



666 Broadway Floor 7
New York, New York 10012

North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Dear Senator Goolsby, Newton and Brunstetter;

On behalf of the Center for Constitutional Rights, I write to you today to voice our opposition to Section 1 of Senate Bill 648, currently under consideration in your statehouse. Specifically, this measure would make it a crime for any individual to make willful or false statements on an employment application and thereafter obtain any records, documents or footage. Those recordings would need to be turned over to law enforcement within 24 hours. This proposed bill will have profoundly negative consequences for North Carolina and suggests that North Carolina businesses and industries have a lot to hide. The bill threatens a wide array of public interests including animal welfare, civil liberties, workers' rights, and the environment, by silencing whistleblowers who are in the position to document abuse of any kind.

Animal Welfare. *It is no secret that animals are mistreated in factory farms and slaughterhouses. Documentation of this mistreatment helps educate the public about animal abuse on farms, influences industry and government entities to make real changes for animals on farms, and results in animal cruelty prosecutions. For instance, last year a national news exposé showed footage of extreme horse abuse taking place in Tennessee. Because of this investigation, law enforcement officials stepped in to protect these tortured animals and prosecute their abusers. Similarly, in recent months, five individuals in North Carolina have been convicted of animal cruelty on the basis of the kind of undercover footage that would be outlawed by SB 648.*

Civil Liberties. *In outlawing “false statements or representations,” and the “record[ing]” and “manipula[tion]” of images and sounds, and requiring that such recordings be turned over to law enforcement, SB 648 runs afoul of the First Amendment. With regard to documentation of animal cruelty in particular, in U.S. v. Stevens, 559 U.S. ___ (2010), the Supreme Court specifically declined to add “depictions of animal cruelty” to the small number of narrowly defined categories of unprotected speech. Moreover, criminalizing such expression will have a chilling effect on North Carolina’s citizens and visitors alike.*

Workers' Rights. *This legislation seeks to criminalize the recording of sounds or images, no matter the content. Factory farms, nursing homes, child care centers, restaurants, mental health*

facilities, and other businesses are physically and emotionally difficult places to work. Investigations have the potential to expose serious worker abuse or unethical conduct on the part of employees or supervisors.

Environmental Damage. *In the United States, 99 percent of animals raised for food are raised on industrial factory farms, where large numbers of animals are housed together, generally in close confinement. There are many factory farms in North Carolina. Huge amounts of waste are generated, the improper storage and disposal of which threatens our soil and water. While state and federal laws require large farms to minimize their environmental damage, farms have been found flagrantly violating these requirements. Undercover investigations offer an effective way to expose such violations on these and other industrial facilities.*

Public Opinion. *Americans favor transparency. Polls consistently show that the majority of Americans favor humane treatment of farm animals. A 2012 poll by Lake Research revealed that 94 percent of the general American public agrees that "from every step of their lives on a farm—from birth to slaughter—farm animals should be treated in a way that inflicts the least amount of pain and suffering possible." The same poll also revealed that 71 percent of American adults support undercover investigative efforts to expose farm animal abuse on industrial farms, and that 64 percent oppose making such investigations illegal.*

In closing, we ask that you consider the unintended consequences of Section 1 of S.B. 648, a bill that will prevent citizens from reporting illegal activity in North Carolina.

Sincerely,

Annette Warren-Dickerson
Director, Education and Outreach
Center for Constitutional Rights