



Office of the President

**National District Attorneys Association**

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January 22, 2008

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510-6275

The Honorable Arlen Specter  
Ranking Member  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Chairman Leahy and Senator Specter,

As President of the National District Attorneys Association I am writing on behalf of the Association to express a concern regarding H.R. 3887, the "William Wilberforce Trafficking in Persons Reauthorization Act of 2007."

The National District Attorneys Association strongly supports the elimination of trafficking in persons both domestically and internationally and to that end supports the reauthorization of the "Trafficking Victims Protection Act of 2000." There is no doubt that human trafficking is a daunting problem for law enforcement with approximately 800,000 men, women and children trafficked across international borders each year and millions of victims around the world trafficked within domestic borders each year. The measures necessary to prevent this deplorable offense, assist victims, and thoroughly investigate and prosecute using coordinated responses of and resources from State, local and Federal authorities, were provided as a result of the passage of the Trafficking Victims Protection Act of 2000 and should be reauthorized.

Section 221 (f)(1) of H.R. 3887, the "William Wilberforce Trafficking in Persons Reauthorization Act of 2007," however, causes some concern for the NDAA as it can be interpreted to expand Federal jurisdiction over prostitution, pandering and other prostitution-related offenses - crimes traditionally handled by state and local prosecutors. Specifically, the legislation proposes to amend the definition of "sex trafficking" to cover persons who "persuad[e], induc[e] or entic[e] any person to engage in prostitution . . ." There is no requirement that fraud, coercion or force be involved - elements traditionally envisioned when referencing human trafficking for sexual purposes. As currently worded the legislation would make the simple offense of prostitution a federal crime.

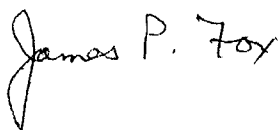
Because prostitution-related crimes are of a substantially local nature states and localities have historically and effectively prosecuted these types of crimes. The federalization of such crimes is of concern to local and state prosecutors who handle approximately 95%

of the nation's prosecutions. Federalization of these types of crimes is ill-advised as these crimes have minimal federal contact; would divert federal resources from human trafficking cases involving fraud, coercion or force, and unnecessarily involve all levels of government.

Additionally, Section 214 of the proposed legislation would provide victim assistance services to those victims of "sex trafficking." Due to the expanded definition of "sex trafficking," this could result in persons charged with state prostitution-related offenses being eligible for federal victim assistance services. With the current fiscal situation at the state, local and federal levels the limited resources for victims' services should be reserved for those true victims of human trafficking.

The National District Attorneys Association appreciates your efforts in combating this insidious crime and requests your consideration of the concerns expressed above. I would be glad to discuss this legislation in further detail with either you or your staff. I can be reached at 650-363-4636.

Sincerely,

A handwritten signature in cursive script that reads "James P. Fox". The signature is written in black ink and is positioned below the word "Sincerely,".

James P. Fox  
District Attorney  
San Mateo County, California