In the Supreme Court of the United States

No. 22-1148	No. 22-1150
North Carolina Farm Bureau Federation, *Petitioner*, v. People for the Ethical Treatment of Animals, *et al.*, *Respondents.*	Josh Stein, *et al.*, *Petitioners*, v. People for the Ethical Treatment of Animals, *et al.*, *Respondents.*

On petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit

AMICUS CURIAE BRIEF OF THE AMERICAN FARM BUREAU FEDERATION, NATIONAL PORK PRODUCERS COUNCIL, NORTH CAROLINA CHAMBER LEGAL INSTITUTE, NORTH CAROLINA PORK COUNCIL, AND SOUTHERN ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE IN SUPPORT OF PETITIONERS

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INTERESTS OF THE *AMICI CURIAE**

Amicus American Farm Bureau Federation (AFBF) was formed in 1919 and is the largest nonprofit general farm organization in the United States. Representing about six million member families in all 50 states and Puerto Rico, AFBF's members grow and raise every type of agricultural crop and commodity produced in the United States. Its mission is to protect, promote, and represent the business, economic, social, and educational interests of American farmers and ranchers. To that end, AFBF regularly participates in litigation, including as an *amicus* in this and other courts.

Amicus National Pork Producers Council (NPPC) is an association of 43 state pork producer organizations and the global voice in Washington, DC for the Nation's nearly 60,000 pork producers. NPPC conducts public policy outreach at both the state and federal level with a goal of meeting growing worldwide demand for pork while simultaneously protecting animal welfare and the capital resources of pork producers and their farms. More broadly, NPPC and its members throughout the United States work to promote the social, environmental, and economic sustainability of U.S. pork producers and their partners. As part of that mission, it regularly participates as an *amicus* in court proceedings.

Amicus North Carolina Chamber Legal Institute is a nonpartisan, nonprofit affiliate of the North Carolina Chamber of Commerce, the leading business advocacy organization in North Carolina. It advocates in various venues for job providers on precedent-setting legal issues

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* No party or counsel for a party authored this brief in whole or in part, and no one other than *amici*, their members, or their counsel funded the preparation or submission of this brief. More than 10 days prior to the filing of this brief, counsel of record for *amici* gave notice to counsel of record for all parties of *amici*'s intent to file this brief.

with broad implications for the business climate, workforce development, and quality of life. Like its co-signers on this brief, it thus regularly participates as an *amicus* in this and other courts.

Amicus the North Carolina Pork Council is a nonprofit 501(c)(5) trade association established in 1962. It strives for a socially responsible and profitable North Carolina pork industry through advocacy, research, education, promotion, and consumer information programs and services. It regularly participates in litigation.

Amicus the Southern Association of State Departments of Agriculture (SASDA) is a nonpartisan leader and problem solver on our nation's most important agricultural issues. Speaking on behalf of a unified voice from the states of the Southeast, SASDA gives a voice to agriculture through policy, partnerships, and public engagement. Because agriculture leads the way for a healthy and resilient world, SASDA members are committed to representing the interests of everyone in the food supply chain who works every day to provide life's necessities at affordable prices and in a healthy, sustainable manner.

Amici's members and constituents include farmers and ranchers whose lives are tied to their land. Their places of business are often also their homes, where they both raise their families and earn their livelihoods. The right to exclude from their land antagonists who seek to do them harm is central to the safety, well-being, and success of their families and businesses alike.

The Fourth Circuit's decision cuts to the quick of this right, subordinating it to the unchecked interests of third parties with political agendas. These individuals and organizations rely on trespass and deception to surveil and steal from farms and ranches, looking for articles, information, and images that might be used to damage them. *Amici* therefore have a strong interest in this Court's review and ultimate reversal of the decision below.

INTRODUCTION AND SUMMARY OF ARGUMENT

Nearly 60 years ago, Chief Justice Earl Warren warned against the danger of an overly broad First Amendment right to gather information. As he rightly recognized, "there are few restrictions on action which could not be clothed by ingenious argument in the garb of decreased data flow." *Zemel* v. *Rusk*, 381 U.S. 1, 16 (1965). That warning regrettably went unheeded below.

North Carolina, following the lead of several other states, enacted the Property Protection Act to address the very real and ever-increasing harm of saboteurs who use fraud and deception to obtain employment with private businesses. Having gained access to nonpublic facilities, these individuals make unauthorized recordings, thieve or copy documents and data, and undertake generally trespassory and privacy-invading conduct in nonpublic areas of the business's property. In a stunning departure from both common sense and this Court's precedents, however, the Fourth Circuit held that the Act's protection of traditional property rights—central among them, the simple right to exclude—implicates the First Amendment because they hamper respondents' right to "conduct undercover investigations" taking place entirely on private property. Pet. App. 8a.

This Court has never held that the Constitution affords someone a right to gather non-public information from someone else's property, especially not without the property owner's authorization. To the contrary, it has long held that there is *no* general "newsgathering" right to collect information that is not accessible to the public generally. Related, it has held repeatedly that there is no constitutional right to engage in unauthorized speech on private property.

The decision below—which recognizes a nearly unfettered First Amendment right to gather information on

private property without authorization—conflicts with these precedents. And if left to stand, it will have grave consequences for countless businesses, including *amici*'s members and constituents.

Family farms and ranches, in particular, have long been the targets of threats, harassment, and violence by respondents and other activist organizations. The Fourth Circuit's decision effectively licenses these individuals and organizations to gain access to farms and ranches by fraud and subterfuge to carry out undercover activity in furtherance of a mission to undermine those same farms and ranches. The decision thus not only threatens the property rights and business operations of many of *amici*'s members, but also the safety and well-being of family farmers, for whom their places of work are also where they live and raise their families. The Fourth Circuit's holding that others have a constitutional right to trespass, spy on, and steal from their family farms strips them of one of the most deeply rooted rights to "protect[] against * * * invasion of the sanctities of a man's home and the privacies of life." *Olmstead* v. *United States*, 277 U.S. 438, 473 (1928) (quotation marks omitted), overruled on other grounds by *Katz* v. *United States*, 389 U.S. 347 (1967). It should not be left to stand.

Amici urge this Court to grant certiorari to restore the proper boundaries between the First Amendment and private property rights.

ARGUMENT

A. The Fourth Circuit's decision is deeply wrong

For decades, incorporated First Amendment protections and private property rights have coexisted. Under this Court's clear precedents, where private property rights begin, First Amendment protections for speech that is uninvited by the property owner end. In crafting the Property Protection Act (the Act), N.C. General Statutes

§ 99A-2, North Carolina hewed carefully to those commonsense limits: The Act applies only when an individual enters the nonpublic areas of another's property and engaged in unauthorized activities.

In holding that the Act implicates core First Amendment protections that trigger strict scrutiny, the Fourth Circuit redefined the free-speech doctrine to encompass a sweeping new right to "gather information" in nonpublic areas without authorization. Pet. App. 22a.

As a threshold matter, the Fourth Circuit wrongly characterized the relevant right as the right of free speech. App. 20a-21a. This Court has explained that any First Amendment protection for newsgathering, such as it is, derives from the First Amendment's protection of the freedom of press and not of speech. See *Branzburg* v. *Hayes*, 408 U.S. 665, 681 (1972).

But regardless of whether the Act is analyzed under free press or free speech principles, this Court's precedents foreclose the notion that the First Amendment overrides the settled bounds of property law. "The right to speak and publish does not carry with it the unrestrained right to gather information." *Zemel*, 381 U.S. at 17. And in particular, it does not carry with it the right to gather information on private property.

1. The First Amendment does not protect gathering information unavailable to the public

This Court has repeatedly made clear that the right of the press or others engaged in newsgathering to uncover information extends only to what is available to the public. "It has generally been held that the First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally." *Branzburg*, 408 U.S. at 684; see also *Pell* v. *Procunier*, 417 U.S. 817, 833 (1974) (same); *Houchins* v.

KQED, Inc., 438 U.S. 1, 10 (1978) (similar). Correspondingly, the First Amendment protects only the right to publish information that has been "lawfully acquired." *Cohen* v. *Cowles Media Co.*, 501 U.S. 663, 669 (1991). More simply put, the press "has no special privilege to invade the rights and liberties of others." *Associated Press* v. *NLRB*, 301 U.S. 103, 132-133 (1937). For example, it "may not with impunity break and enter an office or dwelling to gather news." *Cowles Media*, 501 U.S. at 669.

Accordingly, if the government "does not deny the press access to sources of information available to members of the general public," it "does not abridge the protections that the First and Fourteenth Amendments guarantee." *Pell*, 417 U.S. at 835; accord *id.* at 831. Thus, this Court has recognized that newsmen and newswomen "have no constitutional right" to gather news at "scenes of crime or disaster where the general public is excluded" or at "the meetings of other official bodies gathered in executives session and the meetings of private organizations" (*Branzburg*, 408 U.S. at 684), in a portion of a county jail not open to the public (*Houchins*, 438 U.S. at 12), or through unauthorized in-person interviews with prisoners (*Saxbe* v. *Washington Post Co.*, 417 U.S. 843, 850 (1974)).

The Act does not deny members of the press—or investigative activists—access to sources of information generally available to others. It applies only to the gathering of information in "*nonpublic* areas," on private property where information gathering is unauthorized. N.C. Gen. Stat. § 99A-2 (emphasis added). Because the press and others engaged in newsgathering activities have no constitutional right to access such private information, North Carolina's regulation of the unauthorized collection of data and recording of images in nonpublic areas does not implicate the First Amendment at all.

2. The First Amendment does not protect a right to engage in speech on private property

This Court has similarly made clear that the scope of the First Amendment's protection of speech is defined in part by where the speech takes place. Far from creating a "new categor[y] of unprotected speech" (Pet. App. 11a), the Act simply reflects this Court's longstanding recognition that the First Amendment does not protect unauthorized speech on private property.

a. "[T]his Court has never held that a trespasser or an uninvited guest may exercise general rights of free speech on property privately owned and used nondiscriminatorily for private purposes only." *Lloyd Corp., Ltd.* v. *Tanner*, 407 U.S. 551, 568 (1972); *cf. Cornelius* v. *NAACP Legal Defense & Education Fund, Inc.*, 473 U.S. 788, 801 (1985) (First Amendment implicated only if "private property [is] devoted to public use"). "There is simply no right to force speech into the home of an unwilling listener." *Frisby* v. *Schultz*, 487 U.S. 474, 485 (1988). Thus, the Court has held that individuals "did not have a First Amendment right" to distribute handbills concerning matters of public concern in a private shopping center, nor did they "have a First Amendment right" to picket a store in a private shopping center. *Hudgens* v. *NLRB*, 424 U.S. 507, 520-521 (1976) (citing *Lloyd*). And "a mailer's right to communicate must stop at the mailbox of an unreceptive addressee." *Rowan* v. *U.S. Post Office Department*, 397 U.S. 728, 736-737 (1970).

In sum, "the constitutional guarantee of free expression has no part to play" in cases involving individuals who enter private property without invitation, even when they do so for some newsgathering or expressive reason. *Hudgens*, 424 U.S. at 521. To hold otherwise would "create a court-made law wholly disregarding the constitutional basis on which private ownership of property

rests in this country." *Manhattan Community Access Corp.* v. *Halleck*, 139 S. Ct. 1921, 1931 (2019).

To the extent it sweeps in activity that may be considered speech at all, the conduct covered by the Act takes place by definition on private property and is unauthorized by the property owner. As such, it is no more protected by the First Amendment than the speech in *Lloyd*, *Hudgens*, or *Rowan*.

b. The Fourth Circuit's refusal to follow these precedents follows from its fundamental misunderstanding of this Court's cases. The Fourth Circuit wrongly believed that *Lloyd* and its progeny did not permit the government to proscribe speech in nonpublic areas, and that *Watchtower Bible & Tract Society of New York* v. *Village of Stratton*, 536 U.S. 150 (2002), stands for the proposition that the First Amendment applies to all speech on private residential property. That is doubly wrong.

The necessary corollary of *Lloyd*'s and *Hudgen*'s holdings that individuals do not have a First Amendment right to engage in uninvited, unauthorized speech on private property is that the government can regulate speech in that context without triggering scrutiny under the First Amendment. After all, if a regulated activity is not the kind of expressive activity that is protected by the First Amendment, a court "need go no further." *Cornelius*, 473 U.S. at 797. As the Court has said in a related context, therefore, "individuals are not required to welcome unwanted speech into their own homes" and "the government may protect this freedom" without triggering First Amendment scrutiny. *Frisby*, 487 U.S. at 485.

Recognizing this basic point does not mean, as the Fourth Circuit assumed, that the government can regulate all speech on nonpublic property. Plainly, a property owner has First Amendment rights on his or her property, as does anyone the owner has invited onto the property within the scope of that invitation. See, *e.g.*, *City of Ladue*

v. *Gilleo*, 512 U.S. 43, 48 (1994) (posting a sign on personal property is "a form of expression protected by the Free Speech Clause"). And private property held open for public use likewise may give rise to First Amendment protections. *Cornelius*, 473 U.S. at 801. Any attempt by the government to stifle the speech in those cases would implicate the First Amendment. What *Lloyd*, *Hudgens*, and others teach, in contrast, is that *uninvited* or *unauthorized* speech on *nonpublic* property does not implicate the First Amendment.

Watchtower is entirely consistent with these principles. *Watchtower* involved *authorized* speech on private property. In *Watchtower*, the Village of Stratton promulgated an ordinance that prohibited canvassers and solicitors from going onto private residential property without first obtaining a permit. 536 U.S. at 156-157. That activity—which goes no further than the front door—is, absent any indication to the contrary, invited and authorized by the property owner. As this Court has explained, the front door is an "implicit license" to "visitor[s] to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitations to linger longer) leave." *Florida* v. *Jardines*, 569 U.S. 1, 8 (2013).

Accordingly, door-to-door canvassing on private property is generally protected by the First Amendment to the same extent that any speech authorized by a private property owner would be, and any governmental regulation of it is subject to scrutiny under the First Amendment. *Watchtower*, 536 U.S. at 161-164. At the same time, any "implicit license" is revoked when the property owner has communicated his or her unwillingness to entertain the speech, and the government "can punish those who call at a home in defiance of the previously expressed will of the occupant." *Martin* v. *City of Struthers, Ohio*, 319 U.S. 141, 148 (1943).

The Fourth Circuit could not conceive (Pet. App. 10a) of any "cogent principle" to differentiate between the ordinance in *Watchtower* (to which the First Amendment did apply) and the Act (to which it should not). But that principle is as obvious as it is repeatedly settled: The First Amendment does not protect uninvited or unauthorized speech on private property.

c. Because the Fourth Circuit mistakenly believed that the First Amendment reaches unauthorized speech on private property, it similarly erred (Pet. App. 11a) in concluding that the Act unconstitutionally discriminates based on speaker and viewpoint.

As a threshold matter, the Act does not discriminate based on viewpoint. The Fourth Circuit's conclusion that paragraphs (b)(1), (b)(2), and (b)(5) of the Act target "speech critical of the employer" finds no basis in the text of the statute. Subsections (b)(1) and (b)(2) apply to the capture, collection, and recordation of data, documents, and images that is used in "breach the person's duty of loyalty to the employer." The range of conduct covered by this language belies any notion that it "single[s] out" speech critical of the employer for "differential treatment." See *City of Austin* v. *Reagan National Advertising of Austin, LLC*, 142 S. Ct. 1464, 1472 (2022).

Subsections (b)(1) and (b)(2) would apply to a reporter who obtained employment at a company so that she could learn of a new product that the company was developing confidentially and publish an article revealing and praising the product before the company wished to make the product public. As Judge Rushing rightly noted in dissent (Pet. App. 56a), it would apply equally to someone "[u]sing recorded information to launch a competing product, to steal customers, or to blackmail management." App. 56a. There is no expressive content that connects these acts—and certainly not any requirement that the speech be "critical of the employer."

d. In all events, the Act is directed solely at *conduct* constituting (1) trespass and (2) the use of captured data or recorded images to breach the duty of loyalty. The lower court acknowledged as much, describing the law as punishing "a subset of trespassory conduct." Pet. App. 30a. That is a critical distinction—regulation of conduct is not regulation of expression. See *Bartnicki* v. *Vopper*, 532 U.S. 514, 526 (2001). Where a statute is "directed at conduct rather than speech," there is a "valid basis for according differential treatment to even a content-defined subclass of proscribable speech" that is "swept up incidentally within the reach of [the statute]." *RAV* v. *City of St. Paul, Minnesota*, 505 U.S. 377, 389 (1992).

The Act thus falls outside the First Amendment's scope twice over: The conduct covered by the Act is not protected by the First Amendment even if the conduct is understood as speech. And the Act is in fact directed at conduct, and not speech at all, meaning that it is not and cannot be a content-based or speaker-limited regulation in offense of the First Amendment.

It would be no answer to say that the Act is a content-based speech ban in that it applies to trespassers engaged in newsgathering. "When the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable" there is "no significant danger of idea or viewpoint discrimination." *RAV*, 505 U.S. at 388. Thus, for example, a state may regulate "obscenity," even though such laws discriminate among individuals' expressions based on "prurient content." *Virginia* v. *Black*, 538 U.S. 343, 363 (2003). Despite their sensitivity to content, such laws are properly classed as "neutral" regulations in the eyes of the First Amendment. *RAV*, 505 U.S. at 388.

Here, the speech (really, conduct) at issue is proscribable because it is on nonpublic property and is unauthorized. The Act's focus on uses of captured data and re-

corded images that breach a person's duty of loyalty to his or her employer is based on the same rationale: using the data or images in breach of the duty of loyalty is a particularly egregious means of exceeding the bounds of the person's authorization. Thus, no matter how respondents slice it, the First Amendment does not apply.

B. If the decision below is allowed to stand, it will do grave harm to farmers, ranchers, and their families

The Fourth Circuit's recognition of a novel, sweeping right to engage in unauthorized "undercover investigations" (Pet. App. 8a) on private, nonpublic property—and its curtailment of the government's ability to protect property owners against such intrusions—has profound implications for businesses, and in particular, for many of *amici*'s members who live on and operate family farms.

1. The Fourth Circuit's decision is certain to harm agricultural businesses

For business owners, the repercussions are certain to be troubling. Businesses invest time and resources into hiring and training employees, whom they depend on to carry out their missions and contribute to the success of the business. For employees to serve these functions, businesses must entrust their employees with access to sensitive areas of their property, and in turn with maintaining proprietary and confidential information.

The Fourth Circuit's decision effectively grants employees a *constitutional right* to dissemble on their employment applications and to abuse the trust placed in them by their employers to take and record sensitive information without authorization—precisely for the purpose of harming the employer. It takes no great imagination to appreciate that this will significantly upset businesses' reasonable and settled expectations and threatens

to substantially raise tensions between employers and their employees throughout the Fourth Circuit.

PETA has not shied away from these facts. It has made clear that it will continue deceiving employers, trespassing, and engaging in unauthorized theft of documents and recording of what it deems to be "matters of public importance." Pet. App. 129a-131a. Similarly, the Animal Legal Defense Fund asserted in these proceedings that "employment-based undercover investigation" to create stories that will cause "damage to the facility's reputation and business interests" is "vital to ALDF fulfilling its mission," and that it is committed to its "plans to conduct and publicize * * * undercover investigation[s]" of agriculture operations in North Carolina. Pet. App. 140a-141a, 143a.

In undertaking these schemes, respondents and other organizations like them not only trespass on businesses' property, but also fraudulently deprive businesses of the significant investments they make in hiring and training employees, disrupt business operations, decrease businesses' revenue, and damage reputations. And the Fourth Circuit's decision has now expressly green-lit this kind of sabotage in the name of the U.S. Constitution.

The threat at issue here is particularly acute for businesses in the agricultural sector. Farms and ranches have long been the target of trespass, spying, harassment, and other crimes from a variety of sources. Foreign governments attempt to steal seeds, crops, and other property to recreate crops that are the product of years and billions of dollars of research.[2] And animal extremist groups and

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[2] See, *e.g.*, FBI, *Agricultural Economic Espionage: A Growing Threat* (2017), https://perma.cc/6L7Z-8V7K; Julia Edwards, *In Iowa Corn Fields, Chinese National's Seed Theft Exposes Vulnerability*, Reuters (Apr. 11, 2016), https://perma.cc/GGA2-N6AJ; National Counterintelligence & Security Center,

animal rights groups routinely engage in stealing or releasing animals, vandalism, arson, making and sending harassing and threatening phone calls and e-mails, stealing confidential or proprietary information, and unauthorized filming of nonpublic areas.[3] The Fourth Circuit's decision will embolden respondents and similar organizations to target *amici*'s members using illegal and unethical tactics in their mission to harm *amici*'s members.

2. The Fourth Circuit's decision threatens the privacy and safety of farmers and ranchers and their families

The effects of the Fourth Circuit's decision will hit close to home—literally—for a great many farmers and ranchers. Well over 95% of all U.S. farms and ranches do double-duty as family homes.[4] And of those, almost all are small or midsized farms.[5]

Insider Risk Mitigation Programs Food and Agriculture Sector, Implementation Guide (2021), https://perma.cc/9E3H-F9XP.

[3] See, *e.g.*, Testimony of John E. Lewis, Deputy Assistant Director, FBI, Before the Senate Judiciary Committee (May 18, 2004), https://perma.cc/WRP9-Q9KB; Anti-Defamation League, *Ecoterrorism: Extremism in the Animal Rights and Environmentalist Movements* (Feb. 5, 2005), https://perma.cc/-CSS4-9FT9; Barbara O'Brien & Harold McNeil, *Niagara County Sheriff Warns Farmers to Beware of Trespassers After 'Right to Rescue' Animal Summit*, The Buffalo News (Apr. 18, 2023), https://perma.cc/6XGW-KNBX; Pet. App. 130a.

[4] See, *e.g.*, Maryland Department of Planning, *The 2007 Census of Agriculture; Demographics and Farm Typology in Maryland*, https://perma.cc/ZMS7-TUV6; Office of the New York State Comptroller, *A Profile of Agriculture in New York State* 1 (2019), https://perma.cc/WE6W-DYWJ.

[5] Christine Whitt, U.S. Department of Agriculture, *A Look at America's Family Farms* (Jan. 23, 2020), https://perma.cc/-K77X-JJV2.

For family farmers and ranchers, their businesses are not just where they work, but also where they, their children, grandchildren, and parents live, play, and learn.[6] These facts give lie to the Fourth Circuit's characterization of its decision as one about impersonal "'nonpublic' employer premises," rather than "private residential property." Pet. App. 10a; see also Pet. App. 8a. For many of *amici*'s members and constituents, there is no practical or legal line between those two things. Thus, for thousands of family farmers, the Fourth Circuit's condoning of trespass on, and surveillance and investigation of, the "'nonpublic' employer premises" is condoning the trespass on, and surveillance and investigation of, their private family homes and lives.

Such an abrogation of the traditionally sacrosanct status of one's home is both unprecedented and unjustified. Indeed, courts and government agencies have recognized that even the disclosure of names and addresses of family farmers is a serious intrusion on privacy rights. See, *e.g.*, *American Farm Bureau Federation* v. *EPA*, 836 F.3d 963 (8th Cir. 2016); 76 Fed. Reg. 65431, 65438 (Oct. 21, 2011) (EPA recognizing that providing geographical locations of farms "might raise security or privacy concerns for [farm] owner/operators, many of whom are family farmers"). And they have further acknowledged the risk of harm and harassment that would result

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[6] See Decl. of Patrick Lunemann, *American Farm Bureau Federation* v. *EPA*, No. 13-cv-1751 (D. Minn. July 5, 2013) (D.I. 10). See also Decl. of David Rydberg, same case (D.I. 105-1) (testimony that declarant, wife, and three children live on family farm); Decl. of Kim Anderson, same case (D.I. 105-1) (testimony that declarant and wife live on family farm); Decl. of Rich Trebesch, same case (D.I. 105-1) (testimony that declarant and wife live on farm, and son, daughter, and grandchildren live in immediate vicinity of and work on family farm); Decl. of Warren Krohn, same case (D.I. 105-1) (testimony that declarant, wife, and two children live on family farm).

should that information find its way into the hands of PETA or other activists. See, *e.g.*, *Sullivan* v. *University of Washington*, 2023 WL 3224495, at *4, *6 (W.D. Wash. May 3, 2023); 76 Fed. Reg. at 65438 (EPA recognizing that data concerning the geographical locations of farms "could be misused to target [farmers] for inappropriate or illegal purposes").

* * *

The Fourth Circuit's recognition of a First Amendment right for bad actors to gain access to private businesses and homes by means of deception, and once there to conduct "undercover investigations" without authorization—all with an intent to do harm to the people and places they target—is utterly indefensible. It is squarely at odds with bedrock principles of property and privacy law, and it reflects a perversion of this Court's free speech doctrine. Review by this Court is desperately needed to correct the lower court's grievous legal errors and to mitigate the very serious threats to peace and safety it invites for family farmers and ranchers.

CONCLUSION

The Court should grant the petition for a writ of certiorari and ultimately reverse.

Respectfully submitted,

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