



## Ag-Gag Across America

### Corporate-Backed Attacks on Activists and Whistleblowers

#### What information is highlighted in the report?

This landmark report discusses ag-gag laws in historical and political context, catalogues an earlier wave of ag-gag legislation, examines each recent law in detail, explores constitutional concerns and current lawsuits, and documents several successful campaigns to defeat ag-gag legislation.

#### Why was it important for Center for Constitutional Rights and Defending Rights & Dissent to publish this report?

Big Ag has made it clear that stemming the tide of investigations, and ensuring that the public never sees the unsanitized version of animal agriculture is crucial for ensuring that consumers continue to spend their dollars on animal products. Thus it follows that ag-gag bills are among the animal agricultural industry's top legislative priority. But the public has a right to know how food is produced, what animal agriculture entails, and if the rivers and streams they depend on are polluted. The violence consistently documented by investigators and the trampling of the First Amendment by those working to enact these laws make clear why Big Ag's gag agenda must not be allowed to succeed.

#### What do ag-gag laws prohibit?

Since 2011, there has been a marked proliferation of state laws targeting undercover investigations and whistleblowing in animal agriculture. These ag-gag laws vary, but all include one or more of three key elements: (1) prohibiting documentation of agricultural practices; (2) prohibiting misrepresentations in job applications utilized to gain access to closed facilities; and (3) requiring immediate reporting of illegal animal cruelty.

#### What is the "Green Scare" and how is it connected to Ag-Gag?

Animal rights and environmental activism increased significantly in the late 1900s. People for the Ethical Treatment of Animals pioneered undercover exposés documenting violence against animals in fur, agriculture, and experimentation, resulting in animal cruelty prosecutions and increased public awareness of the mistreatment of animals as a social issue. As animal rights activism increased, so too did corporate and governmental targeting of that activism. The FBI began describing certain animal rights actions as "terrorism" and a first wave of ag-gag laws passed in Kansas, Montana and North Dakota.

#### What happened between the first and second wave of ag-gag legislations?

In 2002, Alabama passed the Farm Animal, Crop, and Research Facilities Protection Act, prohibiting theft of records and other materials from animal facilities, and use of such records by third parties, including the media.

A high-profile federal prosecution of six animal rights activists and their nonprofit organization in 2004 set the stage for amending the federal Animal Enterprise Protection Act, as prosecutors and industry groups sought additional tools to fight “eco-terrorism.”

In 2006, Congress passed the Animal Enterprise Terrorism Act, broadening protections for industries that use animals and increasing penalties for those who damage or cause the loss of animal enterprise property, including profits. Around the same time, the American Legislative Exchange Council (ALEC) drafted the “Animal and Ecological Terrorism Act.” This model legislation would make it a crime to enter an animal or research facility without consent and take pictures. The bill would not only criminalize undercover investigations and whistleblowing, it would label such acts “terrorism,” and require those convicted to register with their State Attorney General.

### **What is the second-wave of ag-gag legislation?**

On the heels of these developments a second wave of ag-gag laws emerged. Between 2011 and 2017 Iowa, Missouri, Utah, Idaho, Wyoming, North Carolina, and Arkansas enacted ag-gag laws. In many of these states, the new legislation followed a recurring pattern: an animal rights investigation uncovered evidence of illegal animal abuse, shocking footage was shared with the public, and the industry sought legislation to prevent future documentation. While early ag-gag laws protected animal enterprises only, a new breed of ag-gag has dropped the “ag,” criminalizing whistleblowing across industries and targeting environmental data collection in particular.