

Federal Judge Strikes Down Law That Criminalized “Interference with Agricultural Production”

Article By:

Hilary L. Lewis

On August 3, a federal judge [struck down](#) an Idaho law that created the crime of “interference with agricultural production.” Chief Judge B. Lynn Winmill of the US District Court for the District of Idaho found that the Idaho law violates the First Amendment and Equal Protection Clause. The Idaho “ag-gag” law, a term used to describe antiwhistleblower laws that apply within the agricultural industry, is the first such law to be struck down by a federal court.

The Idaho ag-gag law was drafted after the animal rights group Mercy for Animals released a video showing workers at the Bettencourt Dairies’ Dry Creek Dairy in Hansen, Idaho, abusing milk cows. In response to the negative publicity that followed, the Idaho Dairyman’s Association, a trade industry organization that represents the state’s dairy farmers and producers, sponsored a bill that criminalized the types of undercover investigations that exposed the activities at the Dry Creek Dairy, including criminalizing all employment-based undercover investigations, investigative journalism, and whistleblowing by employees that occur in the agricultural industry. [I.C. 18-7042](#). A person who violates the law faces up to a year in jail, and a journalist or whistleblower may be fined for damages up to twice the economic loss that a business suffers as a result of any publication revealing animal abuse or unsafe working conditions.

The Animal Legal Defense Fund, among others, challenged I.C. 18-702 as unconstitutional. Judge Winmill agreed, stating that the purpose of Idaho’s ag-gag law is to regulate protected speech because it “was intended to silence animal welfare activists, or other whistleblowers, who seek to publish speech critical of the agricultural production industry,” thereby violating the First Amendment. Judge Winmill further held that the law violated the Equal Protection Clause because it impermissibly “discriminates on its face by classifying between whistleblowers in the agricultural industry and whistleblowers in other industries.”

The Animal Legal Defense Fund has brought another similar case against the Utah ag-gag law in federal court in Salt Lake City. Seven other states have ag-gag laws, and we expect to see more of these state laws challenged in the future.

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