

Idaho Dairy Group Seeks to Join Farm Video Lawsuit

REBECCA BOONE, Associated Press

BOISE, Idaho (AP) — The Idaho Dairymen's Association is asking a federal judge to allow the industry group to intervene in a [lawsuit against a new law](#) [1] that makes it illegal to secretly film animal abuse at agricultural facilities.

The dairymen's association filed a motion to join Idaho Gov. C.L. "Butch" Otter and Idaho Attorney General Lawrence Wasden as a defendant in the lawsuit late last week.

A coalition of animal activists, 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 criminalizes whistleblowing by curtailing freedom of speech, and that it makes gathering proof of animal abuse a crime with a harsher punishment than the penalty for animal cruelty itself.

Proponents of the law say it prevents animal rights groups from unfairly targeting agricultural businesses, and that it protects the private property and privacy rights of agricultural operators.

In the motion to intervene filed Friday, attorney Daniel Steenson said the association's members could be substantially affected by the results of the lawsuit, and so the association has the right to intervene in the case.

"The Complaint makes clear that, without the protection the statute provides, IDA members will again be targeted for clandestine infiltration by individuals masquerading as employees to gather evidence to be used against them in criminal prosecutions, media persecutions, and economic sabotage," Steenson wrote.

The Idaho legislature passed the law earlier this year 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.

The law says people caught surreptitiously filming agricultural operations face up to a year in jail and a \$5,000 fine. By comparison, a first animal cruelty offense is punishable by up to six months in jail and a fine of up to \$5,000. A second offense within 10 years of the first conviction carries a penalty of up to nine months in jail and a fine up to \$7,000.

The groups bringing the lawsuit are the Animal Legal Defense Fund, People for the Ethical Treatment of Animals, the American Civil Liberties Union of Idaho, the Center

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