

Testimony of
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before
The United States House of Representatives
Committee on the Judiciary, Subcommittee on Oversight

Hearing: “How Leftist Nonprofit Networks Exploit Federal Tax Dollars
to Advance a Radical Agenda”

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Chairman Van Drew, Ranking Members Raskin and Crockett, Members of the Subcommittee, I am honored to be invited to testify before you today. As an alumnus of this Committee’s staff, I know from experience the work that goes into these hearings, and I want to extend my gratitude to and commend the hard-working staffers who commit themselves to the oversight and legislative functions of the Committee.

My name is Luis C.de Baca. I am currently Professor from Practice at University of Michigan Law School.¹ I am here today in my personal capacity, to offer my perspective, as one of thousands who’ve worked in the U.S. government, including in law enforcement, partnering with the nonprofit sector with the North Star of protecting the American people.

I have spent my career investigating and prosecuting cases involving human trafficking, money laundering, organized crime, alien smuggling, bias crimes, and official misconduct. I was the Department of Justice’s Involuntary Servitude and Slavery Coordinator under President Clinton, and under President George W. Bush I was the first Chief Counsel of the U.S. Human Trafficking Prosecutions Unit.

Following my time on this Committee’s staff (where I worked on foreign intelligence surveillance, slavery & trafficking, immigration, and criminal matters), I was confirmed by the Senate to serve as Ambassador-at-Large to Monitor and Combat Trafficking in Persons at the Department of State (J/TIP). I closed my career in government as the Director of the Justice Department’s Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), serving under President Obama and in the early part of the first Trump Administration.

Across those positions, I worked closely with U.S. foreign assistance agencies and implementing offices such as DOJ’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) and International Criminal Investigative Training Assistance Program (ICITAP), as well as with USAID and State Department entities such as the International Narcotics and Law Enforcement Bureau (INL). We worked to advance our shared, bipartisan, and national goal of advancing American values: confronting transnational crime by bringing criminals to justice and helping to save and support victims of trafficking and sexual abuse.

¹ The views expressed are my own and do not necessarily reflect the views of positions of the University of Michigan or the University of Michigan Law School.

Today, I look forward to bringing a perspective that is based on that day-to-day reality of security-based funding and programming carried out by Justice, USAID, State, and others -- the work of investigating and prosecuting criminals and supporting state and NGO actors at home and abroad who are necessary partners in that effort.

In preparing my remarks, I must admit that the subject of this hearing and the setting is perplexing. It is outside of the Committee's jurisdiction, but this Administration has sadly decimated USAID and in recent days has gutted offices dedicated to global criminal justice, anti-terrorism, counter-trafficking, and migration. Throughout my career I have been honored to work with dedicated men and women from nonprofit organizations that have saved lives and helped put criminals behind bars at great risk to themselves. Motivated by their faith, by their dedication to crime victims, by their compassion for the abused and neglected, these NGOs make America safer while making life riskier for criminals.

The nonprofits I worked with knew their missions and how to succeed in standing up to the traffickers. They espoused American values and helped bring criminals to justice, no matter what their supposed ideology might have been. We worked with environmental groups and the Catholic church to confront the enslavement of Filipino and Indonesian workers lured into horrible conditions at sea. In the wake of the tragic fire at Bangladesh's Rana Plaza, the partnership of unions and other workers' rights groups with corporate actors from multinational brands ensured that bad actors didn't taint the global supply chain. Retired law enforcement officers and prosecutors trained their foreign counterparts in the effective American approach to combatting trafficking. USAID knitted together service providers across the Indian Ocean basin and helped obtain the highest-quality intelligence on Chinese compounds in Southeast Asia where victims are held in forced labor camps to conduct cyber-fraud and romance scams on lonely Americans. And DHS's partnerships with federally-funded NGOs who bring them credible referrals about Uygher and other forced labor inputs have been a success story, as seizures of slave-made goods continue and hopefully even intensify under the current Administration.

This is just in my experience -- my colleagues on the front lines of law enforcement and diplomacy had similar experiences and outcomes in harnessing the power of the community to advance the American interest in attacking criminals at the source.

Whether I was working on human trafficking or child sexual abuse, this kind of work with nonprofits would not have been possible without Congressional support that was enthusiastically given by Members of this body across the aisle. I am proud to have worked with a diverse range of NGOs on these issues: from International Justice Mission and the Heritage Foundation to Human Rights Watch and Rabbis for Human Rights (T'ruah). The fight against trafficking and slavery has always been proudly bipartisan and powered by right/left coalitions.

Not all NGOs apply for government funding, but when they do receive U.S. support for programs such as law enforcement training, victim/witness assistance, or rule of law programming in countries professionalizing their criminal justice response, they are held to the highest standard on the basis of whether they can deliver on the need identified by the U.S. as in

our national interest. They are subjected to a thorough review and a careful, multi-layered selection process. They must be run through multiple databases to ensure that American dollars do not support trafficking, terrorism, human rights violations, or other criminal activity. Congress provided the rules guiding these reviews and while I was in government we worked closely with our committees of oversight every step of the way, providing Congressional notification and previewing funding opportunities and decisions with relevant committees. When I chaired the interagency working group, we stood up an interagency grants subcommittee which shared anti-trafficking funding opportunities amongst the various agencies to deconflict efforts and to maximize impact. That interagency grants committee continued into the Trump and Biden Administrations to ensure the most efficient return on taxpayer dollars. Safeguards don't stop at the issuance phase; the quality of the recipient's work is tested through ongoing grants monitoring, as well as through deeper Monitoring & Evaluation efforts that identify best practices and scalable interventions.

Sadly, it seems we are talking about this activity in the past tense now. In recent weeks, virtually all the federal government's efforts to protect the United States from human traffickers, drug cartels and criminal syndicates have been eliminated either outright or effectively. Efforts to introduce fair and legal police forces in countries around the world have resulted in prosecutions and convictions. Extraditions from places like Mexico that wouldn't have happened in the past are now commonplace, due to training and programs through INL, J/TIP, USAID, and DOJ/OPDAT that supported joint investigations by the FBI, DHS, Diplomatic Security, and DOJ. Many of these offices have been defunded and shut down or moved about on agency org charts in service of an elusive and imaginary set of efficiencies. Employees have been forced out, reassigned, or RIFed to a degree that makes America less safe. The only actors that should welcome these moves are criminals -- and those countries that do not want to confront their crime problem (whether due to complacency or corruption).

The United States has always stood against such corruption and human rights abuses and has stood for crime victims at home and abroad. The NGO sector has been a key partner in doing so. They have been an arrow in the quiver for U.S. law enforcement and national security, and a key force-multiplier that ensures crime victims have a voice and the ability to help us lock up their tormentors. Unilateral disarmament only helps the criminals.

That's why I worry that the agenda of this hearing misses the point. The safety and security of the United States has rested first and primarily on the notion that local community leaders know best what is needed, whether those local leaders run a domestic violence shelter in West Virginia, patrol an Indian Reservation in New Mexico, or undertake street outreach with children trapped in prostitution in a resort town. The same is true when dealing with other countries. As a country, we do our best work when we support home-grown efforts where the crimes are taking place. That's true in Albania, where OPDAT and ICITAP training for prosecutors and police supplemented the work of local NGOs. That's true in Mexico, where through the Merida Initiative USAID funding helped stand up modern court systems that could withstand the pressure of the cartels as Embassy Staff supported the work of conservative Evangelicals to provide shelter services to sex trafficking victims. It is true in Peru, where the Justice Department, USAID, and the State Department coordinated funding to entities that ran the gamut

from law enforcement to legal service providers to Catholic nuns – all to choke off the profits from illegal gold mining and the sex trafficking that followed in its wake.

It is also true of nonprofits in the United States who work to help victims of trafficking and other crimes. They have been instrumental in educating me, Congress and the American people about the importance of this work. Every nonprofit that does work to support survivors does indeed have a policy agenda: they have committed to serving trafficking victims. They do so from all parts of our political system, and for countless reasons, but they stand up for trafficking victims. They are pre-existing women's shelters that have expanded their mission beyond domestic violence. They are churches or even just motivated people of faith who have heard the call to serve and to open their doors. They are workers' rights organizations that won't stand for abuses in the fields. They are long-haul truckers who have asked "what can I do?" Their commitment – and their ideological and cultural diversity that matches the historic bipartisan consensus on this Committee to fight traffickers and protect victims -- is something we should celebrate. They deserve my thanks and the thanks of the American people for their tireless efforts.

I would like to leave this panel with a personal story that goes beyond human trafficking and the rule of law, but one that illustrates why I consider this work so important and where I think our attention should be today. I am the child of farming and ranching parents who went to South America in the early 1960s to teach the Argentines how to raise better cattle and improve the lives of rural women. President Kennedy, in the earliest days of US foreign assistance, saw value in sending them out to help teach the world how to feed themselves while showing them the best our country had to offer. During the first Bush Administration, the government sent my father to Nicaragua and my mother to Eastern Europe to help post-socialist agricultural economies transition to capitalism. Twenty years ago, under George W. Bush, my mother saw the Chinese show up in West Africa to compete for the hearts and minds of the Ghanaian people through road building projects.

But today my 90 year-old mother, still on the farm, worries about the price she can get for her soybeans given the sudden reduction of food assistance to the world. Stepping away from U.S. leadership doesn't just impact the village in Africa where that bag of food with an American flag on it will no longer be there to feed the children or compete against the Chinese infrastructure project; they impact the small towns in rural America for whom feeding the world is not just a slogan.

I always welcome the opportunity to engage Congress, and especially to come "home" to this committee; I am hopeful that our conversation will advance the real needs of trafficking victims and the NGOs who serve them, the real work of international law enforcement, and the real concerns facing our Nation today.

Thank you again for the opportunity to present my views; I look forward to your questions.