Court Strikes Down ‘Ag-Gag’ Law That Criminalized Undercover Reporting, Says It Violated First Amendment

Up until last month in Iowa, there was an “ag-gag” law that made it illegal to lie about your intentions when accessing an agricultural production facility. On January 9th a federal court struck down the law, deeming it unconstitutional. The lawsuit was brought by the ACLU of Iowa.

The law was aimed at undercover journalists and activists. It was designed to prevent undercover investigations of factory farms. The federal court ruled the law violates the First Amendment.

> *This welcome ruling joins a host of other court decisions finding similar laws in other states to be unconstitutional — and for good reason. Undercover reporting is a critical tool to inform the public about corporate wrongdoing. Overbroad laws criminalizing false speech violate the First Amendment and prevent investigative journalism from holding powerful private actors to account.” — ACLU*

After many undercover investigations revealed various animal abuses, environmental concerns, and safety issues, many states passed similar laws that criminalize activities essential to investigating such farming practices.

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There are three common ag-gag laws. There are laws that make it illegal to record an agricultural operation without consent. There are laws that criminalize lying on a resume to gain access to the agricultural industry. And there are laws

that require an individual who has recorded animal cruelty to turn the recording over to the police immediately, which aims to make long-term investigations impossible.

> *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. 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.*
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> *Ag gag clearly is a violation of Iowans' First Amendment rights to free speech. 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." — Rita Bettis Austen, ACLU of Iowa legal director*

https://www.youtube.com/watch?v=XfiolWwzD94