

03-1165 NEBRASKA CATTLEMEN V. LIVESTOCK MARKETING

DECISION BELOW: 335 F3d 711

LOWER COURT CASE NUMBER: 02-2769, 02-2832

QUESTION 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.

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION. CONSOLIDATED WITH 03-1164 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 5/24/2004