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COALITION DEFENDS DISTRICT COURT VICTORY STRIKING DOWN UNCONSTITUTIONAL IDAHO AG-GAG LAW

United States Court of Appeals for the Ninth Circuit to Hear Arguments on Ag-Gag Law

SAN FRANCISCO— Today a coalition of public interest groups and journalists led by the Animal Legal Defense Fund, People for the Ethical Treatment of Animals (PETA), the American Civil Liberties Union (ACLU) of Idaho, the Center for Food Safety, and Public Justice filed a brief in the United States Court of Appeals for the Ninth Circuit defending the United States District Court of Idaho's August 2015 decision striking down Idaho's Ag-Gag law on the ground that it violates the First and 14th Amendments of the U.S. Constitution, which grant freedom of speech and the right to equal protection under the law. The Ninth Circuit will be the first appellate court in the nation to consider the constitutionality of an Ag-Gag law.

Idaho's Ag-Gag law is one of the most sweeping laws of its kind, criminalizing "recording" of factory farms and slaughterhouses and prohibiting the use of "misrepresentations" to gain access to an agricultural operation. For example, if an employee on a farm takes a picture without permission of any part of her work – such as animal cruelty, food safety violations, or even a blocked fire escape – she could go to jail. So could an undercover investigator who omitted his media affiliation while applying for a job at a slaughterhouse to expose inhumane and unsafe practices.

The state legislature enacted the law after an undercover investigation revealed rampant cruelty at an Idaho dairy farm. Drafted by the Idaho Dairyman's Association, the law essentially criminalized investigative journalism.

Last year, the district court found that the law was enacted specifically to stop activists and investigators from being able to go undercover in the agricultural industry and to shield it from public accountability.

"The agricultural lobby convinced state legislatures to enact these laws to stifle whistleblowing and keep the public in the dark about factory farming," says Animal Legal Defense Fund Executive Director Stephen Wells, "but we are optimistic that the court will send a strong message to Idaho and other Ag-Gag states that they cannot trample civil liberties for the benefit of an industry."

"Unsanitary and unethical conditions in factory farms promote the spread of disease in both people and animals, and play a major role in increased antibiotic use and resistance. Idaho cannot shield this industry and deny consumers' right to know how their food is produced at the expense of public health," says Paige Tomaselli, attorney at Center for Food Safety.

After the briefing is complete, an oral argument date will be set, and the Ninth Circuit's decision could be expected sometime next year. Members of the coalition also have lawsuits pending in federal district courts challenging the constitutionality of Utah's and North Carolina's Ag-Gag laws.

Copies of the brief are available upon request.

The coalition includes the Animal Legal Defense Fund, the American Civil Liberties Union of Idaho, Center for Food Safety, People for the Ethical Treatment of Animals (PETA), Farm Sanctuary, River's Wish Animal Sanctuary, Western Watersheds Project, Sandpoint Vegetarians, Idaho Concerned Area Residents for the Environment (ICARE), the political journal CounterPunch, Farm Forward, journalist Will Potter, Professor James McWilliams, investigator Monte Hickman, investigative journalist Blair Koch, and undercover investigations consultant Daniel Hauff. The plaintiffs are represented by in-house

counsel, Leslie Brueckner of Public Justice, Justin Marceau and Alan Chen of the University of Denver Sturm College of Law, and the law firm of Maria E. Andrade.

For more information please visit aldf.org/aggag.

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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, please visit 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.

About the ACLU of Idaho

The ACLU of Idaho is a non-partisan organization dedicated to the preservation and enhancement of civil liberties and civil rights. We believe that the freedom of press, speech, assembly, and religion, and the rights to due process, equal protection and privacy, are fundamental to a free people. The ACLU of Idaho strives to advance civil liberties and civil rights by activities that include litigation, education, and lobbying. For more information, please visit acluidaho.org.

About Farm Sanctuary

Founded in 1986, Farm Sanctuary works to change how our society views and treats farm animals through rescue, education and advocacy. The organization provides lifelong care for animals rescued from abuse at four sanctuary locations in New York, California and New Jersey; promotes compassionate vegan living; and advocates legal and policy reforms. To learn more about Farm Sanctuary, visit farmsanctuary.org.

About Center for Food Safety

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. Please join our more than 750,000 consumer and farmer advocates across the country at centerforfoodsafety.org.

Twitter: [@CFSTrueFood](https://twitter.com/CFSTrueFood), [@CFS_Press](https://twitter.com/CFS_Press)

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. Learn more at www.publicjustice.net.