

Idaho Asks Judge to Toss Lawsuit on 'Ag Gag' Law

REBECCA BOONE, Associated Press

BOISE, Idaho (AP) — Attorneys for Idaho Gov. C.L. "Butch" Otter are asking a federal judge to toss a lawsuit challenging a new law that makes it illegal to secretly film animal abuse at agricultural facilities.

[A coalition of animal activists](#) [1], civil rights groups and media organizations sued the state last month, asking U.S. District Judge B. Lynn Winmill to strike down what they call an "ag gag" law. The coalition contends that the law curtails freedom of speech and makes gathering proof of animal abuse a crime with a harsher punishment than the penalty for animal cruelty itself.

Otter signed the law in February after Idaho's \$2.5 billion dairy industry complained that videos showing cows being abused at a southern Idaho dairy unfairly hurt business. The Los Angeles-based animal rights group Mercy For Animals released the videos, which showed workers at Bettencourt Dairy beating cows in 2012.

Attorneys for Otter and Idaho Attorney General Lawrence Wasden filed the motion to dismiss last week, saying the law violates neither free speech nor equal protection, and the coalition — which includes the Animal Legal Defense Fund, or ALDF — doesn't have the standing to challenge it.

"ALDF attacks a statute that it wishes had passed. The statute actually passed has nothing to do with speech or employee whistleblowing," the state's attorneys wrote in the motion.

Instead, the law prohibits quite specific forms of conduct, Otter and Wasden contend, including non-employees entering agricultural facilities by force, threat or misrepresentation with the intent to cause harm to the business, and people making video or audio recordings in private facilities without the owner's permission.

The state's attorneys also contend that none of the groups in the coalition have said they want to secretly film agriculture facilities with the express purpose of harming the companies that own or run the facilities. Thus, the groups don't have standing to sue over the law, the attorneys claim, because they haven't shown they would be affected by it.

The plaintiffs say the law was designed to criminalize whistle-blowers. The plaintiffs are the Animal Legal Defense Fund, People for the Ethical Treatment of Animals, the American Civil Liberties Union of Idaho, the Center for Food Safety, Farm Sanctuary, River's Wish Animal Sanctuary, Western Watersheds Project, Sandpoint Vegetarians, Idaho Concerned Area Residents for the Environment, Idaho Hispanic Caucus Institute for Research and Education, CounterPunch, Farm Forward, Will Potter, James McWilliams, Monte Hickman, Blair Koch and Daniel Hauff.

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Published on Food Manufacturing (<http://www.foodmanufacturing.com>)

Source URL (retrieved on 04/18/2015 - 12:48pm):

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