

For Immediate Release

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Coalition Sues North Carolina over Constitutionality of ‘Anti-Sunshine’ Law

Law challenged on First Amendment, Equal Protection, Due Process Grounds

Raleigh, N.C. – A coalition of animal protection, consumer rights, food safety, and whistleblower protection organizations filed a federal lawsuit today challenging the constitutionality of a North Carolina law designed to deter whistleblowers and undercover investigators from publicizing information about corporate misconduct.

The state legislature overrode a veto of the bill by Governor Pat McCrory in June 2015, and the law took effect on January 1. Under the law, organizations and journalists who conduct undercover investigations, and individuals who expose improper or criminal conduct by North Carolina employers, are susceptible to suit and substantial damages if they make such evidence available to the public or the press.

According to the complaint filed today, the law’s purpose is to punish those “who set out to investigate employers and property owners’ conduct because they believe there is value in exposing employers and property owners’ unethical or illegal behavior to the disinfecting sunlight of public scrutiny.”

The plaintiffs, **People for the Ethical Treatment of Animals (PETA), the Center for Food Safety, Animal Legal Defense Fund, Farm Sanctuary, Food & Water Watch, and the Government Accountability Project**, said today that they are taking legal action because North Carolina’s law “blatantly violates our rights to free speech, to a free press, and to petition our

government, and violates the Equal Protection Clause. It places the safety of our families, our food supply, and animals at risk.”

The North Carolina law is part of a growing number of so-called ‘ag-gag laws’ passed by state legislators across the country. The bills, which are pushed by lobbyists for corporate agriculture companies, are an attempt to escape scrutiny over unsafe practices and animal abuses by threatening liability for those who expose these improper and, in many cases, illegal practices. North Carolina’s version is written so broadly that it would also ban undercover investigations of all private entities, including nursing homes and daycare centers. The North Carolina law threatens to silence conscientious employees who witness and wish to report wrongdoing.

Today’s legal challenge is the first in the nation to make claims under both the U.S. Constitution and a state constitution. Last year, a federal court overturned Idaho’s ag-gag law on the basis that it violated the First and Fourteenth Amendments, and in late December a federal judge ruled that a challenge to Wyoming’s law must go forward, citing “serious concerns” about that law’s constitutionality.

The North Carolina plaintiffs are represented by David S. Muraskin and Leslie A. Brueckner of **Public Justice** in Washington, D.C.; and Daniel K. Bryson and Jeremy Williams of **Whitfield, Bryson & Mason LLP** in Raleigh, N.C.

The following attorneys are representing their own organization: Matthew Strugar of **PETA** in Los Angeles, Calif.; Matthew Liebman of the **Animal Legal Defense Fund** in Cotati, Calif.; Cristina R. Stella and Paige Tomaselli of the **Center for Food Safety** in Sacramento, Calif.; Scott Edwards of **Food and Water Watch** in Washington, D.C.; and Sarah L. Nash of the **Government Accountability Project** in Washington, D.C.

Justin Marceau of the University of Denver-Sturm College of Law is Of Counsel to the **Animal Legal Defense Fund**.

The plaintiffs’ joint statement in full:

North Carolina’s Anti-Sunshine Law seriously hinders North Carolinians’ ability to know the truth about misconduct, mistreatment and corruption happening in virtually every industry, including nursing homes, factory farms, financial institutions, daycare centers and more. It’s an extreme law forced on citizens over a governor’s veto by lawmakers who bowed to pressure from corporate lobbyists. This law blatantly violates citizens’ rights to free speech, a free press, and to petition their government, and violates the Equal Protection Clause. It places the safety of our families, our food supply, and animals at risk, and it attempts to bully and threaten those working for transparency, free speech and the public good. Our lawsuit is being brought for the sake of the health and safety of all citizens of North Carolina. We are confident the law will be found unconstitutional and that a victory in North Carolina will deter other state legislatures from repeating North Carolina’s mistake.

Hard copies of the [complaint in the suit](#) are available upon request.