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Sibley Man Wins Lawsuit; Now Free to Criticize City's Response to Pork Blood Processing Plant Odor

Des Moines, Iowa – Today the U.S. District Court for the Northern District of Iowa issued a permanent injunction ordering the City of Sibley to refrain from suing – or threatening to sue – a local man for protesting the town's response to strong smells created by a pork blood processing plant in town.

The American Civil Liberties Union (ACLU) of Iowa earlier this month filed a lawsuit on behalf of Josh Harms, a resident of Sibley. That lawsuit sought to block city officials from making legal threats or taking other action to force Josh to remove or change a website he created. That web site at one point criticized city officials about a smell "like rancid dog food" from the ag processing plant. The city also instructed Josh not to talk to the media about the odor and even not to talk to local media about the city's threats of litigation against him.

The ACLU successfully argued that those actions violated Harms' right to free speech.

The permanent injunction, which the City of Sibley has agreed to, blocks the city from "directing Harms not to speak with reporters, threatening to bring a lawsuit, or actually bringing a lawsuit against the Plaintiff Harms for speaking with reporters or publishing www.shouldyoumovetosibleyia.com in its previous form or in any future form, including www.sibleystinks.com or any other successor websites that criticize the City of Sibley or the Defendants in the conduct of City business."

As part of the agreement, the City of Sibley has agreed to do the following:

- Provide training on the First Amendment for city staff
- Issue a written apology to Josh
- Cover \$20,475 in attorneys' fees for the time that the ACLU and its cooperating attorney spent defending Harms' speech rights
- Pay \$6,500 in damages to Josh

Josh said, "I'm happy that the City of Sibley has recognized they were wrong to threaten me for the criticism I've written and published online. Personally disagreeing with something that's been written is understandable, but threatening the writer with a lawsuit while representing the government is censorship. It violates the First Amendment and our freedom of speech."

Josh also said, "With this injunction secured, I hope to continue using my skills as a web developer to improve the lives of everyone living in Sibley by calling attention to the problems

we face. It should go without saying that sometimes calling attention to problems may not be great for the town government's reputation. However, that doesn't provide a basis to the town to try to block residents' speech."

Josh Harms was represented by ACLU of Iowa legal director Rita Bettis and cooperating attorney Glen Downey of the Des Moines law firm Downey and Mundy, PLLC.

ACLU of Iowa Legal director Rita Bettis said, "Today's outcome sends a strong message to the City of Sibley and all Iowa government officials to respect the free speech rights of Iowans. Cases like Josh's go to the core of the ACLU's mission in protecting free speech, and we are grateful for his willingness to stand up for the First Amendment. The right of the people to freely and openly criticize their government is the very foundation of democracy. In America, the government cannot threaten legal action against someone for speaking out against it."

"With today's injunction, Josh can rest assured that he will be able to continue to revise his website and speak to local reporters regarding his local government without the fear of governmental retaliation."

Cooperating Attorney Glen Downey said, "We are pleased that the injunction against the City of Sibley that was signed today by a federal judge shows that Josh's hometown recognized that protecting the First Amendment rights of its citizens is not only the constitutional obligation of the City but is also the only just and fair thing under the circumstances. We hope that instead of threatened litigation, Josh and the City can now work together to improve life in Sibley for everyone."

Josh's website is "Should You Move to Sibley, Iowa? <http://shouldyoumovetosibleyia.com/>

Film clips of Josh, still photos of Josh and the plant and Sibley and ACLU of Iowa logos, at:

https://drive.google.com/drive/folders/1nVoPUgGDPTtJFt1zrAGBG3GWvbWODQ_n

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The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, please go to www.alclu-ia.org

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