Wave of legislation targets animal-rights groups’ secret videotaping on farms

By Carolyn Orr [1]  
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For former Rep. Annette Sweeney, a third-generation farmer from Iowa, the goal of a contentious measure she introduced and helped pass last year was plain — protect agriculture producers from the unfair practices of outsiders.

As the result of passage of HF 589 [3], it is now a crime in Iowa to seek work in agricultural facilities under false pretenses. The law seeks to crack down on those who have sought such employment in order to investigate conditions and uncover cases of animal abuse.

“Farmers try very hard to raise animals using the very best of science and husbandry,” Sweeney says, “and then people with a vegan agenda come in and destroy generations of hard work.”

That is one perspective.

Others have dubbed Iowa’s measure, as well as proposals introduced this year in states such as Indiana and Nebraska, “ag gag” legislation, unfair and potentially unconstitutional attempts to target whistleblowers and shield animal abuse at large production facilities.

Iowa’s law aims to dodge constitutional concerns about free speech by not targeting the secret videotaping or photographing by individuals who have gained access to an agricultural facility. It instead focuses on how these people gain entry to the facility — by securing a job.

But a second approach has been to focus on the secret photos or videos. Last year in Missouri, a new law (SB 631 [4]) required anyone with photos or videos of animal abuse to report them to law enforcement within 24 hours.

This year, bills similar to Iowa’s and/or Missouri’s have been introduced in at least 10 states. But as of late April, it did not seem likely that any new measures would become law in the Midwest.
Nebraska’s LB 204 [5] had failed to pass out of committee as of late April. The measure would require anyone who has witnessed animal abuse, neglect or abandonment to report it to authorities within 24 hours. It would also require any evidence, including video and photographs, to be turned over to law enforcement.

Indiana’s SB 373 [6] passed both legislative chambers, but differences between the House and Senate could not be resolved. The House version focused on stopping people from seeking employment under false pretenses, while the Senate version also would have required the reporting of abuse to law enforcement.

“The issue is really about property rights and videos being made without permission,” Indiana Sen. Travis Holdman says.

At least 32 hidden-camera videos of agriculture facilities have been released since 2005, more than half in the last three years. The goal of these investigations is to raise awareness about what many animal-rights activists view as abusive practices, thus increasing pressure for new laws and sparking consumer demand for changes in facility operations.

“You will never stop abuse if you shut the cameras down,” says Wayne Pacelle, president of the Humane Society of the United States, who adds that videotaping over a long period of time is needed to substantiate a pattern of abuse.

The concern among agricultural producers is that the videos can be edited and therefore tell a distorted or unfair story of even common practices such as castration.

“[The] farmer is essentially [viewed as] guilty before [he or she] has the chance to respond,” says Indiana Rep. Dan Lehe.

Iowa Sen. Joe Seng, a state veterinarian who served as a lead sponsor of his state’s legislation, adds:

“The U.S. Constitution says that you cannot enter a person’s private property without formal knowledge. These are private properties owned by farmers that have strict bio-security facilities.”

Article written by Carolyn Orr [7], staff liaison for the Midwestern Legislative Conference Agriculture & Natural Resources Committee.

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