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Coalition Files Lawsuit Challenging Iowa's Second Unconstitutional Ag-Gag Law

First Amendment (still) protects undercover investigations at factory farms and puppy mills

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DES MOINES, Iowa – Today, a coalition of public interest groups, led by the Animal Legal Defense Fund, filed a lawsuit in the U.S. District Court for the Southern District of Iowa, challenging the constitutionality of Iowa's new Ag-Gag law — a law that is substantively similar to an Iowa law struck down by the same federal court on January 9, 2019. That decision was the result of a 2017 challenge brought by the same coalition of animal, food safety, environmental, and community advocacy groups that filed today's lawsuit. Federal courts have similarly struck down Ag-Gag laws in Idaho and Utah as unconstitutional.

In response to the coalition's January court victory, in March Iowa lawmakers enacted Ag-Gag 2.0, again criminalizing investigations at factory farms, slaughterhouses, and puppy mills. This is a blatant attempt to circumvent the federal court's ruling and stifle free speech about the appalling conditions that animals endure in industrial animal agriculture.

The law creates a new crime – called “agricultural production facility trespass” – that makes it illegal for a person to gain access to an agricultural production facility through deception if the person intends to cause an “injury” to the “business interest” of the facility. But exposing horrific abuses, such as slamming piglets into concrete floors and confining animals in cages so small that they cannot stand up or turn around, inevitably damages a business' reputation.

“Factory farms want to hide their abuses, and in some states lawmakers have been happy to help by passing Ag-Gag laws. But federal courts have consistently ruled that these laws violate our constitutional rights,” says Animal Legal Defense Fund Executive Director Stephen Wells. “Ag-Gag laws are a threat to food safety, animal protection, the environment and workers' rights. Iowa's first Ag-Gag law violated our First Amendment rights, and we expect the court to come to the same conclusion this time.”

Undercover investigations have a long and treasured history in this country, and serve as one of the few avenues through which the public receives critical information about animal agriculture. Iowa's previous Ag-Gag law achieved its goal of suppressing undercover investigations, which ceased when the law went into effect in 2012.

Iowa's first Ag-Gag law was the fourth to fall nationally. The Animal Legal Defense Fund led successful challenges in Idaho and Utah, and litigation is pending against Ag-Gag laws in North Carolina and Kansas. Idaho's and Utah's laws have been struck down, in whole or in part, and litigation is pending

against Ag-Gag laws in North Carolina and Kansas. In each of these victories, the courts have recognized that even deception is protected by the First Amendment, lest we give the government the power to throw people in prison merely for the white lies often necessary to gain access and shine a spotlight on factory farm abuses through undercover investigations.

The plaintiff coalition is composed of the Animal Legal Defense Fund, People for the Ethical Treatment of Animals (PETA), Center for Food Safety, Iowa Citizens for Community Improvement, and Bailing Out Benji. The coalition is represented by Public Justice, the Law Office of Matthew Strugar, the ACLU of Iowa, Justin Marceau and Alan Chen of the University of Denver Sturm College of Law, and in-house counsel for the plaintiff organizations.

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About the Public Justice Food Project

Public Justice's Food Project supports rural communities, farmers, and allies to build power and achieve a just, humane, sustainable, and regenerative animal agriculture system.

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.