

IOWA'S NEW LAW CRIMINALIZING UNDERCOVER INVESTIGATIONS OF FARMS FACES LEGAL CHALLENGES

The ACLU of Iowa argues this law is no different than its predecessor, which was ruled unconstitutional this year.

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A month after Iowa legislators passed a second law criminalizing undercover investigations at agriculture operations, the American Civil Liberties Union of Iowa has filed a lawsuit claiming the law violates free speech protections.

"Enough is enough," Rita Bettis Austen, legal director of the ACLU of Iowa, said in a statement on Sunday. "Free speech means the government is not allowed to put the PR interests of one industry above the constitutional rights of its critics."

The new law imposes penalties including jail time for an offense it calls "agricultural production facility trespass." It's the state's rebuttal to growing challenges from animal rights groups, which have helped overturn similar laws in three other states. Seven remain—Iowa included. The state spearheaded a new wave of these protections, known as ag-gag laws, back in 2012. In January, this law was struck down by the courts, but within just three months, the state legislature resurrected it, hoping that this iteration (dubbed "Ag-Gag 2.0" by its opponents) would be harder to kill.

Critics attribute the persistence of these laws to the interests of agribusiness, which are central to the economies of big agriculture-producing states like Iowa. "No other industry enjoys such broad anti-whistleblower statutes," wrote University of Denver law professor Justin Marceau, who represented plaintiffs in Idaho and Utah's ag-gag lawsuits.

Lawyers with the ACLU of Iowa—representing a coalition of animal rights groups, including the Animal Legal Defense Fund and People for the Ethical Treatment of Animals—argue that this law is no different than its predecessor. "Lawmakers might say this is a different law, but in our eyes, it's just the same law presented in a slightly different way," says Veronica Fowler, communications director for the ACLU of Iowa. "It's still got the same constitutional problems. This law [requires that] a particular industry be given special protection, so that people who do undercover work and maybe offer half-truths in order to do that undercover work get especially stiff fines and penalties."

Meanwhile, the bill's supporters and sponsors in the Iowa state Senate Agriculture Committee have argued that the law is necessary to protect livestock herds from biosecurity threats, warning that diseases could destroy the state's economy. "I am committed to protecting Iowa farmers and ensuring the safety and security of their livestock," Iowa Governor Kim Reynolds, also named in the lawsuit, said in a statement reported by the Associated Press this week.

But these arguments didn't convince the Iowa district court last year: It ruled that the 2012 law targeted speech that posed little harm to owners and risked chilling speech not covered in the statute.

The ACLU anticipates a similar outcome for the second challenge. "I think the courts have decided one time already that this bill is very clearly unconstitutional," Fowler says. "We have every expectation that the court will rule similarly."

TAGS

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