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INCORPORATED

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News Release

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National Coalition of Farm Groups Urges U.S. Supreme Court to uphold state family farm laws.

ST. PAUL, MINN. —Farmers' Legal Action Group (FLAG) today filed an *Amicus*, or Friend of the Court, brief asking the U.S. Supreme Court to uphold states' authority to enact laws that help family farmers. The *Amicus* brief, filed on behalf of a coalition of 76 farm groups, urges the Supreme Court to review and reverse an October 2003 decision of the Eighth Circuit striking down "Amendment E," South Dakota's constitutional amendment that restricts corporations from engaging in farming.

The Eighth Circuit held the amendment is unconstitutional because it was intended to discriminate against out-of-state corporations. The coalition argues that Amendment E, like other corporate farm statutes, fosters family farming and healthy rural communities, and is a legitimate regulation of a state's agriculture.

"Studies and real-life experience have shown that family farmers are good stewards of the land and are more invested in their rural communities than corporations that don't live in the community," says Dave Fredrickson, President of National Farmers Union.

South Dakota Farmers Union President Dennis Weise adds, "The citizens of South Dakota wisely voted to approve a constitutional amendment which they believed would allow for the continued viability of their rural communities, and the courts should not overrule their decision."

Nine states, including South Dakota, have similar statutes that could be challenged if the Supreme Court does not reverse the Eighth Circuit's opinion. Susan Stokes, FLAG's Legal Director, warns: "The Eighth Circuit's decision on Amendment E jeopardizes the states' ability to pass laws that help preserve

the family farm system of agriculture.” Smithfield has challenged the constitutionality of Iowa’s corporate farm statute, and that case is also on appeal to the Eighth Circuit.

The organizations that joined in the *Amicus* brief are:

National Farmers Union

The National Family Farm Coalition

South Dakota Farmers Union

The Campaign for Family Farms

North Dakota Farmers Union

Western Organization of Resource Councils

Minnesota Farmers Union

Friends of the Constitution

Iowa Farmers Union

Dakota Resources Council

Farmers’ Legal Action Group is a non-profit law center dedicated to providing legal services to family farmers and their rural communities in order to help keep family farmers on the land. The brief is available at www.flaginc.org.

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