

New York Pro Bono Team Aids Passage of Federal Law Criminalizing Animal Crushing

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Winston & Strawn was approached by an NGO in May 2019 for a pro bono project. The organization needed assistance in assuring members of Congress that the PACT (Preventing Animal Cruelty and Torture) Act would be constitutional.

The road to secure more rights for animals has been long and winding. The Supreme Court struck down a bill passed by Congress in 1999 that made animal crush videos illegal, ruling that it was too broad and infringed on freedom of speech. Congress passed a new version of the bill in 2010 that corrected the 1999 bill but still did not criminalize the act of animal crushing. The PACT Act of 2019 not only makes animal crush videos illegal but also makes the underlying conduct a federal crime.

The Winston team had enthusiastic support from Partner Marcelo Blackburn and Pro Bono Counsel Tara Moss. The team wrote a detailed and compelling memorandum for the NGO that went through the history of animal crushing legislation step-by-step and clearly explained that the 2010 law has gained solid footing in the courts and would be further solidified with passage of the PACT Act. In addition to providing assurances to the members of Congress who needed convincing, the memo went further by effectively making the case that criminalizing acts of crushing, and not just videos, would actually make PACT more constitutional and difficult to challenge. Of note, Winston granted our client's request to disseminate the memo more broadly for use by other animal rights NGOs that were helping to support this bill.

The PACT Act unanimously passed in both the House and Senate, and President Trump signed it into law in November.



House Speaker Nancy Pelosi signing the PACT Act alongside its sponsor, Rep. Ted Deutch, and two furry friends.

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