

UNDER WHAT JURISDICTION DID DHS SEND OUT AN ARMY OF AGENTS AGAINST RENTBOY?

The NYT had a great editorial that echoes my amazement that the Department of Homeland Security sent an army of agents to take down RentBoy.com this week.

It's somewhat baffling, though, that taking down a website that operated in plain sight for nearly two decades suddenly became an investigative priority for the Department of Homeland Security and federal prosecutors in Brooklyn. This week, the website's founder and six employees were charged with violating federal law by facilitating paid sexual encounters.

Kelly Currie, the acting United States attorney for the Eastern District of New York, trumpeted the case against Rentboy.com, calling it an "Internet brothel" that "made millions of dollars from the promotion of illegal prostitution." The website pulled in \$10 million over the past five years, charging escorts for publishing their profiles, according to prosecutors. That's less revenue than an average McDonald's franchise generates.

[snip]

Prosecutors can credibly argue that the site's operators were breaking the law. But they have provided no reasonable justification for devoting significant resources, particularly from an agency charged with protecting America from terrorists, to shut down a company that

provided sex workers with a safer alternative to street walking or relying on pimps. The defendants have not been accused of exploiting sex workers, featuring minors on the website, financial crimes or other serious offenses that would warrant a federal prosecution.

DHS doesn't seem to know why DHS was involved either. In a statement to the NYT, ICE's spokesperson, Khaalid Walls, suggests ICE's jurisdiction arises because this involves the illegitimate movement of people, goods and currency in domestic and foreign transactions, which suggesting the things moved were prostitutes.

Mr. Walls said: "As the investigative arm of the Department of Homeland Security, ICE is responsible for the enforcement of laws that promote the legitimate movement of people, goods and currency in domestic and foreign transactions. Our allegation with this case is that the business and its principals purported itself to be an escort service while promoting criminal acts, namely illegal prostitution."

I'm rather curious that DHS claims jurisdiction over the movement of goods domestically. But I'm also not sure how a website constitutes moving anything.

But the claim this is about prostitution seems to conflict with ICE's description of the bust on its website, which claims it's a financial crime.

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FINANCIAL CRIMES



[ICE takes down alleged online prostitution ring, CEO arrested](#)

Jeffrey Hurant, CEO of Rentboy.com, and six others were charged by criminal complaint, unsealed Tuesday in Brooklyn federal court, with conspiring to violate the Travel Act by promoting prostitution.

As I've suggested, I wouldn't be surprised if ICE used all those hard drives they seized this week to put together the money laundering case

they leaked to some outlets. But they haven't charged it yet. Which would mean they used the prostitution claim to take down an advertising site to be able to get the evidence to charge something that might be more squarely in ICE's jurisdiction.

Add in the fact that NY DA Cy Vance – the entity that would have direct jurisdiction over prostitution headquartered in NYC – took his office off this release, and I'm genuinely confused about what DHS is doing.

None of that will mean the RentBoy defendants will be able to challenge this on jurisdictional grounds. But it does raise questions about what DHS is really doing.