

**Fourth Annual Conference on Human Trafficking:  
Justice Through Teamwork  
Atlanta, GA**

**Luncheon Speech by AAG Beth Cook  
Tuesday, September 8, 2008  
12:15 - 1:30 pm**

Good afternoon. It's a pleasure to be at this event with so many of the people who do the hard work investigating and prosecuting trafficking cases and rescuing and assisting victims. I work in a different venue – Main Justice, in Washington, D.C. My office deals with big-picture policy issues and the priorities of the Department, among them, combating human trafficking. Our goal is to set policy that makes your lives easier, by ensuring you have the legal tools to get your job done.

The most important of those tools over the last eight years has been, of course, the Trafficking Victims Protection Act (TVPA). It was the result, in the year 2000, of a bi-partisan agreement in Congress, strongly supported by the Executive Branch, that a new, comprehensive approach was necessary to deal with trafficking, which was then just an emerging issue.

This comprehensive approach emphasized, first, rescue and assistance of victims. We call this our “victim centered” strategy. The TVPA established a way to provide victims with the help they need to recover from their tragedy – starting with protection from deportation, and including assistance with health issues, shelter, food, and getting back on their feet with employment and long-term care for physical and emotional trauma.

Second, the TVPA enabled more prosecutions by recognizing, unlike the previous involuntary servitude statute, that physical force was not the only way people are held in bondage. The TVPA allows us to prosecute any form of coercion or fraud, including indirect threats, threats to family members, withholding of passports, and other subtler means. It also

clearly established sex trafficking as a separate offense, recognizing that it has its own pernicious origins and effects.

And third, the TVPA created a whole system of federal grants, training, and outreach programs to engage the entire country – law enforcement, social services providers, and the public at large – to fight this terrible crime.

To implement the new authority Congress gave us, we devised a nation-wide strategy relying on task forces premised on close cooperation among partners at every level of government and across all sectors of society. Federal law enforcement agencies, like the FBI and ICE, cooperate on cases with each other and with state and local law enforcement. Law enforcement cooperates with social services providers, many funded by our sister agency the Department of Health and Human Services, to identify, rescue, and restore victims. Our prosecutors work with the social services agencies, victim advocates, and law enforcement, to make sure that victims are safe and on the way to recovery, and can contribute to successful prosecutions.

The statistics bear out that, because of your efforts, the TVPA and this strategy have been successful. From Fiscal Years 2001 to 2007, DOJ's Civil Rights Division and U.S. Attorneys' Offices around the country prosecuted 156 trafficking cases – securing 342 convictions and rescuing more than 1400 victims. This represents an almost seven-fold increase in prosecutions compared to the previous seven years. These prosecutions have led to sentences as long as life in prison and to millions of dollars in restitution to victims.

Since 2003, the Innocence Lost Initiative organized by the FBI, DOJ, and the National Center for Missing and Exploited Children, has operated in 28 cities across the country, has rescued more than 400 children from prostitution and secured 300 convictions.

As an example of this great work, let me point to the Naverrete case in Florida. Just last week, five members of the Naverrete family pled guilty to participation in a scheme to enslave Mexican and Guatemalan farmworkers. They admitted to beating, threatening, restraining, and locking Mexican and Guatemalan workers in trucks to force them to work as agricultural laborers. They face sentences of up to 37 years in prison for their crimes.

This case demonstrates the type of coordinated, joint operations we strive for – it was investigated by the FBI, the Collier County Sheriff’s Department, and Immigration and Customs Enforcement, prosecuted by the U.S. Attorney’s Office in the Middle District of Florida and the Civil Rights Division at DOJ, and victim assistance was provided by private sector partners.

Also just last week, Juan Luis Cadena-Sosa was sentenced for his part in a conspiracy to smuggle Mexican women and girls into the United States and force them into prostitution. He and his co-defendants lured their victims from Mexico with promises of a good life in America, then forced them into modern-day slavery in brothels up and down the East Coast. He was sentenced to fifteen years in prison and, along with other co-defendants, ordered to pay almost \$1 million in restitution to the victims of this sex trafficking ring. We’ve worked hard to track down and prosecute every last member of this ring – including extraditing Cadena-Sosa from Mexico. This prosecution reflects our emphasis on obtaining restitution orders, so we can try to make victims whole, not just prosecute the perpetrators.

My office, along with others in Main Justice, has been deeply involved over the last year in the legislative process in Congress to “reauthorize” the TVPA. As you may be aware, certain laws are “authorized” for a few years at a time. When the authorization period ends, Congress passes a new bill, called the “reauthorization,” that, among other things, updates certain provisions and amends the original bill.

In reality, once a criminal law is added to the U.S. Code, it doesn't need to be "reauthorized." The criminal prohibition on trafficking won't expire. But the reauthorization process does provide a convenient method for making enhancements to the laws already on the books.

We strongly support reauthorization of the TVPA. In particular, we support the Senate version of the bill, which was recently approved by the Senate Judiciary Committee. It contains a number of new authorities that will improve our ability to fight trafficking.

Most importantly, it provides us the ability to prosecute the full range of crimes involved in trafficking cases: it creates new offenses imposing severe penalties on those who obstruct or attempt to obstruct investigations and prosecutions of trafficking cases; it creates new offenses imposing severe penalties on those who knowingly benefit financially from trafficking crimes; and it creates a conspiracy statute for trafficking offenses with penalties equal to the underlying substantive offenses.

These provisions will enable us to assuage victims' fears of cooperation that have arisen when traffickers and their enforcers remain at large in their communities; will assist our efforts to prosecute the "enforcers" used by traffickers to intimidate victims, the families of victims, and other witnesses during the investigation and prosecution; and to prosecute persons who knowingly finance and profit from human trafficking crimes, but do not themselves engage in trafficking conduct.

These provisions recognize the severity of the crime that is human trafficking, as well as the complexity that these cases can have. The legislation would help address some of the impacts that human traffickers can have on entire communities – both through coordinated trafficking and through subsequent perversion of the legal process through intimidation.

In contrast, the House version of the reauthorization bill would substantially compromise our successful anti-trafficking strategy and its effective implementation. The House bill would upset that strategy because, essentially, it federalizes prostitution – a crime that has traditionally, and successfully, been prosecuted at the state and local level.

Now, prostitution is abhorrent. It is illegal – and rightly so – everywhere in America, with the exception of a few counties in one state. Furthermore, the market for prostitution feeds trafficking. Stamping out prostitution would help end trafficking.

But there is a qualitative difference between prostitution itself and human trafficking, and that qualitative difference demands a differentiated law enforcement approach. Trafficking, as defined under the TVPA, involves forcing, defrauding, or coercing someone to engage in prostitution or labor. The House bill eliminates the requirement of “force, fraud, or coercion” in the definition of trafficking. That would mean that under federal law *all* prostitutes are victims of human trafficking.

We think that the states and locals already do a great job fighting prostitution, and in cooperation, we all are combating trafficking. Reorienting our fights against trafficking to include adult prostitution, without force, fraud, or coercion, would disrupt this division of authority and resources.

Focusing on adult prostitution would also harm our fight against child exploitation. For example, the bill would require the Innocence Lost Initiative I mentioned earlier to include adult prostitution cases. Our highly successful child prostitution rescue operation would also have to handle adult, non-coerced prostitution.

And the Main Justice component that handles child exploitation issues, including child sex trafficking, sex tourism, and child pornography – the Child Exploitation and Obscenity

Section (CEOS) in the Criminal Division – would be renamed the “Sexual Exploitation and Obscenity Section” to carry out this work. There is no doubt that the changes to this critically important component would extend past merely changing the name if the House version were to pass.

The House bill would also authorize Victims of Crime Act funds to be provided to prostitutes – even those complicit in violations of federal or state law. This would divert from victims and could interfere with effective prosecutions at both the state and federal level.

Moreover, the House bill inappropriately removes law enforcement from the initial identification process for child victims. This would harm DOJ’s ability to ensure the safety of the victims and their families, rescue additional victims, and apprehend the traffickers in order to prevent future victimization.

The Department is not alone in raising concerns about the House bill. National law enforcement groups – the Fraternal Order of Police, the National District Attorneys Association, the National Association of Attorneys General – have written Congress opposing the House bill’s federalization of prostitution. So have women’s rights groups and immigrants rights groups – such as the Coalition Against Slavery and Trafficking, the National Alliance Against Sexual Violence, the Asian American Legal Defense and Education Fund, the National Council of Jewish Women, and many others. We all recognize that federalizing prostitution is not the way to fight trafficking.

The Department has, however, faced a lot of misinformation and distortions about our position. Let me give a few examples.

The Department did not oppose any “streamlining” of care for victims. We opposed the bill’s *total removal of the Department* from the process of determining who was a trafficking

victim for purposes of providing benefits and granting visas. Rather than streamlining, such removal would result in threats to victims' safety in the absence of law enforcement officers on the scene and hurt law enforcement's ability to identify additional victims and arrest the traffickers, as well as increase fraud.

The Department did raise concerns about the creation of an inter-agency database on trafficking because it would contain sensitive information involving ongoing investigations and prosecutions. Sharing such information with non-law enforcement agencies could risk the lives of victims and jeopardize investigations and prosecutions.

The Department also raised concerns about the House bill's criminalization of adult sex tourism because it was so broad it would detract from our current efforts to detect and punish child sex tourism. Child sex tourism cases are very resource-intensive, requiring gathering evidence abroad, bringing victims to the United States to testify, and coordination with foreign law enforcement agencies. Requiring the Department to prosecute all adult sex tourism could hinder investigation and prosecution of those priority cases.

Similarly, the Department does not support extending extraterritorial jurisdiction over trafficking crimes in which an American was neither a perpetrator nor a victim and that occurred in a foreign country. In a world of limited resources, we focus on cases in which there is a connection to the United States that clearly establishes our jurisdiction and authority. We did not oppose extending jurisdiction over an American who committed trafficking abroad.

In some instances, the characterization of the Department's positions on certain provisions of the House bill has been grossly misleading. First, the Department did not oppose giving visa applicants the phone numbers of anti-trafficking hotlines in the United States. We

simply did not think the names of the hotlines should be spelled out in a federal law, particularly since the names could change. Indeed, there were errors in the text of the bill itself.

Second, the Department did not oppose increased penalties for Americans who sexually abuse children abroad. In fact, the House bill does not call for an increase in the existing penalty for child sex tourism offenses. Currently, someone who engages in child sex tourism is subject to a maximum of 30 years imprisonment. The bill would merely restate that same penalty in a different section of the federal criminal code.

Finally, the Department did not oppose judging foreign governments as to whether they put criminals in jail. We opposed judging countries simply for imposing low sentences or probation. Criminal cases often involve cooperating defendants that result in minimal sentences in exchange for information or testimony. We believe the State Department should have the discretion to take such situations into account.

Certain groups that support the House bill have engaged in a determined campaign to paint the Department as not doing its job in the fight against trafficking simply because we oppose the House version of this bill. This does a disservice to the men and women who fight this fight every day. They have made false accusations about our work – *your* work – in an attempt to claim that we oppose the bill because we don't care about fighting trafficking. They even say we don't want the House bill to pass because we are actually in favor of the legalization of prostitution. These claims are simply not true. In reality, our only concern is effective law enforcement.

We have placed a lot of information about the myths and facts involved in this issue on our website. I encourage you to visit the DOJ website and look for the Office of Legal Policy page, where we have copies of the House and Senate bills, DOJ's letters to Congress about them,



letters to Congress from outside groups, and detailed responses to the unfair criticisms leveled against DOJ.

The resolution of this legislative battle likely could come in the next few weeks, as Congress wraps up its session for this year. As I said, we strongly support reauthorization of the Trafficking Victims Protection Act. But we would like it done in a way that furthers our goal of ending trafficking, not in a way that detracts from it. And we are working with Congress to make sure that happens.