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EXISTENCE OF INTERNATIONAL TRAFFICKING ORGANIZATIONS AND THE NEED FOR RESOURCES COORDINATION AND LEADERSHIP

ANDREW LUGER¹

Our office, the U.S. Attorney’s Office of Minnesota, not only handled the largest terrorism prosecution in the country, but also the largest international sex trafficking prosecution in the country.² I’m going to talk a little about that. Before I do, I thought I’d take a step back and give some context to what it is I’m going to talk about and what it is I’m going to propose to you, food for thought about where I think we need to go next in combating sex trafficking in the United States.

Has anyone, and you know you don’t have to raise your hand if you don’t want, but has anybody either worked at the Department of Justice, interned at a U.S. Attorney’s Office, been involved in any Federal Prosecutor’s Offices? No. I figured that. Let me give you a little background because I find when I go to cocktail parties that I talked about this, because this is what I talk about at cocktail parties which means you don’t want me at your cocktail party.

The Department of Justice is a little opaque to people. It’s basically—there’s a building in Washington, the Department of Justice, which those of us who live in places like Minnesota refer to as Main Justice. That’s where the attorney general works, the deputy attorney general, and there’s a whole lot of lawyers there who work on cases throughout the country in different areas and they specialize. They tend to specialize in different things. And now I’m going to come back to that because that’s relevant. I’m not just telling you this because you need to know—it’s relevant to what I’m going to talk about.

¹ Andrew M. Luger, Former U.S. Attorney in Minnesota and Partner at Jones Day. These remarks were given at the Fall 2017 symposium, “Sex Trafficking: Addressing a Global Issue in our Backyard” at the St. Thomas Sch. of Law. (Oct. 27, 2017).
And then there are 93 U.S. Attorney Offices around the country that really do the bulk of the criminal prosecutions at the federal level.\(^3\) 93 is an odd number, it doesn’t make any sense. I actually do spend a lot of time at cocktail parties trying to explain it. So, places like Iowa have two U.S. Attorneys. Texas has four, Georgia has two.\(^4\) We have one and that’s sort of a fluke of when we entered the nation as a state—what our senators at that time asked for. And so we got one U.S. Attorney and I got to cover the entire state of Minnesota. I have no complaints about that but it does seem a little odd that my friends in Iowa who are 15 minutes away from each other had separate U.S. Attorney Offices, separate federal jurisdictions.

In the U.S. Attorney’s Offices, you tend to focus on cases that are relevant to your state. You sometimes interact with people in Washington if there’s a case that maybe covers a broader range of states or areas. So, for example, in the drug area, I’m going to relate this back to sex trafficking, this is all kind of new in the sex trafficking area. But if I’m working on a heroin conspiracy to distribute heroin in Minnesota with the DEA and local police, we’ll gather intelligence about the operation that’s happening in Minnesota. We’ll do our case, we’ll work on our case, and I won’t necessarily interact with people in Washington except for the fact that the DEA collects all the information on the people involved in this distribution ring.

We had a 41-person distribution ring that we indicted—mostly distributing heroin on the Indian reservations.\(^5\) We took that down. All of that data and intelligence goes to a central office in the DEA because they’re trying to figure out where the heroin’s coming from. And so, they’re collecting data to determine is it coming from Chicago? Is it coming from Mexico? Because they connect the pieces and then there are people at Washington, the Main Justice in Washington, in the drug trafficking section of the Main Justice in Washington who will look at all of that to see if they could put together the pieces. So that the case in Minnesota might relate to a case in Colorado. It may be the same type of heroin, the same type of distributor, and we might be able to gather evidence from these two cases and other cases to make a broader heroin distribution case going all the way back to where the heroin came from.

That’s going on every day in the United States, congratulations you now know this, that’s going on every day in the United States with respect to drugs and weapons, organized crime. It’s kind of how America cracked down on the mafia. So that you have bits of information from different places.


\(^4\) Id.

Smart people who work in central locations often in Washington, collect that information and put it together.

So, why is that relevant to what I’m going to talk about today? We’re not doing that, for the most part, when it comes to sex trafficking. And that’s not a criticism, it’s a statement of fact and an indication of where I think we need to go next.

So, most federal sex trafficking cases and state—did you hear from Pinto already? Ok, so the Ramsey County Attorney’s Office sort of started off taking the lead. Lots of other county attorney’s offices are doing this, sort of building up these cases which are often one, two, or three people doing trafficking within the state of Minnesota. And Ramsey County’s jurisdiction, right, so it’s really within Ramsey County.

When I became U.S. Attorney, we reached out the county attorneys to sort of team up. So if there were trafficking cases that they had in Ramsey County, but it also touched on activity that might have happened in Dakota County, or Stearns County, or somewhere else we wanted to be the bridge to bring those cases together and bring them federally, where there are some more significant penalties, depending. We argue about that all the time. We used to argue that, I don’t argue that to anybody anymore, I’m at a law firm. And to just sort of maximize the intelligence and the resources and John Choi and Dave Pinto and people in Ramsey County were very helpful in helping us bring that together.

One of the cases we made when I was U.S. Attorney that I actually tried, this could also go in my bio I think, that was Lee Andrew Paul had been—statewide and also across the region—trafficking mostly young, very young girls. We caught him in a horrendous case with a 12-year-old and 16-year-old started in Rochester went up to the St. Cloud and it involved other counties along the ways. We had police departments, sheriff’s offices working with the [Minnesota Bureau of Criminal Apprehension] and Homeland Security. Homeland Security investigations at the federal level really take on the lead on a lot of these cases. We made a federal case that could have been a bunch of separate state cases. So that’s one example of what federal prosecutors bring to the sex trafficking fight.

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7 Id.
And Lee Andrew Paul was looking at potential life in prison. He had—what he had done, beyond the two victims that we had in this case, was also horrendous. But we had this young, she was 14 by the time we brought her to trial, but 12 at the time that she was trafficked. Awful, awful set of facts which I, I repeated at cocktail parties. My wife’s asked me to stop because it is horrendous, so I won’t repeat it here because my wife’s voice in my head, but you can imagine horrendous things being done to this brave, young girl.

And she was tiny and decided she wanted to testify because we met with her and we met with her friend who was 16, and said, “You don’t have to do this we can cut a deal whatever works for you.” She was in therapy, we met with her therapists and she just said “I’m going to do this” and testified and you could have heard a pin drop in the courtroom. Jurors were crying, it was hard not to.

And sort of footnote to that is when she was done, and it took a lot of courage, she had to look at the man who had brutalized her to tell her story, walked out of the courtroom high-fived, it was me and another prosecutor in the office, and the federal agent. She gave us high-fives and said, “I’ve got the power, he doesn’t now.” And I tell that because we’re very protective of victims, and we should be, but she’s one of the examples of how actually the act of testifying and telling her story publicly helped her in many ways. She came back and made a statement at sentencing.

Those are the typical cases. When that trial finished in 2015 and we had worked hard on it and I got to co-try the case, I was looking to try something and it was a tremendous experience for me.

I gathered the whole team in my office, and I said, “Alright we're doing this statewide what else can we do? What else can we do to address this problem in Minnesota which is so serious?” And I had assembled really a group of some of our top prosecutors working with really extraordinary federal agents. And they told me a story about—and I heard inklings of it early on in my tenure in the office—about Thai women coming through Minnesota, staying for a select period of time, and then traveling on. And just the pattern of it, and some tips, some words, some information, a little surveillance; it just didn't look right to the people involved. And—but nobody had anything solid. There was no—nobody had testified or talked about it as clearly trafficking. It just didn't look right.

And—you know—these are decision points that U.S. attorneys and prosecutors get to make. Okay, we're strapped for resources, we got our

8 *Id.*
hands full with cases like Lee Andrew Paul. Are we going to put the time in on this one? And there is something about the way the agent—who I'd really grown to respect—the way she said it; and her intuition that I knew there was something there. So, I said to her—I, you know I'm not her boss, she's got a boss, I'm not it. But I said to her, “Here’s what I want: I want you to take a couple of people; take two of my best prosecutors go off in a room and I want you to work on this. And see if there's something there and you know, kind of pull on the string.”

So, they went off, and they did some surveillance of the of these young women coming in from the airport—typically went to the same locations. Taxi drivers—same drivers—taking them back to the airport after so many days. They leaned on a couple of the taxi drivers who said, you know this is what's happening; it’s forced prostitution, sex. Taxi drivers didn't know all the right lingo. And so, then came back to me and reported on what they knew. There’s clearly a trafficking ring coming through Minnesota with Thai women, young women.9

And so, then the decision was we're going to find out where this goes. So, I asked them to just follow these folks to the airport and get on their planes and see where they go. Then they went to Atlanta, they went to Texas, they went to Arizona10. So, we sent teams off to follow the young women, and where they land, get in the cabs, follow them to where they go, and the same thing repeated itself. They go to the same locations—seedy locations. It’s clear they're being trafficked. It’s clear they're being watched. And so, we're now looking at a national sex trafficking or international sex trafficking operation.11 What are we going to do about that?

If this was a drug case in 2014, 2015, 2016, I know exactly what we would do. The DEA would be talking to the DEA around the country. They’d have their intelligence center; we'd be plugging the information in and we'd kick back—results—and we'd know what this was pretty quickly. That mechanism doesn't exist yet in the sex trafficking world. And so, what did I say? Existence of International Traffic and the Need for Resources Coordination and Leadership—that’s why I titled this talk—it's a great title—that’s why I titled the talk the way I did. Did I write that? Okay. And because, what we have for the mob, for drug prosecutions, for gun-running, we don't have yet.

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10 Forliti, supra note 9.
11 Id.
And so, we start poking around. We ask homeland security agents in Phoenix, and in Atlanta, and in Dallas, and Houston, a number of other cities about what they've done. What do they have on Thai women being trafficked in their jurisdiction and different places had stuff. They had some surveillance. They looked into it. They kind of—if they brought a limited case, or they moved on for various legitimate resources, and I said I want all that stuff. I want it in Minnesota and then I want to build the case from here. Not everybody likes to give up their intelligence, so you know, we ruffled a couple of feathers. Ultimately, we got all the information; put everybody—some analysts—in a room and said figure it out.

And then we started going to “flip” some of the people who are involved. So, when you go—when these young women travel to Atlanta—they go to “a house.” And that's their house—their sex trafficking house. Somebody runs the house. We had to figure out through surveillance who’s running the house; grab that person. Tell them, you know, you're going be indicted; do you want to work with us? Do you not? And people started saying, “Yes, we will talk.”

We charge a bunch of people, flip them. They start talking. They get lawyers, obviously. They start talking and what we learn is this is massive, and it's all over the United States. And it’s coming out of Thailand and they're all coming out of Thailand.¹² They're being flown over here, and they typically land in Los Angeles and then, you know, Minneapolis, Chicago, Atlanta, Seattle, cities all over the country. And it's been going on for years and it's big business. And that—you know—the women are promised: you go to the United States—you know—you might have to do this for a little while. You'll pay off a little debt and then you’re free and nobody’s free.

And they're being lied to. And not only they're being lied to before they get on the plane, the people who are recruiting them tell them, look we’re sending you to the United States; we need to be in touch with your families. It’s kind of like—you know like an overseas trip. We want to make sure your family knows what's going on, so we need details about your sisters, your brothers, your parents, where they live, what they do.

And they build a dossier on every young woman. And those who get to the United States and sort of say, “Wait a minute,” you know, “24 hours a day in one of these awful locations. Having sex with whoever you tell me to have sex with, and I don't get any of the money, that's not the deal that I thought I was getting—I don't want—I want to go home. I want out.”

Then they tell them, “We have somebody sitting outside your mother’s house. You don’t do what we say, she’s dead.” So, you imagine the effect that has, and then they remember, oh, I gave you all that information before I left. So, you know everything about me and I’m going to do what you say. Eventually I might escape. Some escaped. We ended up getting some of those to testify.

And what we end up with is this massive sex trafficking organization run out of Thailand. We reach out to the Department of Justice, as we would on other cases, and sort of figure out are there any people at the Department of Justice who can help us coordinate this? And there are. They work within the Civil Rights Division of the Department of Justice. There’s a small group of people in the sex traffic—human trafficking world. They’re very good. They’re very dedicated, but they’re kind of buried within another division.

And so, what I’m here to say is when something becomes a priority at the Department of Justice, typically it gets its own section or division. And it gets resources and there’s a plan. And there’s a centralization of information. We made this case, and you can go back and look at it. It was reported on because we really wanted to blast out the news about it. Over fifty people have been charged—maybe more by now—and you know, people are cooperating or unraveling this whole organization in the United States. And by the way, it’s not just in the United States, it’s operating elsewhere around the world.

This isn’t the only organization; there are others. And what I would like to see happen is Homeland Security and others—we worked with the IRS on unraveling the money. We seized a lot of money. This is a cash business and you can imagine how much money is involved. It’s almost unconscionable. A lot of it going back to Thailand to people who are running it from there. You need the cooperation of people overseas, but you need to coordinate this.

If we’re going take sex trafficking seriously in the United States—and we’re still figuring it all out. This is not like drugs where we’ve been going after it forever. This is a relatively new-ish—now it’s not new that it’s.

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14 U.S. Att’y.’s Office Dist. of Minn. News Release, Twenty-One Additional Defendants Indicted For Their Roles In Thai Sex Trafficking Enterprise (May 25, 2017).
happening—it’s new that we’ve recognized it as both a federal and state crime at that significance. So, the question is how to build in the resources, the structure, and make U.S. attorneys—give U.S. attorneys the folks in Washington who could help them attack this the way we're attacking other international priorities.