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AMERICAN CIVIL LIBERTIES UNION

Iowa

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Victory in Lawsuit Against Iowa’s “Ag Gag” Law

Des Moines, Iowa — Today the U.S. District Court for the Southern District of Iowa held that Iowa’s “ag gag” law is unconstitutional. The law blocked the ability of journalists, food safety, and labor advocates to do undercover work in agricultural facilities. Animal rights groups say it prevents them from documenting cruel and inhumane practices in such facilities. Federal courts similarly struck down ag gag laws in Idaho and Utah.

“Today’s decision is an important victory for free speech in Iowa, because it holds that Iowa’s ag gag law on its face is a violation of the First Amendment,” said Rita Bettis Austen, 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 was always 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. We are so pleased with the Court’s order today and that the law has finally been held to be unconstitutional.”

The lawsuit was brought by the ACLU of Iowa, along with attorneys from the Animal Legal Defense Fund, the Law Offices of Matthew Strugar, Public Justice, and the Center for Food Safety.

They filed the lawsuit on behalf of several clients. One of those, Bailing Out Benji, is an Iowa nonprofit organization focused on protecting the welfare of dogs and puppies, and is particularly concerned about puppy mills. Another client, Iowa Citizens for Community Improvement (ICCI), is 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. Other clients are the national Animal Legal Defense Fund, People for the Ethical Treatment of Animals (PETA), and the National Center for Food Safety.

The law was passed in 2012 and the lawsuit was filed by the coalition in October 2017. The law threatened up to one year in jail for those individuals, news media, and advocacy groups who

use undercover means to document, or even in some cases report on, questionable activities in agricultural animal facilities. In some circumstances, it even criminalizes whistle-blowing by conscientious employees of these facilities.

The lawsuit asked, among other things, for the federal court to 1) declare that Iowa's ag gag law is a violation of the U.S. Constitution 2) to strike it down and 3) to enter an order blocking the state from enforcing it. Today's order found that the law is unconstitutional, which means it cannot legally be enforced. The court will enter the specific injunctive relief and attorney's fees order at a later time after additional briefing by the parties.

A copy of the order can be found at:

https://www.aclu-ia.org/sites/default/files/ag_gag_order.pdf

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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.