

US Department of Homeland Security

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ASSISTANT SECRETARY MICHAEL GARCIA

UN LUNCHEON REMARKS

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AMBASSADOR JOHN MILLER: Our next speaker from the U.S. Department of Homeland Security, Assistant Secretary for Immigration and Customs Enforcement, Michael Garcia. Along with the Department of Justice, Diplomatic Security and the State Department, the U.S. Department of Homeland Security and the Immigration and Customs Enforcement played the leading role in addressing this issue in the United States.

Mr. Garcia has served as a federal prosecutor, U.S. Attorney in the Southern District of New York working high profile terrorism cases, and he's going to speak on extraterritorial laws, as well as investigating child sex tourism cases.

Michael Garcia.

(Applause.)

MR. MICHAEL GARCIA [Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security]: Thank you. Thank you very much, Ambassador Miller. I know we're running a little bit behind here so I will try to be brief and summarize as much as I can.

It's certainly an honor to be on this panel with so many people dedicated to protecting children around the world and as Ricky Martin said, "Not only in word, but in deed" in taking action to protect our children.

I am the head of a law enforcement agency, the largest investigative agency in the new Department of Homeland Security in the U.S. We have as part of our mission, an operation called Operation Predator, which looks to protect children here and abroad. Under that program in a little over a year, we've made 4,000 arrests. We've taken 4,000 sexual predators off the street. It's progress, and there's much more to be done.

Part of Operation Predator is an emphasis on combating child sex tourism -- what we're speaking about today, and I'd like to give you a law enforcement example from our case file.

On October 8<sup>th</sup>, Richard Arthur Schmidt, a U.S. citizen, stood in a courtroom in Baltimore, Maryland not far from here to receive sentencing. Three months earlier, Schmidt, a former schoolteacher, pled guilty to having sex with a 13-year-old boy in Cambodia. This was not his first offense; in fact, it was only the latest episode in a long, sordid history of molestation and sexual exploitation.

Schmidt had already served 13 years in prison for exploiting children in the United States, and after his release this person believed that he could go overseas, abuse children and return to the United States without facing any consequences, and he was wrong, but the lesson here is that just a few years ago, prosecuting somebody like Mr. Schmidt would have been nearly impossible because the laws in the United States were

very difficult to prove; had to show intent that the person left the United States intending to abuse somebody overseas, and the penalties were low, ten years maximum for this type of crime.

Under the new Protect Act, which President Bush signed in 2003, changed the standard of proof, made it more reasonable for us to prove our case, and put in place a penalty of 30 years per act for this type of crime. This is landmark legislation, and it's a powerful tool for us in law enforcement, a powerful tool that we are using to great effect, not only in the Schmidt case, but in the seven cases that ICE has brought, my agency has brought the first seven cases under that new Protect Act in one year.

I'll give you a comparison. Under the old statute, the statute that was in effect for the ten years before the Protect Act was passed, there were a total of two prosecutions. In a little over a year, we have seven and that's just the beginning. These people are facing substantial penalties now, in fact, in that proceeding in Baltimore, the judge sent the case back because he didn't think that this defendant was looking at enough time.

We are going to set an example with this law, set an example that this type of conduct will not be tolerated regardless of where the abuse takes place. When a U.S. citizen commits a crime against children overseas, we want them returned to this country for prosecution and punishment. By setting these clear legal standards under this new statute and ensuring certainty in punishment, we can make great strides towards eliminating the particular form of abuse and exploitation of child sex tourism.

To that end and I think Ambassador Miller spoke on this, our approach to fighting child sex tourism and other forms of exploitation has to be firmly grounded in partnerships, partnerships between governments and we saw a great example of that with Cambodia in the Schmidt case, and partnerships with non-governmental organizations.

With cooperation, coordination, communication, we will be able to more effectively share information on child sex offenders around the world, and be better able to identify and provide assistance to victims, and that's an important part of what we do.

I have immigration and customs authority in Homeland Security. We have provisions for victims, bringing them to the country, providing them with benefits and partnership with our other agencies like the Department of State and HHS, giving them benefits, giving them status, giving them an opportunity, an opportunity also and I think this is very important as a former prosecutor, an opportunity to tell their story to someone and an opportunity to see that justice is done, and I think that's an incredibly important stride in our efforts against child sex tourism.

We also do work in child pornography, which is somewhat related under Operation Predator because, again, looking at a global problem under one operation alone, under Operation Predator, we're able to have a tremendous law enforcement breakthrough and that's on the technology side. People who trade in pornography, people who engage in child sex tourism believe they are anonymous operating on the

Internet, operating in global commerce. We showed in this operation that people who use the Internet to get child pornography have to pay for it. They use their credit cards, and it's a vulnerability for them, and we were able to download thousands of credit card transactions, in one case, international -- send those leads out in the United States to my agency and overseas, and our result is a kind of disturbing statistic, but as the result of that one case involving one set of web sites in Belarus, we have made 1,000 arrests of child pornographers, over 200 in the United States and more than 700 abroad. Incredible statistic, so many leads in fact that we've had to prioritize based on access to children, based on people who are engaged in child pornography that have positions of trust like schoolteachers, camp counselors, pediatricians -- very, very disturbing statistics, but a good message that says you can no longer do this in your basement with the blinds shut. We're going to find you. We're going to track out how you pay for this material, and we're going to bring you into the light, and we're seeing hundreds of those people brought to justice around the world, in fact, the big operation based on this case recently in Australia.

ICE is working with Interpol, and I'm a member of Interpol now, and we're putting green notices out, sharing information on child sex offenders who we've deported from the United States to put out an international warning that says if you see this person who has been convicted and deported because they were preying on children here, beware. And if you see them traveling to your country in Cambodia or The Philippines or anywhere around the world, beware. Be alert that they have a history of exploiting children, and I think that, again, is a tremendous step forward in our global partnership.

And in a similar vein, we're making tremendous headway in building partnerships between government agencies and the private sector. Just last week, the U.S. Department of Homeland Security established a working partnership with the U.S. Department of State and World Vision, a non-profit global relief organization that you've heard from already, does outstanding work in this area, and this is an excellent illustration of how we can work together to combat the evils of child sexual exploitation.

And perhaps most importantly by working together we'll be able to deter further exploitation to the twin threats of exposure and punishment. With these types of crimes, shame can be a powerful deterrent, again, that idea that people think they can go overseas from the United States, travel overseas, engage in this conduct, come back into the United States and pick up where they left off, pick up with their normal life.

We had a case where we went into somebody's home recently, arrested them for having sex with minors in Costa Rica and the great message of you come back to this country, you think you're picking up and you're acting with impunity and picking up your life and that person now faces justice in a U.S. courtroom.

It was mentioned before that President Bush has come before the U.N. General Assembly and urged action against the global sex trade. He stated at that time that there's a special evil in the abuse and exploitation of the most innocent and vulnerable. Those who create these victims and profit from their suffering must be severely punished.

Those who patronize this industry debase themselves and deepen the misery of others and governments that tolerate this trade are tolerating a form of slavery, and that's absolutely right. At ICE, at Homeland Security, working with our partners who are so ably represented up here at this table, we're showing action. We're showing that these types of activity and exploitation will be punished, and I think that's a tremendously important message, although as everybody has said there's much work to be done.

I am pleased today that we're taking new strides towards our goal of eliminating child sex trafficking, and I would like to again thank you for having me here today, and I look forward to questions if we have time for them later.

Thank you very much.

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