

March 6, 2019

Chairman Graham, Ranking Member Feinstein, and Members of the Senate Judiciary Committee, it's an honor to present this written statement. Human trafficking is real, it's tragic, and I am grateful this Committee is willing to learn more and to understand more about this horrific practice occurring along our southern border.

The focus of my testimony will be on the children who are caught in this terrible web of human trafficking. Although I will discuss varying aspects of trafficking and border security, I hope we will always bring the focus back to helping rescue the children who are the victims.

To that end, I strongly desire not to sound political or partisan in my tone or my substance. Regardless of ideology or party label, I believe every member of this committee, and good people everywhere, can agree that human trafficking is a plague and an evil that must be eradicated. Because this is such an important and tragic issue, it's not fair and it's not right for these modern day slaves to be caught in the middle of a political battle.

The conclusions I offer in this testimony are based on my professional experience as an anti-trafficking operator and based on actual cases that have occurred along our southern border. After starting my professional career with the CIA, I transferred to the Department of Homeland Security. At the DHS, I spent 12 years as a special agent and undercover operator for Homeland Security Investigations. For 10 of those years, I was combating sex trafficking on the southern border and became one of the country's foremost experts on the issue of trafficking through years of undercover work, research and investigation.

Since leaving the federal government, I have continued the fight against human trafficking as the founder and CEO of the anti-trafficking organization Operation Underground Railroad, or O.U.R. Working hand-in-hand with law enforcement agencies around the world, Operation Underground Railroad has rescued 1,969 victims and assisted in the arrest of nearly 1200 traffickers. O.U.R. continues the fight to end human trafficking with full-time operations in 20 countries and 22 states.

Through my experience as a federal agent and as CEO of O.U.R., I have worked closely with the heads of every U.S. agency whose job it is to find and rescue children being trafficked across the southern border. These agencies under the jurisdiction of the Department of Homeland Security include Customs and Border Patrol, Immigration and Customs, and Homeland Security Investigations.

Our federal agents who work our southern border are women and men of the highest integrity and dedication. Their efforts protect us daily from the myriad of different dangers found coming into our country. Our agents exist to protect, not to judge, not to discriminate, and not to carry out a political motive. They follow the laws they have sworn to uphold and they deserve a debt of gratitude from each of us as they help keep us safe.

Part of the job of these federal agents, as was my job for a decade, is to recognize and fight human trafficking. To understand just a little about the issue it is important to understand that there are an estimated 40 million modern-day slaves world wide with children making up an estimated 10 million of these victims.¹ These children may be sexually exploited through

¹ *Guardian*, Feb. 25, 2019

prostitution and child pornography, many victims are being forced into involuntary servitude and many are used for the heinous practice of organ harvesting.

Traffickers use our southern border to bring slaves into our country for the sex industry because the United States is one of the highest consumers of child sex abuse content in the world).² The US is also one of the wealthiest nations in the world, creating fertile ground for child traffickers who are trying to get their product to this lucrative illicit market.

The State Department has reported that roughly 17,500 people are smuggled into the United States annually, many of which are women and children that are forced into the commercial sex trade.³ About 10,000 children a year suffer the horrors of commercial sexual exploitation in the United States.⁴

Through my decade on the border as a human trafficking expert for the federal government, I participated in dozens of cases and operations that uncovered human trafficking rings and discovered human smuggling processes across the border. We were fortunate to rescue many victims and I'm proud that we put so many criminals behind bars.

There are many stories of survivors, those who were rescued, that must be told. The experiences of these survivors are horrifying, but their stories must be heard to help understand the reality of the battle we are fighting and their testimony must be used to help us formulate how we will proceed forward to stop the tragedy that is human trafficking.

To fight the human trafficking battle most effectively, we must put aside politics. Although critics reject the idea of a physical barrier along the southern border for a number of different reasons, my experience leads me to the conclusion that physical barriers are a tool that we must utilize in the fight against human trafficking. Walls, barriers, physical deterrents, it doesn't matter what they're called, they work. I know they work based on years of experience. Based on my professional career in this field, I know that we are more likely to effectively fight human trafficking if we close open border crossings and drive traffickers to ports of entry.

At our points of entry, trained law enforcement officials have the ability to look into the eyes of traffickers and victims. They have technology, training and instinct on their side to identify victims and hopefully rescue them.

One point of entry rescue I had the opportunity to be a part of took place at the Calexico Port of Entry. On July 3, 2006, my team and I rescued a 5 year-old boy who had been taken by American child pornographer Earl Buchanan. Buchanan sexually abused his victims, while filming his grotesque acts. Fortunately for this boy, and the 11 other children who subsequently received justice from his torture, there is a significant border wall between Mexicali, Mexico and Calexico, California.

Buchanan was compelled to take his chances at the Calexico Port of Entry because of a large wall that runs along the border in this geographic location. This port of entry is armed with high-tech monitoring equipment and well-trained officers. Not surprisingly, Buchanan was singled out, arrested, and charged with kidnapping and sexual exploitation of a child. He was later convicted of Sexual Exploitation of a Child and Criminal Forfeiture (Case 06CR1612-H).

² THORN website, Accessed March 4, 2019

³ Trafficking in Persons Report, U.S. Department of State, June 14, 2004

⁴ *Indianapolis Star*, Feb. 1, 2018

The boy is now breathing free with a loving family in America, thanks to the wall, which did its job by driving Buchanan to a point of entry.

I compare this case and experience to a survivor who we will call “Liliana.” Because Liliana’s case is still pending, the U.S. Attorney’s Office has requested that we not share too many details about this case until the trial is completed later this year, but we have been approved to share the following details regarding her experience.

Liliana was kidnapped at age 11 or 12 from her village in Central America. After she was groomed for commercial sex, she was taken by her captors across the southern border at a location where no wall existed. This wasn’t extremely difficult as approximately 80 percent of the border is barrier-less.⁵ Liliana’s traffickers easily transported her to New York City where she was sold and raped for money up to 30-40 times a day for five years. She eventually escaped this hell on earth and my foundation is now caring for her as she prepares to testify in federal court against her captors. In accordance with U.S. laws, as a survivor of sex trafficking in America, Liliana has been granted legal status and will soon be a U.S. citizen.⁶ -

As Liliana and I have discussed her tragic plight and reflected on her horrific experience, she recently weighed in with her feelings on the current national debate surrounding physical barriers. “Had there been a wall for me,” she declared, “my captors would have been forced to take me to a port of entry. A U.S. officer might have seen my distress. I might have yelled out to them. I am currently working with Homeland Security agents on my case. I love them. I think they would have rescued me at the port of entry.”

Liliana concluded, “I know many girls who came in like me...we know a wall could have saved us...”

Would Liliana have been rescued at a port of entry? In the spirit of complete honesty and complete transparency, we don’t know. But, would Liliana have had a greater opportunity to be rescued by trained law enforcement had physical barriers pushed her captors to a point of entry? The honest answer is “yes.” She would have had a greater chance of being rescued, much like the 5 year old boy with Earl Buchanan.

Several anti-trafficking cases I have personally worked along the border shine additional light on the issue of physical barriers. In March 2011, Homeland Security Investigations (HSI) obtained intelligence that U.S. resident Leonel Gonzalez was attempting to smuggle children into the United States from Mexicali, Mexico, for the purposes of selling them to Americans for sex. Information we received made it clear that because of the large wall separating Mexicali and the United States, Gonzalez was having a hard time figuring out a way to get the children in. HSI preempted his smuggling actions by sending undercover operators posing as American traffickers to negotiate for the purchase of the children. I personally led the undercover team on this operation. Thanks to the wall in place, it bought us time to coordinate with Mexican authorities, who arrested the Mexican traffickers and liberated the children who were being held in a house near the border. The U.S. government arrested Gonzalez and charged him with 18 USC 1591(a) Sex Trafficking of Children (Case 11CR1192). He pleaded guilty to Foreign Travel in Aid of Racketeering Enterprise and went to jail.

⁵ *Arizona Republic*, Sept. 20, 2017

⁶ Victims of Human Trafficking: T Nonimmigrant Status, U.S. Citizenship and Immigration Services website, Accessed March 2, 2019

In May 2012, our team at HSI along with local authorities, rescued a 14-year-old girl who had been smuggled into Texas outside of a port of entry. The American trafficker who kidnapped her and sold her for sex was later arrested and convicted (Case 12CR2259). Unfortunately, there was no significant wall or barrier that might have pushed the child to be brought through a port of entry, where her chances of being rescued before being sex trafficked inside the United States would have increased exponentially.

Based on my experience where there was a wall there was a greater chance of a successful outcome for good. With barriers in place, traffickers were either pushed to a port of entry or required to be stagnate as they planned for entry which created opportunities for us to execute operations that rescued children and put criminals behind bars.

These are just a few examples from one operator. There are hundreds of agents working the border each day that could also share their examples and case studies that would show similar results and outcomes. I believe the majority of my former colleagues would agree and their assessment of the need for physical barriers would be the same as mine.

Please also note that these cases and examples I have provided span through the presidencies of George W. Bush and Barack Obama, hopefully illustrating this is not a partisan issue, but a human issue and a moral issue. For those of us who fight human trafficking, our desire for physical barriers is no stronger today than it was in 2006 or 2012 or 2016. This isn't a political game to us. It's a matter of life and death.

I'd also like to be clear on this important point. I know that smuggling takes place through our points of entry. I know that immigration laws are abused, that victims have fake passports and visas and airports are used as well for smuggling victims. I realize all of this. But, I also know based on my extensive experience along the southern border, working with every federal agency that operates there, we are much more likely to slow the flow of trafficking into our country if it's through a port of entry compared to a barrier-less border. And I know that barriers push people to points of entry.

Paola Felix backs up this claim regarding physical barriers. Paola Felix is a former Mexican congresswoman and current senior Mexican administration official working on anti-trafficking policies for President Andres Manuel Lopez Obrador. After studying what the so-called experts have said about how a wall does little to stop child trafficking into the United States, Felix declared, "It is very disappointing to me that people in the United States who claim to be anti-trafficking advocates would ignore or downplay the many Hispanic children being smuggled into the United States outside of legal ports of entry and forced into the hell of sex slavery. Mexican authorities have uncovered at least 19 different land-based smuggling routes where victims are taken and trafficked for sex in the United States. Downplaying the crisis with disinformation puts our children in grave danger. It discourages U.S. officials from employing every tactic available to rescue them during the small window of time that they can — that is, while they are being crossed into the United States. After that they are gone, maybe forever."

"Every tactic available." I can't agree with Mrs. Felix more. Why wouldn't we use every tactic available to save children from a life of slavery and sexual abuse?

Another argument for physical barriers is the sexual violence along our border that occurs among those who illegally cross barrier-less points of entry not under the control of a trafficker, but under the direction of a smuggler. A smuggler they have paid to bring them across the

border, someone these soon to be victims are trusting to get them into the United States. The New York Times recently reported about this issue in a brilliant yet heart-breaking article titled, “‘You Have to Pay With Your Body’: The Hidden Nightmare of Sexual Violence on the Border.”

The Times accurately reported how migrant women, both young girls and grown women, are victims of violent sexual assault along the southern border often during their journey across the barrier-less regions of the border, or when they are picked up after crossing the border by smugglers on this side of the border. These women are often enslaved, beaten and raped by they very people these women trusted to bring them across the border. The Times reports, “...women making their way into American border towns have been beaten for disobeying smugglers, impregnated by strangers, coerced, shackled to beds and trees and — in at least a handful of cases — bound with duct tape, rope or handcuffs.”⁷

The stories of these women, who are just searching for a better life, are heart-wrenching. One woman by the name of Melvin was locked in a room on the U.S. side of the border for weeks where she was drugged and sexually abused. Melvin stated, “I think that since they put me in that room, they killed me...They raped us so many times they didn’t see us as human beings anymore.”⁸

Lucy, a 45 year Honduran told how she and other migrant women were led into a house in McAllen, Texas. There she was raped repeatedly over a series of days by multiple men. Lucy explains that, “Because I didn’t want to let them, they tied my feed together and my hands behind my back.”⁹

Another 45 year-old, a Guatemalan mother of four, was kidnapped by armed smugglers after already crossing into the United States at a barrier-less portion of the border. She tried to escape her captors by jumping from a car, however she was recaptured and held in a stash house for days. There she was raped by six men. The victim, Gladys, said “I thought it would be better if I died when I fell from the car.”¹⁰

No one should be forced into the hell of sexual slavery or human bondage. Nobody should go through what all of these victims have had to endure. And based on my extensive experience fighting human trafficking both as a federal law enforcement official and with O.U.R., I believe barriers along our border will be able to save children from slavery and significantly decrease the horrific sexual assaults along our border.

I believe barriers will be able to save thousands of lives. But just for a moment, I’d like to ask anyone reading this testimony to see the world through my eyes for a moment and focus on “the one.”

Let me explain: I realize that United States Senators who sit on this committee represent everyone that lives in their respective states. I realize that as Senators consider policy, they must view the needs of all 327 million Americans and the country at large.

But my view to the world is focused on “the one.”

⁷ *New York Times*, March 3, 2019

⁸ *New York Times*, March 3, 2019

⁹ *New York Times*, March 3, 2019

¹⁰ *New York Times*, March 3, 2019

What I mean by this is, I know there are an estimated 40 million slaves throughout the world. I know that even though I have dedicated my life to saving as many as I can, we won't be able to rescue all those who need rescuing. I know that we can't stop all the attacks and sexual assaults. That's the harsh reality.

But, what keeps me going and what keeps me motivated to fight this fight, is this simple fact: To the one we do rescue, it means everything to them.

And "the ones" add up quickly. "Ones" turn into hundreds and hundreds turn into thousands and those thousands can turn into tens of thousands of lives saved.

So as a committee, as a United State Senator and as a part of the human family, as you think about the human smuggling that occurs at our southern border, I would ask you for a moment to please realize, we can save thousands, but also don't forget "the one." And to the one we do rescue, it means everything to them.

In conclusion, I would plead with the esteemed Members of this Committee, especially for those critical and in opposition of physical barriers along our border, to honestly consider the years of work and the experiences behind my conclusions. I would ask you to consider the conclusions of all the anti-child trafficking experts who have worked the southern border and who support the construction of physical barriers based on their extensive experience.

I will end this testimony as I started this testimony by reiterating that this should, in no circumstance, be a partisan issue. Human trafficking is a plague and an evil that must be eradicated. Because this is such an important and tragic issue, it's not fair and it's not right for these modern day slaves to be caught in the middle of a political battle. Let us always keep our focus on victims and ultimately do what's right for them.

Sincerely,

Tim Ballard