

Testimony of Ambassador John Cotton Richmond
Before the House Committee on Homeland Security
Subcommittee on Border Security and Enforcement and Subcommittee on Emergency
Management and Technology
“The Broken Path: How Transnational Criminal Organizations Profit from Human
Trafficking at the Southwest Border”
October 24, 2023

Chairman Higgins, Ranking Member Correa, Chairman D’Esposito, Ranking Member Carter, and distinguished members of the subcommittees, thank you for the opportunity to testify at this important hearing. I am grateful to testify with my thoughtful colleagues on this panel.

I serve as the Chief Impact Officer of Atlas Free, a Network of over forty organizations fighting human trafficking around the world. I am also the President of the Libertas Council, a leadership community focused on combating human trafficking, advancing democracy, and affirming human dignity. For over twenty years, my work has focused on the global fight against human trafficking. I have worked for a number of amazing nonprofits, served as a federal prosecutor and founding member of the Department of Justice’s Human Trafficking Prosecution Unit, worked in the private sector, and led US foreign policy on this issue as the U.S. Ambassador-at-Large to Monitor and Combat Trafficking in Persons. I have met and learned from many survivors over the years. I have also benefit from listening to traffickers – the women and men who choose to commit this crime. Together these experiences shape my understanding and fuel my passion to ensure all people are free.

The Members have wisely highlighted that traffickers “profit” from human trafficking. This is not the noble profits of market-based enterprises in a fair capitalist system. These are illicit economic gains from treating inherently valuable people as disposable commodities.

Whenever issues of the border arise in conversations about human trafficking, I think it is wise to clarify the distinction between human smuggling and human trafficking. Smuggling is a crime of transportation. It can be voluntary or involuntary, and it violates border integrity. Human trafficking, however, is always involuntary. Coercion is at the very heart of the crime and there is no legal requirement that a person crosses a border. The UN estimates that traffickers exploit 77% of all victims in their country of origin without crossing a border.

This is not to suggest that borders do not matter. They do. It is just that illegal border crossings do not cause human trafficking. They do, however, make people more vulnerable. Traffickers prey on vulnerable people because the traffickers believe vulnerable people are easier to exploit – and undocumented individuals are exceptionally vulnerable. Many things make people vulnerable to those bent on evil: poverty, illiteracy, disabilities, lack of strong families – yet none of these vulnerabilities cause human trafficking. They are correlated but not causal. There is only one cause of human trafficking. The root cause of human trafficking is traffickers. When people talk about “going upstream” they focus on reducing vulnerabilities. While noble, these efforts have at best an

indirect impact on human trafficking, because they focus on correlated vulnerabilities instead of trafficking's true root cause.

The government's failure to enforce laws benefits criminals. This is true of border laws and trafficking laws. The U.S. State Department highlighted the plummeting rate of human trafficking law enforcement last year. According to State, the United States only initiated 162 new federal human trafficking prosecutions last year. New prosecutions have not been that low since 2014. US federal courts only convicted 256 human traffickers last year, a 48% decrease since 2019. Although a strong and effective criminal justice response to trafficking alone will not solve the problem, it is a necessary component of a holistic approach. The failure to fund and resource the hard-working people at DOJ and DHS to enforce our human trafficking laws means human traffickers operate with impunity. Pair that awful reality with a dramatic increase in vulnerable undocumented people, and human trafficking becomes a high-reward ~ low-risk criminal undertaking.

We are not only dealing with government's failure to enforce border laws concerning individuals, the United States is also failing to stop companies from importing goods made by forced labor victims. The faithful teams at DHS charged with enforcing both the Tariff Act and the Uyghur Forced Labor Prevention Act must be allowed to stop slave-made goods from tarnishing United States markets.

Congress must decide if it will take a consistent approach to human rights or only engage in soaring rhetoric when it is convenient for other priorities. With almost all the solar panels crossing U.S. borders having been stained by China forcing Uyghur minorities to work, we have to ask if America wants to "go green" on the backs of slave labor. We have to ask if chocolate Halloween treats are worth traffickers forcing children from Mali and Burkina Faso to work in cacao fields. Forced labor interferes with free markets and undermines capitalism. For individuals to flourish, people must be free to decide where they work and who touches their bodies.

Congress should move quickly to reauthorize the international provisions of the Trafficking Victims Protection Act and create vacatur and expungement pathways for trafficking survivors. The United States should screen every undocumented person for indicators of trafficking as it humanely enforces its border laws and prevents the surge of vulnerable individuals for traffickers to target.

Thank you, and I welcome your questions.