

Testimony of
The Honorable Jane Boyle

July 25, 2003

STATEMENT

OF

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UNITED STATES ATTORNEY
NORTHERN DISTRICT OF TEXAS

BEFORE THE

SUBCOMMITTEE ON CRIME, CORRECTIONS, AND VICTIMS RIGHTS
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

HUMAN TRAFFICKING AND ILLEGAL IMMIGRANT SMUGGLING

PRESENTED ON

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STATEMENT OF UNITED STATES ATTORNEY JANE J. BOYLE
Northern District of Texas
Before the Crime, Corrections and Victims Rights Subcommittee
Senate Judiciary Committee
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Chairman Graham, Ranking Member Biden, and Members of the Subcommittee, I am Jane Boyle, the United States Attorney for the Northern District of Texas. It is an honor to have the opportunity to appear before you today to recount a recent case in my District which illustrates

the tragedy of the human trafficking form of alien smuggling and which typifies the difficulties posed in prosecuting a case of this nature.

Although the Northern District of Texas is not on the Texas/Mexico border, two interstate highways which run through the District are prime transportation routes for smugglers. Last year, successful law enforcement efforts led to the disruption of a major human trafficking operation out of Honduras. This operation, we dubbed the "Molina Organization," involved the trafficking of approximately 200 young women between the ages of fourteen and thirty-five to Fort Worth, Texas. Permit me to brief the subcommittee on that investigation and share with you some of the issues and obstacles we faced in prosecuting that case.

In late 2001, Fort Worth police received anonymous letters complaining that young Honduran women were being smuggled into the United States and forced to work as prostitutes in bars in the Fort Worth area. In early April 2002, the FBI and former INS, along with the Fort Worth and Dallas police departments, and other law enforcement agencies, initiated a joint investigation into the Molina Organization. Through the investigation we learned that between December 1998 and May 2002, this organization smuggled approximately 200 impoverished young Honduran females, some as young as fourteen, into the United States. We also determined that the Molinas enticed the women into the operation by promising them employment as housekeepers or waitresses in restaurants in Fort Worth, in exchange for an undisclosed "fee." To prevail on their impoverished parents, the Molinas promised them that the young women would enjoy a better life in the United States. To finance the trips, the Molinas required many of these families to give up the deeds to their homes and properties as collateral for smuggling debts.

By all accounts, the trip from Honduras to Fort Worth was horrific for these women. They described spending weeks traveling through mountains and deserts, walking at night to avoid detection and often going several days without food or water. To enter the United States from Mexico, some were loaded into wooden compartments that were installed under trucks. They described being packed in hidden compartments "head to toe," for 10 hours without food or water. Many urinated on themselves and several suffered injuries.

Upon arrival in Fort Worth, the young women were immediately clothed in risque outfits and then compelled to work in one of four Fort Worth-area bars operated by the Molinas. Some of the young women were coerced into prostitution, and others were required to "dance" with male customers to "encourage" the sale of overpriced drinks. They earned \$100 for a mandatory 60 hour work week, all of which was applied to their debt, and they earned nothing if they failed to meet the \$200 per week drink quota. Our surveillance revealed that forty to fifty young Honduran women were driven daily to the four bars. Undercover agents who saw the young women at the bars described some of them as very frightened and upset. The women were forced through intimidation to live in residences under the Molinas' control until their exorbitant smuggling debts, often as high as \$10,000, were paid in full. They were instructed to hide from law enforcement authorities and, if asked, to lie about the nature of their employment. Many were verbally abused and intimidated with threats of capture by immigration authorities. The Molinas also threatened to take the victims' families' properties in Honduras if any of the women left before their debt was paid. In total, we estimate that the Molina's smuggled over 200 Honduran women into the United States.

The smuggling operation was sophisticated and quite lucrative. The Molinas solicited the services of various individuals in San Pedro Sula, Honduras, Esquipula, Guatemala, and Los Angeles, California, as well as other locations in Central America, Mexico, and the United States, to smuggle the victims from the Republic of Honduras to Fort Worth, Texas. The Molinas paid the smugglers by wire transferring money through various financial institutions. Between February 1999 and May 2002, the Molinas wire-transferred in excess of \$250,000, through Western Union alone, from Fort Worth to various locations along the smuggling route. In addition, we found that during this time period, approximately 1.7 million dollars was wire transferred from locations throughout the United States to Molina smugglers in Esquipula, Guatemala, Mexico, Los Angeles, and South Texas. The Molinas also accumulated a considerable amount of personal wealth through their smuggling operation. Honduran officials reported significant cash deposits in Molina bank accounts and numerous property purchases.

The investigation culminated in the execution of search warrants and administrative inspections of six bars and six residences in Fort Worth. Approximately eighty individuals were detained on immigration violations. Twenty-five of the eighty were identified as trafficking victims. Subsequent searches, executed on three residences and a bar, yielded thirteen additional detainees, nine of whom were trafficking victims. Thirteen defendants were eventually charged with various violations of the federal immigration laws, including smuggling illegal aliens into the United States in violation of Title 8, United States Code, Section 1324. Five of these defendants were also charged with obtaining labor and services by threats of serious harm and physical restraint, in violation of Title 18, United States Code, Section 1589. Three defendants remain fugitives. Two of these were leaders of the Molina Organization and fled to Honduras days after the warrants were executed. Thirty-four victims qualified for the "continued presence program" under the Trafficking Victims Protection Act of 2000 and were placed with private relief agencies.

Prior to trial, ten members of the organization pled guilty to the smuggling conspiracy or related charges. The four top members of the organization were sentenced to five years imprisonment. The others received sentences below five years.

The prosecution team faced numerous difficulties during the course of the case, a few of which I will highlight for the subcommittee. First, several of the victims' family members were threatened in Honduras by fugitive defendants and their accomplices. The Molinas threatened to burn victims' family members' houses or even kill them if their daughters testified. Unfortunately, we could not guarantee the safety of these families in Honduras, and as a result, the women were intimidated and reluctant to testify against their traffickers.. Secondly, the prosecutors faced a formidable cultural barrier with respect to the forced-prostitution activities of the defendants. Many of our victims, who came from strict, conservative, Catholic homes, refused to publicly admit to engaging in prostitution, a fact that stymied our ability to charge the defendants with more serious crimes, such as, Mann Act and related violations. More problems arose when three defendants and several material witnesses fled to Honduras, and we determined that the extradition treaty between the United States and Honduras prohibited the extradition of Honduran nationals to the United States. We also found that the treaty provided no practical mechanism to obtain the testimony of unwilling, Honduran material witnesses.

In addition, prosecution under the forced labor statute, Title 18, United States Code, Section 1589, proved problematic. The statute fails to actually define the terms "physical restraint" and "serious harm" as a means to obtain labor. Although the victims in this case were required to live and work as dictated by the Molinas, the evidence did not clearly establish that they were held by actual physical force or violence. Moreover, this statute does not criminalize obtaining the labor of these women by fraud and deception, one of the major components of this case.

Despite these difficulties, our efforts to rescue the victims and disrupt this smuggling operation were successful. Nearly all of the thirty-nine trafficking victims we were able to identify as a result of this investigation were placed in the "continued presence program" have done well in this country and are working hard to achieve better lives.

Thank you for your time and attention. I appreciate the opportunity to speak on this important and timely matter. I would be pleased to answer any questions the members might have.