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H.R. 1887 was drafted very narrowly to protect the freedom of speech guaranteed under the first amendment. The House Committee on the Judiciary passed the bill with bipartisan support by a vote of 22-4.

I want to thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee; his staff, the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS) and all the cosponsors of the bill. I want to thank my district attorney Michael Bradbury for bringing this to my attention, his deputy attorney Tom Connors and my staff along with the Doris Day Animal League for helping me in my efforts to put an end to this crush video business.

I ask my colleagues to join in supporting H.R. 1887.

I appreciate the opportunity to rise and speak in favor of H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy, David Berkowitz (the "Son of Sam" murderer), and Ted Kaczynski have in common? They all tortured or killed animals before they started killing people. The FBI recently stated that children who torture animals should be considered "potentially violent" and this may be a factor in profiling a child as the next school shooter. Many studies have found that people who commit violent acts on animals will later commit violent acts on people. Planned, acts of animal cruelty is a problem that should be taken seriously.

District Attorney Michael Bradbury of Ventura County, California, came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling "crush videos." These videos feature kittens, hamsters, birds, and even moneys that are taped to the floor while women, sometimes barefooted, and sometimes in spiked heels, slowly torture and crush the animal to death. The videos sell for up to \$300 and more than two thousand titles are available for sale nationwide. People who buy the videos purchase them to satisfy their sexual foot fetish.

Federal and state prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is the videotape. It is difficult to prove that the tape was filmed within the statute of limitations, and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any federal or state laws. The state law on the books and the lack of a relevant federal law leave the prosecutors empty handed. The current law is insufficient to prosecute crush videos.

H.R. 1887 targets the profits made from promoting illegal cruel acts toward animals. The bill was drafted very narrowly to protect the freedom of speech guaranteed by the First Amendment. In order to be prosecuted for this proposed law, one must first violate a state or federal animal cruelty law in creating a depiction of a live animal. Then the person must sell the video or intend to sell the video across

state lines. The First Amendment would not protect videos that are made for profit and that are filming someone violating an existing law. The state has an interest in enforcing its existing laws. Right now, the laws are not only being violated, but people are making huge profits from promoting the violations.

Some of the leading constitutional lawyers in the nation helped me draft the bill. In addition, following a hearing in the Crime Subcommittee, this legislation was amended to further ensure that it does not infringe upon the First Amendment. The bill specifically excludes any depiction that has serious political, scientific, educational, historical, artistic, religious, or journalistic value. As amended, the bill does not prohibit groups such as the Humane Society of the United States from creating an educational documentary on animal cruelty.

The value of crush videos is de minimis. Crush videos would not fall within the specific exceptions to the bill.

The sick crush video business must end. The cruelty to animals must stop. The House Committee on the Judiciary agreed that crush videos should not be sold and passed the bill with bipartisan support by a vote of 22-4. Please support H.R. 1887.

I want to thank the Chairman of the Crime Subcommittee, Congressman BILL MCCOLLUM and his staff, Chairman HENRY HYDE and Ranking Member JOHN CONYERS, and all of the cosponsors of the bill. I also want to thank District Attorney Michael Bradbury and his Deputy District Attorney, Tom Connors, and the Doris Day Animal League for helping me in my efforts to put an end to the crush video business.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, I rise in opposition to this bill. If ever there were a bill unnecessary, this is one. It is an example of us here in the Congress looking for dragons to slay. This is absolutely unnecessary. There is no real purpose in passing this legislation. As has been said, all 50 States have laws against violence and cruelty to animals. That should be adequate. But the way this bill is written really opens up a Pandora's box. It is a can of worms.

Take, for instance, it says, "whoever knowingly possesses a depiction of animal cruelty with the intention of placing that depiction in interstate commerce." That, you can get 5 years for. How do you prove intention? This is subjective, purely subjective. This is not narrowly written, this is very broadly written. This is a first amendment concern to many, but it is also so unnecessary.

Chief Justice Rehnquist, along with Ed Meese, has stated recently, there is just no need for more Federal laws. We do not need more Federal laws. We cannot even enforce the ones that we have. And besides, this is strictly a State matter.

Now, if they want to use the interstate commerce clause, they should be

reminded, up until this century at least, the interstate commerce clause was used in its original intent to open up trade between the States. It was never the excuse to regulate everything between the States. That is a 20th century distortion of the interstate commerce clause. So that is not even a real good excuse for this.

Now, cruelty to animals, nobody is going to come and defend cruelty to animals. But quite frankly there will be times it will be difficult to define. The motivation for most cruelty to animals is because people are sick. This is a mental illness. We are dealing with mental illness here and we are going to write a Federal law against it. So if somebody, and it was even mentioned by the proponents of this bill, that people like Ted Bundy delight in this. Yes. These people are psychopaths. They are nuts. It is an illness. We cannot pass a law to deal with mental illness. I strongly object to this approach. We should be thinking not only about the process but of the unintended consequences of passing legislation like this.

I have seen some pretty violent ads on television of killing cockroaches. I know that is not their intention. I went fishing one time and it was rather ghastly. I am not a very good fisherman nor a hunter. I cannot see the killing of animals. But to see the hook pulled up on a kingfish and have the fish thrown on the deck and the fish suffocate, we make movies of this. This is on television. They say this will not be affected. How do we know? There are hunting films on television. Animals are shot. Maybe people are delighting in looking at the cruelty or the killing of animals on television even though they are sporting or fishing shows.

Yes, I agree that is not what is intended, but so often our legislation gets carried away and is misinterpreted. I would ask my colleagues not to pass this legislation. This legislation does not have any redeeming value whatsoever. It is well-intended in the sense that people object to cruelty to animals but quite frankly I have not had one single request from my 595,000 constituents in my district for this bill, and I would like to see how many others who would honestly get up here and say, oh, I have had dozens or hundreds or thousands of people.

The only people that I have heard that have requested this piece of legislation are law enforcement officials, not the judges who have to deal with this, not the people in the country, not the State legislative bodies, not the governors, but people who may want to have a lot more activity to do things they are not doing well enough anyway. Federal law enforcement is lagging. So to put another law on the books which is not well written, and it is subjective in that we have to decide whether or not the person who possesses this material is intending to sell it to somebody.

This bill really is something that we need to just reject, vote down. We do not need it. The States will take care of this. We do not need to be bashful and say that if we do not vote for this bill for some reason that we endorse the idea of animal cruelty. That is not the case. Nobody endorses this. I just think that the qualifications in here to exempt certain people like journalistic and historical and artistic, these categories, quite frankly, who will be the judge? It will be very difficult to do.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, let me say this to the gentleman from Texas. I do not want to have to wait till my district attorney calls me. Recently in Arkansas, Andrew Golden, a little 11-year-old boy, shot 10 of his classmates. He had a history of animal cruelty. Luke Woodham in Mississippi, a little boy who opened fire on his fellow students, he had a history of animal cruelty. The sponsor of this bill mentioned Ted Bundy, and I commend the gentleman from California (Mr. GALLEGLEY). He mentioned the Unabomber. Let us add to that list. How about "Son of Sam" David Berkowitz and Jeffrey Dahmer? What do all these people have in common? They have a history of abusing animals, of animal cruelty.

What does that matter to what we are discussing here today? Psychologists tell us that when we view these activities, they desensitize our young people to a behavior which appears to be a gateway to violent acts of indiscriminate, cold-blooded murder. Now, we might not have much of a compelling state interest in bugs and beetles and hamsters but we do in our children, and we do not want any activity which desensitizes our children, which might be a gateway to more violent acts.

Yes, these people are mentally ill but people are not always mentally ill. There are things that cause them to be mentally ill, and it is clear to some of us that these videos can push people, they can desensitize people. Why are we so upset? Not because it is disgusting as disgusting as it is, but because it is dangerous. What are we trying to protect? We are trying to protect the first amendment, but we are also trying to protect our children. The Supreme Court has already ruled on several occasions that animal cruelty is not protected, and this statute is necessary to stop the interstate sale of videos which show this animal cruelty and which get in the hands of our children.

Why do we need such a law? Somebody said we have got all the laws on the books. Let me address that last argument. In these videos, all we see is the feet and the hands of these people crushing these small animals. Our law enforcement officers cannot identify these people. In every State it is against the law for them to do it, but

we cannot identify these people. But we can identify who is selling them. They are selling them for \$100 and \$50 and \$30 and there are over 2,000 of them.

It is time to close this loophole and protect our children. This is about children, not about beetles.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I do not need 2 minutes. I would like to concur with what we just heard. The gentleman from Alabama said it right on target. It is not about animals, it is about people. It is not about freedom of speech, it is not about federalism, it is about people. It is certainly not about needing to do it because we do need to. It is about a sick society we are trying to make better. This is an obvious way to do it. We cannot prosecute these people without this law. It will continue. It will grow. It will just fester and fester and fester. It is just gross and it is sick and we need to put an end to it.

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a cosponsor of H.R. 1887 which my friend the gentleman from California (Mr. GALLEGLEY) introduced in order to prevent and punish those who create videos which depict violent acts of animal cruelty in violation of State laws.

My experience in working on domestic violence issues alerted me to the connection between animal abuse and violent behavior. Often, women in domestic violence shelters report that their abusers victimize the family pet in order to control their behavior or the children's behavior. Abusers often threaten to harm or inflict pain to the animal to demonstrate control within the home. Not surprisingly, children raised in such homes often learned that cruelty to animals is acceptable behavior, certainly when they are watching such videos. In turn, this behavior becomes the first step in repeating a legacy of violence and the conditioning of referring to violence in demonstration of power or frustration. Raising awareness about the link between animal cruelty and domestic violence, child abuse and other forms of violent behavior I think is an important step in trying to prevent such violence. This bill would address one source of animal cruelty by punishing those who create, sell or possess depictions of animal cruelty with the intention of earning commercial gain from that depiction.

The legislation reflects a growing awareness, a growing concern, that violence perpetrated on animals is unacceptable and often escalates to violence against humans. FBI Special agent Allan Brantly stated last year that, quote, "animal violence does not occur in a vacuum. It is highly predictive in identifying children being

abused and cases of spousal abuse." He continues to say, "In many cases we have seen examples whereby enjoyment from killing animals is a rehearsal for targeting humans." I would say the same of viewing this.

In a survey of domestic violence shelters in every State, 85 percent of the women reported situations where their abuser abused or threatened abuse on the family pet. Increasingly, the intentional harming or killing of pets by adults or children is recognized as an indicator of violence in the home. It is essential that our society recognizes this link and punishes acts of animal cruelty. I urge support of H.R. 1887. I hope its passage will increase awareness of the serious nature of animal cruelty.

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Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, some things are just plain wrong. I am gratified that most of this Congress did not have the unpleasant experience of viewing what those of us on the Subcommittee on Crime had the opportunity to view. This was the physical and actual crushing, as they are called, crush videos, of kittens and hamsters and birds taped to the floor while women with either bare feet or high heels are crushing these animals for either the sexual pleasure of those who are viewing these videos or something else.

There is something to the value of the Federal Government making a moral statement that this is abhorrent and intolerable behavior.

I think it is important to delineate why we are passing such legislation on the Federal level. First of all, it deals with interstate commerce. Secondly, it deals with the creation, the selling or possessing of such. We realize that mental illness comes into play, but the idea that there is profiteering because these videos are being sold and potentially our children are having access to seeing them on the Internet makes it, for me, something that should not be protected by the First Amendment.

I am gratified by the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and I thank the gentleman from California (Mr. GALLEGLEY) for his leadership on this bill that takes away the potential of interfering with religion or journalistic issues.

Mr. Speaker, this is an abhorrent act. This is someone engaging in producing such videos to attract an audience and to sell it. Our law enforcement has said we can do nothing with State cruelty laws, because we cannot see the stomping person, but we can find the person who produced it.

I would hope that America would stand for something better than that,

that we would stand against this kind of reckless and random violence so that our children will understand the moral values of the sanctity of life. This is unnecessary, this is profiteering, and it is unnecessary to have these kinds of acts.

Mr. Speaker, I would simply add that we outlaw it and outlaw it now.

Mr. Speaker, I wish to rise to support H.R. 1887, a bill to amend Title 18, United States Code, to punish the depiction of animal cruelty. Recently, we heard compelling testimony about the heinous practice of crush videos. After hearing these insightful witnesses, I am more certain than ever that legislative action is needed.

A depraved video market has emerged which features women crushing small animals to death with their feet. Generally, these "Crush Videos" depict kittens, hamsters, and birds taped to the floor while women, sometimes, barefooted, sometimes in spiked heels, step on the animals until they die. The videos sell for \$30 to \$100 and more than 3,000 titles are available for sale nationwide.

The acts of animal cruelty featured in the video are illegal under many State laws. However, it is difficult to prosecute these acts under State animal cruelty laws because it is difficult to identify the individual in the video. This is primarily because only the women's leg is shown in the video. Further, it is difficult to determine when the act depicted in the video occurred for purposes of proving it was done within the statute of limitation.

H.R. 1887 was introduced by Representative ELTON GALLEGLY (R-CA) to address this problem. The bill would make it violation of Federal law to knowingly create, sell, or possess a depiction of animal cruelty with the intent of placing that depiction in interstate or foreign commerce for commercial gain. The term "depiction of animal cruelty" is defined to mean a depiction in which a living animal is intentionally maimed, mutilated, tortured, a wounded or killed, if such conduct is illegal under Federal or State law. The bill further provides for a fine and/or imprisonment of not more than 5 years.

I believe that H.R. 1887 is a good measure and would go a long way in eradicating this blight on civilized society. Having said that, I am concerned that H.R. 1887 may violate the first amendment right to free speech. Representative MCCOLLUM offered an amendment in the nature of a substitute during Judiciary Committee markup that provided for an exception to its provisions where otherwise prohibited depictions are for serious political, religious, artistic, scientific, newsworthy or educational purposes. The purpose of the amendment was to ensure that, for example, an entertainment program on bullfighting in Spain would not violate the new statute where it is possessed or distributed in a State where bullfighting is prohibited.

I am of the opinion that the McCollum amendment addresses the first amendment concerns. Specifically, the legislative language in H.R. 1887 in its amended form is distinguishable from the statutes struck down in cases such as *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993), striking down a city ordinance that prohibited ritual animal sacrifice but that allowed other forms of animal slaughter, and *Simon & Schuster v. Crime Victims Bd.*, 502 U.S. 105

(1991), striking down New York's "Son of Sam" prohibition against criminals profiting from the sale of stories about their crimes.

The court in *Simon & Schuster* stated that "[a] statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech." The case goes on to state that "The Son of Sam laws establishes a financial disincentive to create or publish works with a particular content." In order to justify such differential treatment, "the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end."

H.R. 1887 addresses the compelling State interest of preventing the crime of animal cruelty. Additionally, H.R. 1887 narrowly tailored to the knowing depiction of specifically outlined illegal conduct, and that conduct already determined by state statute to be animal abuse, with the intent to place that depiction in interstate commerce. I believe that the legislation is therefore sufficiently narrowly drawn to only prevent depictions of criminal conduct.

Accordingly, I urge my colleagues to support this measure to stop this barbaric activity.

Mr. MCCOLLUM. Mr. Speaker, I would inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. MCCOLLUM) has 2½ minutes remaining; the gentleman from Virginia (Mr. SCOTT) has 1½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I have no other speakers but myself to close.

Mr. SCOTT. Mr. Speaker, I yield the remainder of our time to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Speaker, I do not know if this would mean somehow that the Kentucky Derby would become a Federal crime as the jockey whips the horse; I do not know if one of the biggest times in the low country of South Carolina would now suddenly become a Federal crime as one literally throws live crabs into hot boiling water to steam crabs. However, what I do know is that the Federal Government cannot keep up with what is already on its plate, and the Justice Department is already very busy trying to prosecute what is before it. The idea of adding another Federal crime to again, as the gentleman from Texas (Mr. PAUL) has suggested earlier, this is something that I am not hearing from my constituents back home and it does not make sense to me.

There has been a lot of talk about the children, how are we going to protect the children. I can assure my colleagues, my kids will not be checking out from Blockbuster Video crush videos, and the responsibility, if we are serious about this as Republicans on who is going to control which videos my kids or your kids are watching, I think comes back to the home.

Mr. MCCOLLUM. Mr. Speaker, I yield 40 seconds to the gentleman from California (Mr. GALLEGLY), the author.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding, and with all due respect to my good friend from South Carolina (Mr. SANFORD), and he is my good friend, when he said he does not know whether it would be in effect for a jockey whipping a horse at the Kentucky Derby or crustaceans or the like, I can assure him that if he had read the bill a little more carefully, he would find that that absolutely is not a part of this legislation.

As it relates to adding another statute, it does not add another statute as it relates to the issue of animal cruelty. It only gives the prosecutors one more tool to prosecute existing law.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the remainder of the time.

If I might in closing, the gentleman from California (Mr. GALLEGLY), the author, is quite right. I just want to amplify this point. This bill in no way affects insects or bugs or crabs. First of all, we have to have animal cruelty under State law before this applies.

Secondly, there is no Federalization of State law involved here. No animal cruelty law is brought into the Federal scheme of things, only the interstate sale we are dealing with of these horrible products. This is the same type of thing we have when we deal with the drug issue about the intent to sell and the sales that occur across State lines. Of course those could be just relegated to the States to enforce these laws, but now we have the Internet, we have interstate sales, we have the invidious, horrible things that happen to children when they see these depictions, just as when they are involved in the receiving end of the drugs.

So I think this is a very important statute and not federalizing anything else we are proposing.

Last but not least, this is clearly constitutional, because the bottom line of it is there is no redeeming value whatsoever. It does not rise to that level at all to be protected as free speech when we are talking about torturing an animal under the purposes here with all the exemptions we have for journalistic and religious and other reasons.

So I encourage in the strongest of terms the adoption of this bill today. We need to protect our kids. This is about children and it is about cruelty, and it is about teaching the lessons of morality, but it is most importantly about giving law enforcement the tools to make this really effective in the world of the Internet we live in today and the interstate commerce where people are making videos today, taking hamsters and kittens and literally torturing them to death for 10 or 15 or 20 minutes, slowly, to get the voice over it for sexual fetishes to sell around the world.

I urge the adoption of this bill.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1887—legislation that will put a stop to the outrageous production and sale of so-called "crush videos." These disturbing videos show women crushing small