

Utah Defends Livestock Filming Law

BRADY McCOMBS, Associated Press

SALT LAKE CITY (AP) — The state of Utah is pushing back against animal-welfare activists who contend a state law to prevent filming of agricultural operations is designed to silence them.

The lawsuit is the first of its kind challenging measures popularly known as "ag-gag" laws. Utah is one of six states that have them.

In new court papers filed last week, state attorneys argue a federal judge should throw out a lawsuit because the activists have not shown they face an immediate threat of criminal prosecution. The state first asked for the case to be dismissed in October.

The law, passed in 2012, makes it a misdemeanor to trespass on private property to record images or sounds of a livestock operation.

Supporters of the law say it's intended to protect property rights. In the new filings, state attorneys say activists can still keep tabs on factory farming by doing all the same things but without crossing over into private property.

"The statute only criminalizes behavior that takes place on the property of an agricultural operation," the state says in the court filing. "Plaintiffs can take an investigation all the way through the planning stage and even somewhat into the implementation stage."

People for the Ethical Treatment of Animals and the Animal Legal Defense Fund filed the lawsuit in July, saying the law restricts free expression. They filed court papers in December saying the law singles them out for punishment and was motivated by hostility toward them.

The groups contend the threat of prosecution hampers their ability to shed light on the "horrors" of factory farming.

In addition to Utah, five other states have similar laws: Kansas, North Dakota, Montana, Iowa and Missouri, said Matthew Liebman, senior attorney with Animal Legal Defense Fund. Thirteen other states introduced similar legislation last year, he said, but all failed.

Liebman's organization chose Utah for its first lawsuit because the state's law makes it illegal to take photos of these facilities as well as gain access under false pretenses. Laws in other states do one or the other, Liebman said.

"From our perspective, Utah's law is one of the most egregious of the existing six," Liebman said.

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U.S. District Judge Robert Shelby is handling the case. Shelby thrust himself into the national spotlight recently when he struck down Utah's same-sex marriage ban.

A hearing is scheduled for early February before Shelby. No matter what Shelby decides, the ruling is expected to be challenged in appeals court, Liebman said. If the animal welfare activists win, he said they may challenge laws in other states too.

The groups behind the lawsuit have the backing of attorneys at the University of Denver's Sturm College of Law.

Activists say filming livestock operations continues a tradition of journalistic endeavors that has led to landmark food safety laws. Liebman said he feels confident the judge will see the merits in their lawsuit.

"They haven't show the law serves any purpose other than that to discriminate against animal protection activists," Liebman said.

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