

US agribusiness seeks to outlaw filming of farming practices

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An aggressive series of legislative campaigns in a number of states has targeted the ability of whistleblowers to film or photograph US agribusiness operations.

Bills now pending in California, Nebraska and Tennessee require that video or photographic evidence of illegal farm practices be handed over to law enforcement within 24-48 hours of capture. This absurdly short timeline effectively prevents adequate review for compliance with food safety and federal humane handling laws.

More fundamentally, the bills raise many constitutional questions. Commenting on the Nebraska bill, American Civil Liberties Union (ACLU) spokesman Alan Peterson described the measure as “the most blatantly unconstitutional approach to lawmaking” that he had ever seen. Peterson said the bill violates free speech rights, protections against unreasonable search and seizure, due-process safeguards and protections against self-incrimination.

The Nebraska bill would revise the state criminal code to penalize falsifications on job applications. By this means, reporters or others who applied for employment in order to conduct undercover investigations into the conditions of livestock consumed by the public would be subject to prosecution.

Not coincidentally, Nebraska is a center of the US meatpacking industry.

The California bill is supported by the California Cattlemen’s Association. Nationally, the legislative campaign is being led by the ultra-right-wing American Legislative Exchange Council (ALEC). ALEC is largely funded by Koch Industries, ExxonMobil and other major multinational companies. The organization promoted the “Animal and Ecological Terrorism Act”

in 2003, which serves as a model for current bills.

Other states filing similar bills this year include Arkansas, Indiana, New Hampshire, Pennsylvania, Tennessee and Vermont. The Arkansas bill goes further than the others and would prohibit anyone other than law enforcement investigating animal abuse cases. Bills passed in Iowa and Utah in 2012 and have been defeated in Florida, Minnesota and New York.

Last year, the Iowa legislature was the first body to approve such a bill, which passed 40-10 in the Senate and 69-28 in the House, with bipartisan support. Amended from an earlier version that was too blatant in its infringement of First Amendment free speech rights, the bill outlaws gaining covert access to a farming operation and filming animal cruelty.

Iowa legislation has also made it a misdemeanor for investigators to lie on a job application in order to work undercover and document animal abuse. As the largest egg and pork producer in the country, Iowa is a major source of agribusiness profit. There are estimated to be over 19 million hogs and 54 million egg-producing chickens in the state.

The well-funded campaign to block the documentation of the often brutal and unsanitary practices of agribusinesses has developed in reaction to exposés made by whistleblowers and the high costs of food recalls.

In one such investigation, the Humane Society of the United States videotaped workers abusing downed animals unable to walk into the kill pens on their own at the California Westland Meat Packing Company. Clips of the abuse were widely disseminated and shown on television news reports.

Current law requires a public health veterinarian to inspect the meat from any sick or disabled animal. The United States Department of Agriculture (USDA)

ordered the recall of 143 million pounds of beef that was deemed unsafe, some of which had been routed into the nation's school lunch program. The settlement in the subsequent lawsuit against California Westland was \$500 million, but the company declared bankruptcy.

Last August, federal regulators shut down a California slaughterhouse after receiving an undercover video from the group Compassion Over Killing that showed dairy cows—some unable to walk—being repeatedly shocked and shot before they were slaughtered.

In 2011, the animal rights organization Mercy for Animals released a video of a Butterball-owned farm showing “acts of animal cruelty and neglect. In it, frightened turkeys were hit with what appeared to be metal rods, violently kicked, thrown hard against the side of a truck and dragged across the floor. The video also showed birds suffering with bloody open wounds, broken bones and diseased eyes.

The Butterball web site advertises their whole turkeys as “the perfect centerpiece for holiday gatherings.”

The official response, rather than criminally prosecuting the guilty companies and imposing serious regulation and oversight, has been to criminalize the exposure of the corporate lawbreaking.

Describing the volunteers who are bringing these facts to light as “terrorists,” ALEC claimed, “At the end of the day, it's about personal property rights or the individual right to privacy... You wouldn't want me coming into your home with a hidden camera.”

Similarly, Sen. Travis Holdman (Republican of Indiana) claimed, “We have law enforcement and regulatory agencies to handle those kinds of situations... We don't need a vigilante group out there with cameras and video cameras taking pictures of things that we just don't like.”

According to the Centers for Disease Control and Prevention, one in six, or 48 million, Americans suffer from food-borne illness each year, resulting in 3,000 deaths and more than 128,000 hospitalizations. Food-borne sickness primarily affects children, with nearly 50 percent of all cases occurring in children below the age of 15.

Moreover, long-term studies following victims of food-borne illness suggest that there may be lasting, even chronic effects from these illnesses.

As a result of inadequate staffing and systematic cutbacks, the Food and Drug Administration currently inspects only about 6 percent of domestic food production.

Beyond violating constitutional liberties and exacerbating unnecessarily cruel treatment of farm animals, this legislation is creating the conditions for future public health disasters.



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