

03-1165 NEBRASKA CATTLEMEN, INC. V. LIVESTOCK MARKETING ASS'N, ET AL.

Decision Below: 335 F.3d 711 (8th Cir. 2003)

QUESTIONS PRESENTED

1. Whether the Eighth Circuit erred in holding that the Beef Promotion and Research Act of 1985 ("Beef Act"), 7 U.S.C. §§ 2901 *et seq.*, and regulations promulgated thereunder-which impose assessments on beef producers and importers to fund research, education, and promotional activities carried out by special administrative bodies created by Congress for the express purpose of furthering important governmental objectives under the direct supervision and control of the Secretary of Agriculture-are "unconstitutional and unenforceable."
- ~~2. Whether, even assuming that the Eighth Circuit correctly held unconstitutional the use of assessments to fund generic advertising under the Beef Act, the court erred in upholding a nationwide injunction that prohibits the collection of any assessments under the Act, even to fund research and education activities respondents did not challenge.~~

03-1164 VENEMAN, ET AL. V. LIVESTOCK MARKETING ASS'N, ET AL.

Decision Below: 335 F.3d 711 (8th Cir. 2003)

QUESTIONS PRESENTED

1. Whether the Beef Promotion and Research Act of 1985 (Beef Act), 7 U.S.C. 2901 *et seq.*, and the implementing Beef Promotion and Research Order (Beef Order), 7 C.F.R. Part 1260, violate the First Amendment insofar as they require cattle producers to pay assessments to fund generic advertising with which they disagree.
- ~~2. Whether the district court erred in issuing a nationwide injunction against the collection of all assessments under the Beef Act, including those from cattle producers who support the generic advertising and those used to fund activities other than generic advertising.~~

Certiorari Granted 5/24/04
Consolidated for 1 hour of oral argument
Limited to Question 1 Presented by each petition