



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

November 18, 1977

ATTORNEY GENERAL OPINION NO. 77- 362

The Honorable Richard G. Gannon
State Senator
Rural Route 3
Post Office Box 60
Goodland, Kansas 67735

Re: Antitrust Laws--Farmers--Support

Synopsis: Federal antitrust laws do not prohibit county farm bureau organizations from adopting resolutions of support for or disapproval of the goals and objectives of the American Agriculture Movement.

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Dear Senator Gannon:

You inquire whether federal antitrust law prohibits the Kansas Farm Bureau from offering expressions of support for the goals and objectives of the American Agriculture Movement, whose organizers and supporters have proposed that farmers participate in a strike regarding both production and marketing of agricultural products. You enclose a copy of a letter dated October 31, 1977, written by general counsel for the Kansas Farm Bureau, and addressed to Kansas county farm bureau presidents, advising them that any expression of support for the American Agriculture Movement and their tactics, specifically the strike, would subject them to a serious risk of prosecution under federal antitrust statutes, specifically the Sherman-Clayton Act, 15 U.S.C. § 1, *et seq.*

The Kansas Farm Bureau, Inc., is a private nonprofit corporation which was organized for the purpose, among others, of supporting and promoting the development of the most profitable and permanent system of agriculture. The Bureau thus is often called upon to

express its views lending or withholding support for government farm policies and other matters affecting the marketing of agricultural products. It is a large and influential organization, and a major spokesman for American farmers. It is not, however, the sole voice of American agriculture.

The American Agriculture Movement was born out of frustration with existing depressed commodity prices, which are the result of a host of varying facts and conditions, including, of course, national farm policies. Organizers and supporters of the Movement have urged producers to support their efforts to improve the markets for American farm products by withholding the marketing and production of agricultural commodities. Given the very straitened circumstances in some quarters of the agricultural economy, the Movement has had a very persuasive appeal to many farmers, who see no other effective means of making their voices heard. As a result, county farm bureau organizations have been called upon to consider the aims and goals of the Movement, and several county farm bureaus, we understand, have adopted resolutions declaring support for them. As a result, the Kansas Farm Bureau has undertaken to advise the county organizations to rescind any such resolutions, and to make no further expressions of support for the strike.

It is unnecessary here to venture upon a detailed exposition of the provisions of federal antitrust legislation. It is sufficient to observe that any farmer, acting on his own, has the right to refuse to labor, and any farmer, likewise acting on his own, is free to refrain from marketing the products of his work. The Kansas Farm Bureau, and its affiliated county bureaus, likewise have the unquestioned right to comment upon and offer expressions of support for or disapproval of any aspect of national agricultural policy, or of any effort or tactical course of action designed to encourage an improvement in the agricultural economy. A resolution reciting endorsement of and support for the goals of the proposed strike is not in any fashion a violation of any of the several federal antitrust acts.

The antitrust laws are designed to discourage unlawful combinations in restraint of trade. Obviously, any decision regarding legal action against any party involved with the proposed strike itself must be made by the U.S. Department of Justice. Certainly, this office has no intention of initiating any legal action against the American Agriculture Movement, its organizers or supporters based upon the proposed strike it has urged upon Kansas producers, and in my judgment, the state farm bureau has extrapolated far too broadly in suggesting that county organizations run afoul of federal antitrust laws merely by the adoption of resolutions

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expressing support for the goals and objectives of the American Agriculture Movement. Kansas farmers should be encouraged to decide for themselves upon the merits of the program of the American Agriculture Movement.

Yours truly,

A handwritten signature in cursive script that reads "Curt T. Schneider". The signature is written in black ink and is positioned above the printed name.

CURT T. SCHNEIDER
Attorney General

CTS:JRM:DBM:kj