



AMERICAN CIVIL LIBERTIES UNION

Iowa

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### **Lawsuit Challenging Iowa's Ag-Gag Law Proceeds**

*Advocates for Free Speech, Animals, Workers, Free Speech and Food Safety Move Forward with Challenges of Agricultural Giants Following Victories in Utah and Idaho*

*Des Moines, Iowa* — Today the Federal District Court for the Southern District of Iowa denied Iowa's motion to dismiss a pending lawsuit challenging the constitutionality of the state's "ag gag" law, a positive development for the opponents of the law.

In October 2017, a coalition of public interest groups and journalists led by the American Civil Liberties Union (ACLU) of Iowa, the Animal Legal Defense Fund, People for the Ethical Treatment of Animals (PETA), the Center for Food Safety, and Public Justice filed the lawsuit.

Iowa clients are Bailing Out Benji, an Iowa nonprofit organization focused on protecting the welfare of dogs and puppies, and Iowa Citizens for Community Improvement (ICCI), an organization whose priorities include fighting factory farms to advance worker justice, protecting Iowa's clean water and environment, and advancing racial justice and immigrants' rights.

"This is an important decision, because it allows us to continue to challenge Iowa's egregious Ag Gag law as a violation of free speech," said Rita Bettis, ACLU of Iowa legal director. "An especially grievous harm to our democracy occurs when the government uses the power of the criminal laws to target unpopular speech to protect those with power — which is exactly what this law is about."

"Ag gag clearly is a violation of Iowans' First Amendment rights to free speech," Bettis said. "It has effectively silenced advocates and ensured that animal cruelty, unsafe food safety practices, environmental hazards, and inhumane working conditions go unreported for years. Its time has finally come to be stricken from state law."

Iowa's ag gag law criminalizes undercover investigations at factory farms, slaughterhouses, and puppy mills, effectively silencing advocates and ensuring that animal cruelty, unsafe food safety practices, environmental hazards, and inhumane working conditions go unreported. The coalition argues Iowa's ag gag law violates the First Amendment of the Constitution, which grants freedom of speech under the law.

Federal courts have already struck down ag gag laws in Idaho and Utah as unconstitutional.

Today's decision holds that the plaintiffs have adequately alleged that the Iowa ag gag law violates the First Amendment, because the statute discriminates on the basis of content and viewpoint. The decision allows the lawsuit to move forward; the plaintiffs are ultimately seeking a declaration that the statute is unconstitutional.

The central objective of Iowa's ag gag law is to prevent whistleblowers from collecting information about these facilities and distributing that information to the public. The animal agriculture industry lobbies to pass these laws in order to hide cruel practices and violations of laws designed to protect animals, employees and consumers.

Iowa's ag gag law has unfortunately succeeded in hindering free speech and stamping out exposés of the animal agriculture industry. In the years leading up to the passage of the law in 2012, there were at least 10 undercover investigations of factory farms in Iowa. Since the law's passage, there have been zero.

Undercover investigations are one of the few ways for the public to receive critical information about animal agriculture operations. A 2012 consumer survey conducted by Purdue University's Department of Agricultural Economics and Department of Animal Sciences found that the public relies on the information gathered and presented by animal protection groups and investigative journalists more than they rely on industry groups and the government combined.

To see the decision, go to:

[https://www.aclu-ia.org/sites/default/files/39\\_order\\_on\\_mtd.pdf](https://www.aclu-ia.org/sites/default/files/39_order_on_mtd.pdf)

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#### **About the ACLU of Iowa**

The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans—from atheists to devout Christians, from labor unions to businesspeople and more—to make sure the constitutional rights of all are preserved. For more information, please go to [www.aclu-ia.org](http://www.aclu-ia.org).

#### **About the Animal Legal Defense Fund**

The Animal Legal Defense Fund was founded in 1979 to protect the lives and advance the interests of animals through the legal system. To accomplish this mission, the Animal Legal Defense Fund files high-impact lawsuits to protect animals from harm; provides free legal assistance and training to prosecutors to assure that animal abusers are punished for their crimes; supports tough animal protection legislation and fights harmful legislation; and provides resources and opportunities to law students and professionals to advance the emerging field of animal law. For more information, visit [aldf.org](http://aldf.org).

**About PETA**

Founded in 1980, PETA is the largest animal rights organization in the world, with more than five million members and supporters worldwide. PETA uses public education, cruelty investigations, celebrity involvement, protest campaigns, and other innovative tactics to spread the message that animals are not ours to eat, wear, experiment on, use for entertainment, or to abuse in any other way. For more information, please visit [PETA.org](http://PETA.org).

**About The Center for Food Safety**

The Center for Food Safety's mission is to empower people, support farmers, and protect the earth from the harmful impacts of industrial agriculture. Through groundbreaking legal, scientific, and grassroots action, we protect and promote your right to safe food and the environment.

**About Public Justice**

Public Justice pursues high-impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses. For more information, visit [www.PublicJustice.net](http://www.PublicJustice.net).