.**

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Please send your donation to: OCM, P. O. Box 6486, Lincoln, NE 68506, OR pay by debit or credit card online through our secure, online system, at **www.competitivemarkets.com**

Thank you.

OCM IN THE NEWS

√ 'Sunshine is the best cleaner'

OFF Act checkoff transparency bill introduced

By Sherry Bunting

Reprinted from Farmshine
July 2, 2021, farmshine.net

WASHINGTON, D.C. -- The bipartisan

checkoff transparency and accountability bill -- called the Opportunities for Fairness in Farming (OFF) Act -- was introduced this week in the U.S. House of Representatives by Repre-Dina sentative (D-Nev.) Titus and co-sponsor Nancy Mace (R-S.C.)

During a
Zoom press
conference held
by the Organization for Competitive Markets

(OCM) Wednesday (June 30), Rep. Titus said: "We have introduced the bill today. It will go to the House Ag Committee, where we will work with Chairman David Scott, who comes from agriculture in the state of Georgia, and we will be making the argument that this is common sense fairness and transparency."

On the Senate side, said Titus, "We'll be going back to the same people with Senator Cory Booker (D-N.J.) leading the effort.

Senators Mike Lee (R-Utah), Rand Paul (R-Ky.) and Elizabeth Warren (D-Mass.) will round out the initial cosponsors for the Senate companion bill, according to OCM board member and Animal Wellness Action executive director Marty Irby.

"Sunshine is the best cleaner, so we want to put a little sunshine on this," said Rep. Tiand see that it benefits all and is not being taken hostage by big players."

Recalling past promotions like 'Got Milk?' Beef it's what's for dinner. Pork the other white meat... Rep. Titus said she thinks "checkoff programs are a great idea, but some of the efforts in recent years help some while they are to the detriment of others. We want

to bring clarity and transparency. These programs raise \$850 million per year, and we want to make sure everyone who pays is getting something in the common interest, not for lobbying. We want audits of these programs and closer scrutiny."

Titus also observed that the USDA has been lax on how money now is often offset with associated groups to then lobby for



tus.

She said the OFF Act is being introduced as its own bill, but the sponsors don't care whether their names are on it in the end, as long as it gets passed, raising the possibility of getting it rolled into Ag reauthorizations, or the next Farm Bill.

"I am not against farmers, ranchers or checkoff, but I want it used as intended," said Titus. "We want to see how the money is used issues that may hurt some and help others.

OCM supports the OFF Act.

Mike Eby, OCM executive director, mentioned the multiple years' worth of checkoff program records that were not turned over to Congress as is to be done annually by USDA according to the Order. These missing reports occurred during the Obama administration

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under then USDA Secretary Tom Vilsack.

Eby, a Lancaster County, Pa. farmer, who also serves as chairman of National Dairy Producers Organization, explained the way farmers have "lost their voice as millions of dollars are used for purposes that are not being made public. This bill is really about the ability to know where the millions are spent," he said. "The checkoff programs have seemingly changed direction, and there are groups of farmers not benefitting from it."

"This legislation means a lot to us," said South Dakota beef producer and OCM president Vaughn Meyer, explaining what he has seen, having served on the Cattlemen's Beef Board for eight years.

"I have seen the corruption and the lobbying, seen how organizations and sub-organizations worked together to kill Country of Origin Labeling (COOL), which cost 46% of producer income over seven years. Now take those dollars by 5 to 7 times turnover, and it is hurting our nation and helping the Big-4 (packers) monopolize our industry to control 85% of it. We saw during Covid how it affects our national security when we put too many eggs in one basket."

Meyer observed that the original purpose of the beef checkoff, for example, is to promote beef.

"Along the way, it's been hijacked by our largest contractor (NCBA). In 1996, the federation came in from the meat board being given half the seats," Meyer said. "We have been 25 years under a monopoly and 35 years with no vote, no say, in our checkoff. This legislation is going to be a great tool."

Observing the way NCBA and state affiliate costs of operation are offset by splits in checkoff funds helping to cover dual overhead, David Wright, OCM board member from Nebraska, explained how this frees up NCBA membership money for lobbying.

Wright served eight years on the Nebraska

Beef Council and six years as a USDA appointee to the Beef Checkoff board. "I spent 14 years listening at conventions. I had the opportunity with Fred Stokes to have a discussion with Secretary Vilsack (during the Obama administration), where we laid out the contracts and talked about the issues. He never blinked."

A key issue is the way the COOL legislation was discontinued in part due to lobbying by NCBA, while at the same time, a Product of USA label can now be put on beef that is not 100% produced in the U.S.

No dollars can be used for lobbying, and that's probably true, but they use checkoff dollars to offset the cost of staff and travel," said Wright. "When I went to orientation to be a board member, they showed the chart of policy on one side and promotion on the other side. 'See the fire wall?' they said. I think it looks more like a married couple, filing taxes separately."

Taylor Haynes is a fourth-generation rancher whose family has been ranching in Wyoming since the Emancipation Proclamation. He focused his comments on the lack of promoting and labeling U.S. beef.

"I know what a Toyota is, and what countries my orange juice concentrate comes from, but putting a USA label on beef that is not really ours? That's wrong," he said. "We don't mind the competition, but let's compete. Quit hiding behind my brand."

Fred Stokes of Mississippi noted the results of two outside independent audits after 2010 found some "pretty big errors" resulting in over \$300,000 being returned by contractors back to checkoff, but only 1% of transactions were audited over less than a one-year period. "We have been compelled to fund our demise," said Stokes, estimating that "83 cents out of every \$1 NCBA gets comes from the checkoff."

He believes the checkoff has helped establish the equivalence of "an advocate for the meat packers looking like the voice of the cattle producers."

July 9, 2021 - OCM Vice-President Stokes quoted in Bloomberg

By Deena Shanker, Bloomberg/Newsroom < dshanker@bloomberg.net>

Currently, if a farmer wants to sue a company for anti-competitive behavior under the act, the farmer would need to show the company's actions hurt not only him, but the entire industry. That creates a very high bar that the Obama rules would have lowered. But the Trump administration withdrew the rules, leaving groups like the Organization for Competitive Markets disappointed.

Fred Stokes, the founder of OCM, and a cattle rancher in Porterville, Mississippi, is cautiously optimistic that the new order will "settle that once and for all and meatpackers would again be subject to action regarding their ill deeds," he said.

Citing recent supply chain-interruptions, including a fire at a Tyson plant in Kansas in 2019, the pandemic and the recent cyberattack against top meat producer JBS SA, he said that packers use these opportunities to charge consumers more for meat, and pay ranchers less for cattle, inflating their profits. Without the changed rule, he said, individual ranchers have little legal recourse.

Complete article:

https://www.bloomberg.com/news/articles/2021-07-09/biden-is-taking-on-big-agwith-a-bid-to-help-family-farmers?sref=tax-RtTxi



Biden Is Taking On Big Ag With a Bid to Help Family Farmers

By Michael Hirtzer and Deena Shanker July 9, 2021, 12:35 PM CDT Updated on July 9, 2021, 4:51 PM CDT

President Joe Biden's sweeping <u>executive</u> <u>order</u> promoting competition across American industries aims to give a boost to farmers whose profits have dwindled as multinational companies increasingly dominate markets for crops, chemicals, seeds and meat.

Biden's order includes directives on issues long pushed by some farm groups, such as rules that would help chicken farmers and ranchers win claims against poultry and meat packers, and better-defined "Product of the USA" labels. It also encourages regulators to limit equipment makers' ability to restrict farmers from repairing their own tractors.

The order comes amid increasing political pressure on lawmakers to level the playing field in agricultural markets. The U.S. industry is heavily concentrated, with four companies controlling the world's seeds while poultry and beef are similarly consolidated. The disparity came into focus in the coronavirus outbreak last year, when thousands of workers at meat plants caught the virus. Plants closed, sending meat prices surging while hog and cattle prices tumbled.

For farmers, market concentration "means they get less when they sell their produce and meat -- even as prices rise at the grocery store," the order on Friday stated.

Rules with similar goals as some described in the order were proposed under President Obama, whose Agriculture Secretary Tom Vilsack now serves under Biden.

Making the Case

Among the final actions of the Obama administration were new rules making it easier for farmers and ranchers to sue the companies for anti-competitive behavior under the Packers and Stockyards Act of 1921, measures that were strongly opposed by the meat industry.

Under Obama, Vilsack and Congress couldn't make the case that antitrust reforms would boost economic growth and encourage entrepreneurs in rural America, according to Christopher Leonard, who wrote about the efforts to reform the industry in his book The Meat Racket.

"This time seems to be different," Leonard said in a message. "There is a ground-swell of support for antitrust reforms on both the left and right in Congress. If a program like this could ever get implemented, it seems like now is the best time in the past 20 years."

The United Food and Commercial Work-

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BIDEN (Continued from page 9)

ers International Union, representing 1.3 million workers in the food, healthcare and pharmacy industries, said the order was a "strong step to support American workers."

In an emailed statement on Friday, Rob Larew of the National Farmers Union said it "will go a long way towards building the resilient, equitable food system that farmers and consumers deserve."

"We've urged administration after administration for the past 20 years to begin proper enforcement of both antitrust laws and the 100-year-old Packers and Stockyards Act and this is the first administration to actually take action," said Bill Bullard, CEO of rancher group, R-CALF USA, in an emailed statement.

Zippy Duvall, president of the American Farm Bureau Federation, said the group would examine the details of the order, and would work with the administration "to ensure changes are consistent with our grassroots policy, and farmers and ranchers are provided greater flexibility to remain competitive in our growing economy."

Industry Opposition

The North American Meat Institute, a trade group representing meat and poultry producers, said it remained opposed to changes to the act that Biden was seeking to amend.

"Government intervention in the market will increase the cost of food for consumers at a time when many are still suffering from the economic consequences of the pandemic," said Julie Anna Potts, president and CEO of the Meat Institute.

Company shares in the agricultural sector traded mostly higher amid a broad rebound in the stock market. Tyson Foods Inc., the biggest U.S. meat company by sales, rose as much as 1.6%.

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2019, the pandemic and the recent cyberattack against top meat producer JBS SA, he said that packers use these opportunities to charge consumers more for meat, and pay ranchers less for cattle, inflating their profits. Without the changed rule, he said, individual ranchers have little legal recourse.

Processing Capacity

The USDA also announced plans to invest \$500 million to increase meat-processing capacity, with the aim of giving farmers, ranchers and consumers more choices, according to an agency statement. The agency also announced more than \$150 million for existing small and "very small" processing facilities to help them contend with the ongoing pandemic and compete.

"We have got to expand the amount of processing capacity in this country," Vilsack said during a news conference in Iowa on Friday. "We can no longer rely on a handful of processing companies to do the job, to make the market competitive, to do right by farmers" and "to ensure as well that we have a resilient food supply system," he said.

— With assistance by Millie Munshi, and Kim Chipman

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PAUL MUEGGE

September 28, 1936 - August 16, 2021

Senator Paul Muegge, age 84, of Tonkawa, Oklahoma passed away August 16, 2021, in Tonkawa, Oklahoma.

Paul was born on September 28, 1936, in Enid, Oklahoma to George and Estelle B. Muegge. On September 1, 1957, Paul married the love of his life, Nancy Voorhees in Wellington, KS. Paul was dedicated to serving his community. He devoted his life to the stewardship of the land by farming and serving

IN MEMORIUM

his district and state as a Senator.

During his career in the Legislature, he rose to one of the most influential leadership positions as Chairman of the Agriculture and Rural Development Committee. He earned national attention in 1998 when Governing magazine named him Public Official of the Year for passing legislation to strengthen regulations on corporate pig and poultry farming in Oklahoma. Paul earned several awards but the one he was most proud of was the John F. Kennedy Profile of Courage award in 2004.

Paul attended school at Lamont High School before obtaining a bachelor's degree at Oklahoma State University, where he was a part of the very first class of AgEcon.

Senator Muegge served on the OCM Board from 2003 until 2018. He was a very active member working on many competitive market issues and partnering legislatively as well as with various farm and ranch organizations. He will be missed.

Survivors include wife, Nancy Muegge of Tonkawa, OK; daughter, Amy Muegge; son, Shawn Muegge and his wife, Debbie; son, Jeff Muegge and his wife, Leslie, and granddaughter Ryan Muegge; sister, Ann Black and her husband, Jack, and brother, Joe Muegge and his wife, Dianna.





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MISSION STATEMENT

JULY-SEPTEMBER 2021

The mission of the Organization for Competitive Markets is to work for transparent, fair, and truly competitive agricultural and food markets.

CAMPAIGN FOR Expanding Independent Meat Processing; the last, best hope for a competitive cattle market?

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Please contribute to this Campaign and send donations to:

(All donations to OCM are recognized by the IRS as a 501(c)3 non-profit tax deduction.)

Organization for Competitive Markets (OCM)
P. O. Box 6486, Lincoln, NE 68506.
For more information contact: tfredstokesfarm@gmail.com