

Utah Judge Refuses to Block Lawsuit Challenging 'Ag-Gag' Law

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SALT LAKE CITY (AP) — A federal judge has refused to toss out the country's first lawsuit challenging an "ag-gag" law that criminalizes undercover investigations of slaughterhouses and factory farms.

U.S. District Judge Robert Shelby ruled Thursday that animal rights activists can continue their lawsuit seeking to overturn Utah's law. They say the law is designed to silence them and prevent exposure of inhuman or unsafe practices.

"We are going to put this law to the test. We believe it will be knocked down," said Matthew Strugar, an attorney for People for the Ethical Treatment of Animals. Thursday's ruling shows similar laws in six other states are also vulnerable to challenge, he said.

State attorneys say the activists are out to destroy the livestock industry. They argue the law protects property rights and makes workers safer by barring unskilled undercover operatives from potentially hazardous places, and "legitimate" whistleblowers can still speak out.

Utah's attorneys urged the judge to dismiss the case Thursday, arguing that the plaintiffs filed it "for the sole purpose of challenging the statute," not because it hampered their activities, said Assistant Attorney General Daniel Widdison.

One of the Utah plaintiffs, however, is the only person in the country to be charged under such a law. Amy Meyer was charged last year after she filmed a front-end loader dumping a sick cow outside a suburban Salt Lake City slaughterhouse. The charge was later dismissed because she was standing on a public street when she made the recording.

Shelby ruled that it nevertheless "underscored" a reasonable fear of prosecution, giving Meyer legal standing in the case.

"My case demonstrates these 'ag-gag' laws can be used to intimidate law-abiding people," she said after the hearing.

Widdison said the state expected some part of the case to progress. The two sides will turn next to claims that the law violates animal activists' freedom of speech. No new hearings were immediately set.

Shelby dismissed claims from members of the media who said the law violated their First Amendment right to report on the results of activists' investigations. The judge said the journalists aren't likely to be prosecuted for disseminating the results of the

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

investigations.

Utah's statute makes it a misdemeanor to enter a farm under false pretenses and take video or sound recordings. It was passed in 2012, part of a wave of similar measures that were considered in half of all U.S. states. Idaho's law is also being challenged in court.

The animal welfare groups say the measures criminalize investigations like a 2007 Humane Society probe in California that led to the largest meat recall in U.S. history.

"That couldn't have happened without the kind of undercover investigation that the Utah law criminalizes," said Matthew Liebman, a lawyer for the Animal Legal Defense Fund.

Shelby, the judge in the case, garnered national media attention late last year when he struck down Utah's same-sex marriage ban.

Source URL (retrieved on 03/06/2015 - 4:33am):

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