



ATTORNEY GENERAL OF MISSOURI

Andrew Bailey

October 3, 2023

Donnie D. King  
Chief Executive Officer  
Tyson Foods  
2200 W. Don Tyson Parkway  
Springdale, AR 72762  
*Via email: Donnie.King@Tyson.com*

Dear Mr. King,

In an effort to protect working families in southern Missouri, I write with serious concern about your decision to close two plants in Dexter and Noel, Missouri. These plants are critical to local communities. The City Administrator of Dexter, for example, recently pointed out that Dexter “has been home to an active poultry production industry since the 1890’s, and the current plant location has been active since the Swift Poultry Company opened in the 1930’s.”<sup>1</sup> Closure will be devastating to the local economy. The same is true in Noel, where the plant employs 1,500 workers in a city whose population is 2,100.

Closure will have ripple effects that will harm more than just the individuals who would lose their factory jobs. How can a restaurant or grocery store in a town of 2,000 people expect to stay open when 1,500 people lose their jobs? What will chicken farmers and grain growers do if the plants they have long relied on close?

It is thus paramount that you do everything in your power to either keep the facilities open or sell to any interested party, including a competitor. I understand that Senator Hawley recently informed you that federal antitrust laws require you to make every effort to sell, including to a competitor. Missouri’s own antitrust laws are “construed in harmony with ruling judicial interpretations of comparable federal antitrust statutes.” Mo. Rev. Stat. § 416.141; *see also Empire Storage & Ice Co. v. Giboney*, 357 Mo. 671, 675 (1948), *aff’d*, 336 U.S. 490 (1949) (certain actions taken “for the purpose of refusing to sell to a certain person or persons is in direct violation of” Missouri antitrust law). Thus, the requirement to make every effort to sell is imposed not only by federal law, but by state law as well. Like Senator Hawley, I am committed to

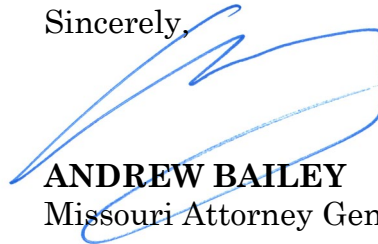
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<sup>1</sup> David Wyman, Press Release: *Tyson Announces Closure of Poultry Production Plants in Dexter* (Aug. 7, 2023), <https://www.facebook.com/photo/?fbid=674981414654489&set=a.227820829370552>.

ensuring corporations fulfill their legal obligations. I will always enforce state law in defense of working Missouri families.

But even setting aside potential legal liability, doing everything in your power to find a buyer who will keep these critical factories open is simply the right thing to do. It is vital to the people of Missouri whose livelihoods depend on these factories that Tyson works to ensure that these plants remain open. I welcome the opportunity to speak with you to discuss this matter.

Sincerely,



**ANDREW BAILEY**  
Missouri Attorney General