

**Statement of Congressman Elton Gallegly
Before the Subcommittee on Crime Terrorism,
and Homeland Security
Hearing on U.S. v. Stevens: The Supreme Court's
Decision Invalidating the Crush Video Statute
May 21, 2010**

Mr. Chairman, thank you for giving me the opportunity to testify in favor of H.R. 5092, which would prohibit animal crush videos. My bill currently has 306 bipartisan cosponsors, including 75 percent of the members of the full committee. H.R. 5092 is also supported by many animal welfare organizations, including the Humane Society, American Humane Association, and the American Society to Prevent Cruelty to Animals.

As many of you know, I have a long record fighting animal cruelty. I am the co-chair of the Congressional Animal Protection Caucus, which is a bipartisan organization dedicated to raising awareness about animal welfare issues in Congress.

I also have a long record of introducing and passing crime-fighting bills. H.R. 5092 fights both animal cruelty and crime.

In 1999, I was contacted by the District Attorney of Ventura County, California, regarding crush videos. These disgusting videos feature small, defenseless animals taped to the floor, which are slowly crushed to death by scantily clad women, usually wearing high heels. Although crush videos were illegal under most state laws, the crime was difficult to prosecute because video producers moved their goods through interstate commerce to avoid prosecution.

In response, I worked with constitutional lawyers to craft legislation to address this serious law enforcement issue by drafting legislation to ban depictions of animal cruelty. At the time, we believed this bill would withstand a constitutional challenge. This bill passed the House of Representatives by a bipartisan vote of 372 to 42 and by unanimous consent in the Senate. It was

signed into law by then-President Bill Clinton. As you know, the Supreme Court recently ruled this bill was too broad.

However, the Court specifically stated that it was not deciding whether a law specifically banning crush videos would be constitutional.

To address the Supreme Court's constitutional concerns, I introduced H.R. 5092, which is a narrowly focused bill to prohibit crush videos which are specifically defined, rather than the broader prohibition of animal cruelty.

The bill expressly exempts hunting videos. The Supreme Court ruled that the law passed in 1999 was so broad, it could be interpreted to ban depictions of legal activity, such as hunting or bull fighting.

To address the Supreme Court's constitutional concerns, I introduced H.R. 5092, which is a narrowly focused bill to specifically prohibit crush videos, rather than the broader prohibition of animal cruelty. The bill expressly exempts hunting videos.

The definition of crush videos is limited to depictions of animals tortured, maimed or mutilated in violation of the law of the State in which the depiction is sold.

The bill specifically exempts hunting videos, and videos that have religious, political, scientific, educational, journalistic, historical, or artistic value.

As I previously stated, this is not just an animal cruelty bill. This is about crime. The FBI, U.S. Department of Education, and the U.S. Department of Justice consider animal cruelty to be one of the early warning signs of potential violence by youths. Jeffrey Dahmer, Albert "Boston Strangler" DeSalvo, Ted Bundy, and Ted "Unabomber" Kaczynski all tortured animals before they began to murder people.

Immediately after my initial bill was signed into law in 1999, the crush video industry disappeared. It has re-emerged in light of the court rulings. Quick passage of this bill into law will once again stop the industry.

Thank you again for inviting me to testify. I strongly urge the Committee to support H.R. 5092.