

QUEST CLUB

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HUMAN TRAFFICKING IN CONTEMPORARY
AMERICA

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A common misconception in America is that, while human trafficking occurs, it isn't a problem in this country. Another misconception is that most human trafficking involves sex trafficking. Still another is that most of the victims are illegal aliens. The Justice Department estimates as many as 17,500 people are trafficked in the United States each year. A group called Shared Hope International, which is working to eliminate sex trafficking, estimates there are at least one hundred thousand children being used as prostitutes each year, many of them here in the United States. Another group called the Polaris Project estimates some fifteen thousand people are trafficked in the U S each year. More than two-thirds of the victims are victims of forced labor, not sex, and, although they are mostly aliens, the vast majority of them are here on legal visas. Because of the covert nature of the crime there is no way of knowing the actual number of victims, but human trafficking is definitely a problem here in this country and there is a lack of awareness, particularly regarding the extent of the problem.

The day I was assigned this topic the three young women held captive in Cleveland for almost a decade escaped. I was asked, "Does this qualify as

human trafficking?” The word “trafficking” tends to confuse the issue. It brings to mind buying and selling or moving from place to place. But the definition of human trafficking is: the acquisition of people by improper means, such as force, fraud, or deception with the aim of exploiting them. So, yes, it was human trafficking.

The United States Department of Labor has three basic temporary visa programs for foreign workers. The H-1B, H-2B, and H-2A programs all provide for temporary foreign workers to fill jobs for which there are insufficient American workers. The H-1B program addresses the need for highly skilled workers in specialty areas such as computer science, medicine, and engineering. H-2B is for non-agricultural workers needed for one-time, seasonal, peak-load, or on an intermittent basis, and the H-2A is for temporary or seasonal agricultural workers. The vast majority of the foreign victims of forced-labor trafficking (some 98%) are in the country with one of these visas. With all of these programs the employers must indicate in their applications to the U S Department of Labor that: 1) There are not sufficient U S workers capable of performing the needed services, and 2)

the employment of a foreign worker won't adversely affect wages and working conditions of U S workers.

So, how do workers here on legitimate visas end up as victims of forced-labor human trafficking? The agricultural worker program recently put some rules and regulations in place to help those workers, such as the requirement of providing the workers with housing, access to legal services, and compensation for medical services. They also must be paid the hourly rate they were promised and must be given at least seventy-five percent of the work hours promised. Still, there is the potential for abuse such as covert debt bondage. That is, the people responsible for bringing the workers to the U S charge them outrageous fees for that service and take most, or all, of the worker's pay in return.

Most of the abuse occurs in the H-2B program for temporary non-agricultural workers. The companies applying to use this program are supposed to show "good faith" efforts to hire Americans. Several companies falsely claim the lack of U S workers by advertising the jobs as being very difficult, scheduling interviews at very inconvenient times, and

then discouraging those who do apply, knowing they will save large amounts of money by using foreign workers. Some even claim the workers will be doing jobs which no longer exist and then use the workers in other areas. A Virginia company applied for twenty-five visas for workers to load trucks onto rail cars. Had someone from the Department of Labor checked they would have discovered that the company had stopped manufacturing trucks the previous year.

When the workers are brought here their papers are confiscated, they are threatened with physical abuse, and they are housed in deplorable conditions. Signal International brought five-hundred guest workers here and forced them to work under what was described as “barbaric conditions.” They were falsely promised green cards, paid less than they were promised, and forced to live twenty men to a trailer. They were basically starving because they had insufficient income with which to buy food. When workers in Missouri were injured they received no treatment because their employer hadn’t purchased workers compensation insurance. Workers in Alabama were forced to live in apartments resembling “pig sties” while the trafficking leaders lived in a \$700,000

house with an air-conditioned dog house. In Tennessee women illegally working in a motel were paid so little they were “dying of hunger.”

In 2005 hurricane Katrina caused the need for cheap labor. The Occupational Safety and Health Administration of the U S Department of Labor temporarily suspended enforcement of job safety and health standards in the counties impacted by the hurricane. They suspended, for 45 days, the requirement that employers confirm employee eligibility and identity. Then President Bush suspended the Bacon-Davis act, lifting wage restrictions for two months. These actions opened the floodgate for worker exploitation and human trafficking. Legal migrant workers were forced to live in labor camps, surrounded by guards and barbed wire, provided only with contaminated water for their cooking, and forced to catch and eat pigeons in order to survive. The employers often cut salaries, charge high rent and fees, and threaten the workers with deportation if they complain. Some victims paid as much as \$20,000 to come to America for what they were promised would be high-paying jobs.

While the agricultural worker program has rules and regulations, it also has some basic manpower to enforce those rules. The non-agricultural program does not. The U S Department of Labor, the agency charged to protect the workers, does little to solve the problem. Bogus paperwork goes virtually unchecked. The department recently returned to the Treasury two hundred million dollars earmarked for visa fraud detection.

Some of the examples of forced labor trafficking are of single women recruited to do domestic work for individuals. In 1985 a Milwaukee, Wisconsin couple, both medical doctors, recruited and brought to the U S a nineteen-year-old girl from the Philippines to work for them. For nineteen years she worked as their indentured servant. She later testified that she was hidden in their affluent suburban home. She was not allowed to go outside unsupervised, told that she would be arrested, imprisoned, and deported. She was required to lock herself in her basement bedroom whenever they had visitors and required to work seven days per week, every day of the year, from six am to eleven pm. In 2004 officials received a tip that the doctors were keeping a maid in the basement as an indentured servant. She was found hiding behind the door of the basement

closet. The doctors were convicted of human trafficking, sentenced to six years in prison, and deported to the Philippines after serving their sentences. They were also required to pay the maid \$900,000.

In the year 2000, in Irvine, California a ten-year-old Egyptian girl was forced into domestic labor by her “hosts.” She worked for two years as a housekeeper and nanny for their five children receiving no pay, no education, and both verbal and physical abuse. This couple received three-year prison sentences and was forced to pay over \$75,000 in restitution. They also faced deportation.

Much of the sex trafficking starts the same way as forced-labor trafficking. The workers are promised jobs in the U S and brought here using the H-2B program. When they arrive their papers are confiscated, they are beaten, raped, threatened with more physical violence, and forced into prostitution by their captors. The largest sex human trafficking ring ever uncovered in the U S brought its victims in on commercial airlines using legal documents. They took advantage of the guest-worker, visa program that is easy to

defraud. The Labor Department has no systematic prevention measures in place to prevent fraud.

While many of the victims of sex trafficking are foreigners, the majority of the victims are young American citizens. They are lured into the trap in a variety of ways. Young runaway girls are picked up by the traffickers, befriended, and then raped and forced into prostitution. Men, posing as professional photographers, meet pretty young girls in shopping malls and lure them away with promises of modeling jobs. Girls meet traffickers over the internet, believing them to be someone and something else. In California members of the Crips gang have talked girls into prostitution with the lure of big money. But, of course, the girls don't end up keeping the money. The average age of these girls is 13 to 17.

Fifteen-year-old Sarah ran away from home. She met 30-year-old Matthew and 21-year-old Janelle through a friend. With Janelle's help Matthew raped Sarah and forced her into a life of prostitution. After forty-two days of enslavement Janelle was arrested. Fearing that Sarah would suffocate in the hollowed-out box springs where she was forced to hide, Janelle told the

police where Sarah was hidden. Janelle, a former victim herself at age seventeen, participated in the same beatings, threats, and imprisonment that she had experienced. It's apparently not that unusual – like the “battered child syndrome.” Matthew received a thirty-year prison term.

Without the knowledge of English many of the workers are unable to contact authorities or even complain when they have the opportunity. An abused domestic worker was taken to the hospital by her employer for a head injury caused by the woman who was unhappy with the quality of her work. Since the worker was unable to understand and speak the language the employer answered all the questions. It was months later before the worker had the courage to pass a note to a neighbor using the few words she understood. When police came to investigate a disturbance at a forced-labor site in Texas the employer did all the talking. He convinced the police that the man who was trying to escape must continue to stay and work in order to pay his debt to the employer. Fear of stronger enforcement of immigration laws is also keeping victims silent.

Human trafficking is considered the second most profitable criminal industry in the world, only behind drugs. It is considered a low-risk, high reward activity with low start-up costs, high profits and high demand, and no taxes. What are we doing to locate the victims and prevent further abuses? The simple answer is, not enough. About a decade ago America declared a war on human trafficking with a new law and much fanfare. The government has pledged to end abuses and goaded the rest of the world to follow its example. But it is failing to find tens of thousands of victims here in this country. And when they do find them they often deport them, or prosecute them for the activities they are being forced to perform instead of helping them.

In 2000 the U S Congress passed the Trafficking Victims Protection Act. Prior to that there was no federal law to protect victims of human trafficking or to prosecute their traffickers. This law established the maximum statutory sentences for those convicted of trafficking, provided resources for the protection and assistance of victims, and allowed victims to apply for permanent residency. The primary objective of the assistance is to help the victim develop skills and self-sufficiency. Two conditions of the act

require that the victim prove or admit to being a victim of trafficking and that the victim be willing to aid in the prosecution of the trafficker. The second condition is problematical because many of the victims are extremely fearful of retaliation against them or their family. This serves as a major deterrent to prosecution. This act has been reauthorized four times, the latest of which was in March of this year when it was made an amendment to the Violence Against Women Act.

In 2002 President Bush established the President's Interagency Task Force. Members included the Secretary of State (as chair), the Director of the CIA, and the Attorney General. The objective was to monitor and combat trafficking and coordinate the activities of the government agencies. In 2005 the federal government began an anti-trafficking campaign and spent \$25 million toward enforcement, raising awareness, and identifying and protecting the victims.

The U S State Department publishes an Annual Trafficking in Persons Report which makes it appear to be a front-runner in the crusade against

human trafficking, but it doesn't monitor and enforce its H-2B guest-worker visa program.

Forty-two of our states have enacted specific anti-trafficking acts, although only nine states offer public benefits to the victims. Eighteen states permit victims to bring civil lawsuits in state court and only nine states require victim's names be kept confidential.

The FBI works with other local, state and federal agencies in 48 states. They are currently working with 88 task forces and working groups around the nation. They have "victim specialists" to provide victim assistance including legal, housing, job training, education, and childcare. Their pending cases increased from 167 in 2009 to 459 by the end of fiscal 2012, and they have had 258 convictions since 2009. Their biggest success to date resulted in the rescue of 105 children between the ages of thirteen and seventeen and the arrest of 150 pimps and others across the U S in a three-day roundup. The investigation involved nearly four thousand law enforcement agents across forty-six states. Since the start of this program

in 2003 there have been 1,250 convictions and the seizure of \$3.1 million of assets.

In 2009 President Obama signed an appropriations bill containing \$12.5 million in funds to fight human trafficking in the U S. It included, for the first time, funds for providing services for U S born victims of human trafficking (mostly underage girls). Previously, only foreign-born victims received federal anti-trafficking aid in the form of counseling, housing, and legal assistance. This twenty-five percent increase has been described as an incremental increase, not a transformational one.

Although the U S offers protection and even assistance to the victims of human trafficking, many of them don't seek government help. They are fearful of reprisals and deportation and don't trust government agencies. Some of their own government agencies are corrupt and actually aid in the trafficking. Another problem is the fact that some local law enforcement agencies are eager to prosecute prostitutes and illegals, and even have quotas to meet. Twenty-three of the workers at Signal International filed suit against that company. While their case was pending they ran out of

funds. They found work with a company in North Dakota and worked there for several weeks. On what was, conveniently to their employer, the last day of the job they were turned in by the North Dakota employer as illegal workers. Although they were considered very good workers and had visas, they weren't allowed to change employers. They were prosecuted even though the prosecutor knew of the pending case against Signal International. This action obviously weakened their case.

Sometimes when a person is charged with prostitution those charges aren't dropped, even when the person is found to be a victim of human trafficking, because of quotas. Other times the victim is held in a detention center because the local agency lacks the resources to provide real assistance in the form of housing or counseling, or because the victim has declined to aid in the prosecution of their trafficker.

The National Human Trafficking Resource Center is an organization partially funded by the U S Department of Health and Human Services and operated by Polaris Project, a Washington D. C. based, non-government organization. It has a toll-free national hotline and provides assistance

twenty-four hours a day, seven days a week, every day of the year in dozens of different languages. Its purpose is to increase the identification and protection of human trafficking victims in the U S by providing callers with a range of services, including crisis intervention, urgent and non-urgent service referrals; tip reporting to appropriate local, State, or Federal law enforcement authorities; and comprehensive resources, training and technical assistance for the human trafficking field and those who wish to get involved. They connect with community members to raise awareness and combat human trafficking in their local areas, as well as guide service providers and law enforcement personnel in their work with potential trafficking victims. To perform these functions they maintain a national data base of organizations and individuals working in the anti-trafficking field, as well as a library of anti-trafficking resources and materials.

Polaris was founded in 2002 by two young college students who had learned of human sex trafficking in their neighborhood in Washington D. C. Their singular vision is: a world without slavery. The organization has grown over the years and currently provides direct assistance, such as group training, transitional housing, and job training in offices in

Washington D. C. and New Jersey. They have provided over 7,000 nights of transitional housing and served nearly 500 clients. They also help train law enforcement officials to recognize indications of human trafficking. In 2011 law enforcement agencies opened at least 172 new investigations based on tips forwarded from their hotline. In 2008 they received 5,748 calls; in 2012 they received 28,170 calls and they have projected they will receive over 42,000 calls this year. Forty-eight percent of the clients they have served are U S citizens, seventy-one percent are victims of sex trafficking, sixteen percent are minors and ninety-two percent are women.

Polaris has helped increase funding for service providers and has helped pass eighteen new state bills that strengthen protection for trafficking victims and increase prosecution of the traffickers. They are building a nationwide network of individuals and groups interested in ending human trafficking. Their annual budget has grown to over \$4 million, approximately one-third of which is government funded. The balance comes from grants and individual contributions. They are raising awareness of the problem of human trafficking throughout the country by a variety of means, including group meetings, marches, and the media.

While Polaris has made great strides since their founding it is obvious they are just scratching the surface of the problem. They have served a few hundred victims of human trafficking over the past few years while thousands have received no assistance.

The public is becoming more aware of the problem. In the past few months the Journal Gazette has published three articles on human trafficking; and earlier this month NPR's Diane Rehm show devoted an hour to the topic. MSNBC recently had three one-hour programs describing the efforts of the Human Sex Trafficking Task Forces of San Francisco, Chicago, and Oakland. They all concentrated their efforts on so called "massage parlors," which are the most common front for sex trafficking. Health Department workers have access to the parlors without search warrants. If they detect prostitution activities they alert the police. The parlors have locked doors and cameras to screen anyone entering the buildings, so they typically are scrambling to get the girls dressed and the clients scurry out before the health department employee enters.

In many cases the police send an accomplice to the parlors who then alerts the police when they are solicited for sex. The police arrive with counselors

to talk with the girls and attempt to discover trafficking. This is usually unproductive because of the fear the girls have of their traffickers. In one instance the health department worker interviewed a young Korean girl. When the girl expressed concern about her situation an older Korean woman, who represented herself as the cleaning lady, told her to “shut up”. The Health Department worker returned four days later and was told the girl had moved and left no forwarding address. When a young Chinese girl did confess to being trafficked and assisted in the prosecution of her traffickers she was sent a picture of her brother in China who had been severely beaten. Her family said she has dishonored them and wants nothing to do with her.

Our government agencies at the Federal, State, and local level need to apply more resources to the problem of human trafficking and provide real assistance to the victims, instead of arresting and deporting them, and to prosecute and lengthen the sentences of those guilty of human trafficking. We need to make human trafficking a high-risk, low-reward criminal activity and create an even greater public awareness of the magnitude of the problem. Only then will we even begin to see the possibility of achieving the Polaris vision; a world without slavery.

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