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March 7, 2008

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Washington, DC 20510

The Honorable Arlen Specter
Ranking Member, Judiciary Committee
U.S. Senate
SH-711, The Capitol
Washington, DC 20510

To the Leadership of the Senate Judiciary Committee:

As the chief legal officers of our respective jurisdictions, the undersigned Attorneys General wish to express our concern regarding H.R. 3887, the “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007” (“the Act”). While we support the general purpose of the legislation, to assist federal, state and local law enforcement in the fight against trafficking in persons, and support the reauthorization of the Trafficking Victims Protection Act of 2000 (“TVPA”), we are concerned about provisions in the Act which continue the federalization of crime traditionally addressed on the state and/or local level. In addition, we are concerned over the impact that the Act would have on state discretion related to the expenditure of VOCA funds.

Section 221(f)(1) of the Act, to be codified as 18 U.S.C. § 2430, creates the new federal crime of “Sex Trafficking” and, as written, appears to create a federal offense for any conduct which “persuades, induces, or entices any individual to engage in prostitution...” This expansion of federal authority alters the proper focus of federal law enforcement efforts in this area from conduct which implicates 13th Amendment prohibitions against involuntary servitude, to addressing ordinary prostitution crimes - conduct which has historically been addressed at the state and local levels.

The crime of “sex trafficking” is properly found under 18 U.S.C. § 1591 and includes the required elements of force, fraud or coercion (which are assumed if the victim is under 18 years of age). Removal of these elements for federal prosecution blurs the line between conduct that implicates the despicable crime of human trafficking for sexual purposes, and ordinary pandering

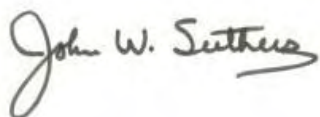
and pimping. One result would be the wasting of federal resources in the pursuit of criminal charges for conduct more appropriately investigated and prosecuted at the local level. Indeed, the Mann Act, 18 U.S.C. § 2421 et seq., already criminalizes the transportation of persons across state lines for the purposes of prostitution, whether or not involving a minor. The additional criminal conduct proposed by the Act does nothing more than incorrectly define ordinary pandering and pimping as “sex trafficking”.

With state and local officials prosecuting over 95% of all criminal cases, this expansion of federal criminal authority is simply unnecessary.

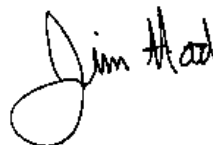
Section 214(b) of the Act amends the Victims of Crime Act of 1984 (42 U.S.C. 10601, et seq.) (“VOCA”) to make eligible for VOCA funds those victims of “sex trafficking” as defined under the Act. As a result of the vast expansion of incidents which would fall under this definition, even those charged with state prostitution-related offenses or those who do not allege any sort of victimization may be eligible for federal victim assistance services. Given the dwindling allocations of funds under VOCA, and the current fiscal realities faced by state and local governments who provide the bulk of victim services, such funds should be reserved for victims of human trafficking for sexual purposes as opposed to those engaged in ordinary prostitution.

As the Senate looks at developing a reauthorization measure for the TVPA, we urge its members to consider carefully the necessity of further federalizing criminal conduct which is adequately addressed at the state and local level, as well as the effects of increasing the number of persons eligible for federal victim assistance services.

Sincerely,



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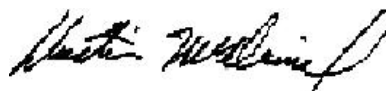
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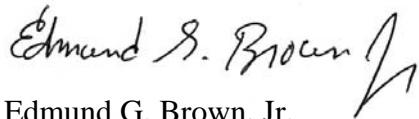
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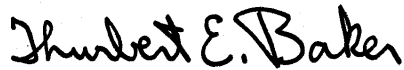
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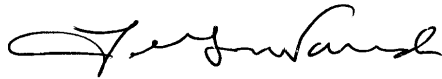
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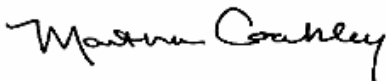
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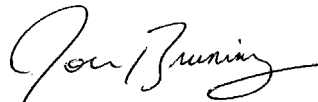
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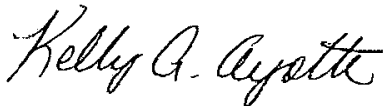
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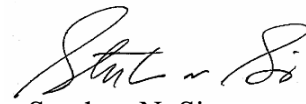
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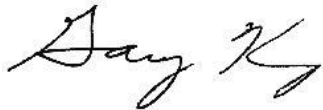
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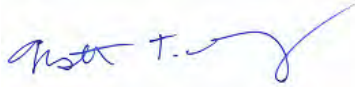
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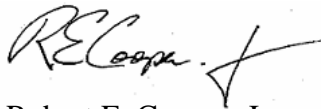
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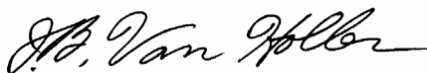
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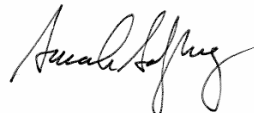
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Cc: The Honorable Harry Reid, Majority Leader, U.S. Senate;
The Honorable Mitch McConnell, Minority Leader, U.S. Senate;
The Honorable Joseph R. Biden, Jr., Chair, Senate Foreign Relations Committee;
The Honorable Richard G. Lugar, Ranking Member, Senate Foreign Relations
Committee;
The United States Department of Justice