September 15, 2010

Honorable Patrick Leahy  
Chairman 
Committee on the Judiciary 
United States Senate 
433 Russell Senate Office Building 
Washington, DC 20510  

Honorable Jeff Sessions  
Ranking Minority Member 
Committee on the Judiciary 
United States Senate 
335 Russell Senate Office Building 
Washington, DC 20510

Dear Chairman Leahy and Senator Sessions:

The Association of Prosecuting Attorneys (APA) is a private non-profit whose mission is to “Support and enhance the effectiveness of prosecutors in their efforts to create safer communities”. We are the only national organization to include and support all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, city prosecutors, district attorneys, state’s attorneys, attorneys general or US attorneys. We have analyzed the recent Supreme Court decision in United States v. Stevens and believe that the deficiencies noted in the opinion can be addressed with new legislation.

On behalf of my organization, I am pleased to have the opportunity to offer our support for efforts underway in Congress to address the serious problem of “animal crush videos.” We urge the Senate to act quickly, as the House did with its passage of H.R. 5566, to ensure prompt enactment of a new federal law that will effectively fill the gap left when the Supreme Court ruled that the 1999 Depiction of Animal Cruelty Act was overbroad.

It is clear to law enforcement that “animal crush videos” are created for and sold to viewers who find this particularly heinous sexually deviant behavior appealing. Those who produce and market these videos and those who carry out the animal cruelty in the videos do so in order to profit from appealing to the prurient interests of those with a sexual fetish involving specific forms of animal cruelty and suffering. The acts of animal cruelty captured on film would likely not be committed but for the production of the crush videos that can bring a profit in interstate commerce.

Our mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities.
As prosecutors, we are well aware of how specific legislation can help or hinder our ability to do our jobs. Animal crush videos are an interstate problem and one that experience shows must be addressed by stopping the interstate commercial activity. State laws prohibiting animal cruelty are not sufficient to enable prosecutors to crack down on the perpetrators because these videos are made secretive and anonymously. Even if identities can be determined, it is often impossible to prove where and when the videos were made in order to establish jurisdiction and that the crime occurred within the relevant statute of limitations.

However, a federal law akin to H.R. 5566, prohibiting interstate commerce in animal crush videos, can be effectively enforced. We hope Congress will pass legislation swiftly to provide law enforcement the necessary tools to fight the spread of crush videos that involve horrible animal cruelty and undermine the safety and wellbeing of our society as a whole.

We are available to answer any questions the Committee may have, and we thank you for your attention to this real and pressing law enforcement concern. We look forward to prompt passage of a new Federal law that will satisfy the Courts while enabling prosecutors to address the pernicious problem of animal crush videos more effectively than is possible under state animal cruelty laws. Thank you for your consideration.

Sincerely,

David LaBahn
President and CEO

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