

**For immediate release:
August 10, 2021**

Lawsuit Challenges Constitutionality of Iowa's Revamped Ag-Gag Law

Coalition asserts the First Amendment protects investigations using video and audio recordings of factory farms

Contact: Mike Andrade-Heymsfield, media@aldf.org, 707-364-8387

Des Moines, IA – Today the Animal Legal Defense Fund, together with a coalition of public interest groups represented by Public Justice, filed a lawsuit in the U.S. District Court for the Southern District of Iowa, challenging the constitutionality of the recently-passed Iowa Recording Ban. The new Ag-Gag law — which creates a new crime of “trespassing” to engage in video and audio recording — again criminalizes the tools of undercover journalism and investigations in violation of the First Amendment, just as the state’s previous two Ag-Gag laws did that were challenged in the past.

Iowa’s Ag-Gag laws are designed to criminalize investigations at factory farms, slaughterhouses, and puppy mills. The first, passed in 2012, was struck down in 2019 and is now before the Eighth Circuit Court of Appeals. After Iowa passed a second Ag-Gag law, the coalition brought another constitutional challenge and secured a preliminary injunction in 2019 barring the law’s enforcement while the lawsuit proceeds.

While the previous two Ag-Gag laws in Iowa targeted investigative deception and misrepresentation to gain access and employment at industrial agriculture facilities, the new law has created a unique crime to deter investigations and public advocacy. The law threatens increased penalties for recording even in public places and locations advocates have long used for public advocacy, such as in open areas of legislators’ offices and parts of businesses in which other members of the public regularly come and go.

“After repeated attempts by the state of Iowa to thwart animal advocates’ efforts to document the inhumane treatment of animals on factory farms, the legislature has enacted a new and broader law that deceptively impacts a broad range of industries while still maintaining its original — and unconstitutional — purpose of suppressing speech about industrial agriculture,” says Animal Legal Defense Fund Executive Director Stephen Wells. “The Animal Legal Defense Fund will continue to challenge the various incarnations of Ag-Gag laws that seek to hide animal abuse.”

“Iowa’s elected officials have once again chosen to make industrial ag companies immune from public scrutiny in violation of the First Amendment,” says David Muraskin, Litigation Director of the Public Justice Food Project, who represents the plaintiff groups in the challenge. “We are confident that this wide-ranging, dangerous, and desperate Ag-Gag law yet will be struck down.”

For more than a century, the public has relied on undercover investigations to expose illegal and cruel practices on factory farms and in slaughterhouses. No federal laws govern the condition in which farmed animals are raised for food, and laws addressing slaughter and transport are laxly

enforced. Undercover investigations are the primary avenue through which the public receives information about animal agriculture operations.

This is the ninth lawsuit challenging state Ag-Gag laws around the country including from Iowa. In addition to the challenges to the Iowa laws, earlier lawsuits have resulted in courts striking down similar laws in North Carolina, Kansas, Idaho, Utah, and Wyoming. North Carolina and Kansas have appealed—with decisions pending. A challenge to the Arkansas Ag-Gag law is also awaiting a decision by the Eighth Circuit Court of Appeals.

The coalition comprises plaintiffs Animal Legal Defense Fund, Iowa Citizens for Community Improvement, Bailing Out Benji, People for the Ethical Treatment of Animals, and Food & Water Watch, who are represented by Public Justice, in-house counsel, the Law Office of Matthew Strugar, and Roxanne Conlin & Associates.

###

About the Animal Legal Defense Fund

Forty years of fighting for animals: 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 the Public Justice Food Project

The Public Justice Food Project is the only legal project in the country that is focused solely on dismantling the structures that enable the consolidation of corporate power and extractive practices in our food system and supporting a vision of animal agriculture that is regenerative, humane, and owned by independent farmers.

It envisions a future where our food chain results in healthy, empowered communities and sustainable livelihoods and a just animal agriculture system that is transparent and accountable to people, not profit.

About PETA

People for the Ethical Treatment of Animals (PETA) is the largest animal rights organization in the world, with more than 6.5 million members and supporters. PETA is dedicated to protecting animals from abuse, neglect, and cruelty, and opposes [speciesism](#), a human-supremacist worldview. PETA focuses its advocacy on the areas in which the largest numbers of animals suffer the most intensely for the longest periods of time, which includes those used in the food industry. Visit peta.org for more information.

About Food & Water Watch

Food & Water Watch mobilizes people to build political power to move bold and uncompromised solutions to the most pressing food, water and climate problems of our time. We

work to protect people's health, communities and democracy from the growing destructive power of the most powerful economic interests.

About Iowa Citizens for Community Improvement

Iowa Citizens for Community Improvement is a statewide, grassroots people's action group that uses community organizing to win public policy that puts communities before corporations and people before profits, politics and polluters. CCI has been fighting to put people first for over 45 years. Follow us on Twitter at @iowacci.

About Bailing Out Benji

Bailing Out Benji is a nonprofit that serves as a watchdog group for the public when it comes to commercial breeders and the various outlets in which they sell companion animals. Our research and investigations are used by organizations and media outlets across the country, while our grassroots approach to education and advocacy has helped hundreds of citizens create lasting change for the animals in their communities. For more information, please visit bailingoutbenji.com