

Testimony of  
**The Honorable Johnny Sutton**

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BEFORE THE

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COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON THE CONSTITUTION,  
CIVIL RIGHTS, AND PROPERTY RIGHTS

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Good afternoon Mr. Chairman and Members of the Subcommittee. Thank you for the invitation to join you today for a timely discussion of a very important topic: the horrible crime of human trafficking.

It is important to distinguish the crime of human trafficking from the more common crime of human smuggling. Trafficking is a particularly abhorrent offense, as it involves the treatment of human beings as commodities who are forced to work under deplorable conditions in factories, fields, and as commercial sex workers.

Trafficking in persons is not only a crime, it is a violation of the most basic human rights. It has been reported that some 15,000 people are trafficked into the United States every year.

Trafficking profits feed organized crime, and trafficking is linked to a wide variety of other criminal activity including document fraud, money laundering, prostitution, and drug trafficking.

The Department of Justice has made the investigation and prosecution of human trafficking a top priority, and our efforts have been greatly enhanced by Congress's passage of the Trafficking Victims Protection Act of 2000 (ATVPA). The TVPA essentially did three things: (1) it provided for a range of new protections and assistance for victims of trafficking in persons; (2) it expanded the crimes and enhanced the penalties available to federal investigators and prosecutors in pursuing traffickers; and (3) it expanded U.S. activities internationally to prevent victims from being trafficked in the first place. Mr. Chairman, as you know, last year President Bush signed into law the Trafficking Victims Protection Reauthorization Act of 2003 (ATVPRA). This new law not only reauthorized the 2000 Act, it improved it by mandating new information campaigns to combat sex tourism and creating a new civil action provision that allows trafficking victims to sue their traffickers in federal court. In addition, the TVPRA requires that the Attorney General report to Congress every year on the U.S. Government's

efforts to combat trafficking. The first such report was submitted in May 2004 and included detailed information on what the U.S. Government has done in the past year to address this problem. In a moment, my colleague, Mike Shelby, will provide a summary of the Department's recent activities in this area.

As the United States Attorney in one of our country's largest border regions, I have seen firsthand how traffickers operate to prey upon the most vulnerable and desperate of victims. Because it shares over 600 miles of border with Mexico, the Western District of Texas traditionally has been a primary corridor for alien smuggling. Coyotes and the smuggling rings they work for have long exploited the remote, informal crossing points along the Rio Grande River, as well as the major interstate highways running north and east from south Texas, to move undocumented aliens from Mexico and Central America to major metropolitan areas in Texas and on to North Carolina, Chicago, and other points north. A large number of aliens also enter the U.S. through the remote regions of west Texas, crossing near El Paso and Presidio, and then traveling through the trans-Pecos region to Midland/Odessa and then onward.

In recent years, it has become increasingly evident that significant numbers of these aliens face serious risks of physical harm as part of their quest to enter the U.S. These aliens face not only harsh weather, unsafe vehicles, and reckless drivers, they are also increasingly held hostage to the payment of high smuggling fees and in some cases are being forced into virtual slavery as farm workers or prostitutes.

To address this problem, my office has joined with thirty other entities in central Texas, such as the Department of Homeland Security, to create a Coalition Against Human Trafficking. This coalition is made up of law enforcement agencies, social service providers, and other non-governmental organizations, all dedicated to working together to uncover and prosecute these cases, and providing assistance to the victims of these crimes. The coalition meets monthly and recently hosted a training conference on human trafficking issues.

We have also created a Human Trafficking/Anti-Smuggling Working Group, made up of central Texas federal (again, including the Department of Homeland Security, among others), state, and local law enforcement agencies. The goal of this effort is to facilitate communication and coordination and to provide education so as to improve our collective ability to identify and prosecute trafficking and smuggling cases in our region.

During the past three years, we have seen an increase in the number of trafficking cases in the Western District of Texas. These are difficult cases to investigate and prosecute, with victims typically unwilling or unable to contact the authorities. My district, like every district in the country, has nevertheless made these cases a priority, and I am pleased to report that by utilizing the cooperative efforts discussed above, we have had some success.

In 2002, we prosecuted a University of Texas at El Paso research assistant and his wife for leading a trafficking ring that victimized young women. The couple recruited their victims from their hometown in Uzbekistan. The women were lured to the U.S. with promises of lucrative modeling jobs, extravagant lifestyles, and the ability to bring their families here also. The defendants used fraudulently obtained J-1 visas to bring the women into the U.S. through El Paso. The visas purported to show that the women were scientists traveling to the U.S. to do

research at UTEP. Once here, the women's immigration documents were confiscated and they were forced to work in local strip clubs for the benefit of the defendants. It was estimated that the defendants collected more than \$700,000 as result of their criminal enterprise. They were ultimately convicted, sentenced to five years in prison, and ordered to pay more than \$500,000 in restitution to their victims.

In 2003, we convicted a 32 year-old woman of human trafficking offenses relating to Acontracts@ she entered into with minor females and their families in Mexico by falsely representing that the girls would be obligated to work for one year in the woman's restaurant in order to pay a \$1500 smuggling fee. In fact, when the girls reached Austin, they were held against their will, threatened with death and bodily harm if they tried to flee, and forced into prostitution. This defendant was sentenced to 9 years in prison.

Most recently, in March of 2004, the leader of smuggling ring pled guilty to conspiracy to smuggle illegal aliens resulting in death. The defendant admitted that for the past ten years, his operation smuggled thousands of illegal aliens into the U.S. from Central and South American countries in exchange for fees of up to \$9,000 per alien. During one of the organization's operations, two aliens died as a result of heat stroke while enclosed in an unventilated cargo trailer used to transport 40 aliens to Austin. Four other members of this conspiracy remain at large.

These cases are but a few examples of a criminal growth industry, the true scope of which is unknown. However, through unprecedented cooperation by federal, state, and local law enforcement authorities, we are making significant strides in fighting this difficult, but important battle, and we are committed to increasing our efforts in this area.

Mr. Chairman, again, thank you for your leadership on this issue and for having this hearing today. I would be happy to respond to any questions that Members of the Subcommittee might have.