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Robbed of the American Dream

Abstract

Many people have immigrated to the United States, hoping to live the “American dream.” Unfortunately, this romantic notion is part of the reason that the United States has become one of the most sought after destination countries for human trafficking. It is easy for traffickers to convince potential victims that they can live the American dream. Traffickers from all over the world and all walks of life profit in this booming market, by promising poor and vulnerable people high wages in legitimate jobs as farm workers, maids, and waitresses. Many of these people end up in terrible conditions as indentured servants: their travel documents are confiscated, they have no freedom of movement, and they are held in captivity under threats of violence.

Keywords

Human rights, Human trafficking, Contemporary slavery, Forced labor, United States, Immigration

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Robbed of the American Dream

By Megan Walker

Many people have immigrated to the United States, hoping to live the “American dream.” Unfortunately, this romantic notion is part of the reason that the United States has become one of the most sought after destination countries for human trafficking. It is easy for traffickers to convince potential victims that they can live the American dream. Traffickers from all over the world and all walks of life profit in this booming market, by promising poor and vulnerable people high wages in legitimate jobs as farm workers, maids, and waitresses. Many of these people end up in terrible conditions as indentured servants: their travel documents are confiscated, they have no freedom of movement, and they are held in captivity under threats of violence.

The dominant types of trafficking to and within the United States are sex trafficking (of women and children), and trafficking in sweatshop, migrant, and domestic labor. Of these types of trafficking, sex trafficking receives the most attention from the government and from the public at large. Many researchers argue, however, that this focus on sex trafficking has two negative consequences: one is that victims of sex trafficking are thought of less and less as victims, but rather are stigmatized as illegal prostitutes. Secondly, the focus on sex trafficking draws attention and resources away from victims of other types of trafficking, which are probably just as widespread as the sex trade.

It is difficult to discern a concrete number of trafficked persons in America. In 1999, the CIA estimated that 45,000–50,000 women and children are trafficked each year into the United States. In 2003, however, the estimate was between 18,000 and 20,000. In 2005, yet another estimate was put forth, this time 14,500–17,500 (Albanese 2005). It is also important to note that none of these estimates include male trafficking victims. The lack of an accurate statistic, many policy-makers argue, has made it difficult to develop adequate mechanisms for combating the problem.

Many trafficking victims enter the United States illegally, crossing the Mexican border, either on foot, through tunnels, or in buses and trucks. A smaller number enters by crossing the Canadian border. Some are brought into the country by air and land into California, New York, or Miami. In these cases, traffickers expertly produce fraudulent travel documents, such as passports and work visas. Some traffickers even hire U.S. lawyers to obtain residency permits. Once in the United States, victims are often told they must work until they pay off their travel costs and document costs, but these debts are often insurmountable. Despite the lack of accurate statistics, it is safe to say that women are the largest group of trafficking victims, and that most of these women are duped by promises of legitimate jobs as waitresses in American restaurants.

According to the 2007 Trafficking in Persons Report, most victims in the United States are trafficked from East Asia, Eastern Europe, Mexico, and Central America. The Trafficking Victims Protection Act (TVPA) gives the Department of Health and Human Services guidelines for certifying trafficking victims. This certification allows victims to receive social benefits. Between 2000 and 2007, HHS has certified 1,175 victims from 77 countries (Office of the Secretary of State 2007). The main source countries of victims certified in 2006 were El Salvador, Mexico, the Republic of Korea, and Honduras. Considering the range of statistics listed above, it is clear that

only a small fraction of the total number of trafficking victims in the United States are certified to receive social services.

Traffickers who operate outside and within the United States are diverse. Some are diplomats trafficking women for domestic labor. These perpetrators cannot be prosecuted because of diplomatic immunity. Many traffickers operate in very small groups, which are known as “mom-and-pop” operations. Large organized crime groups, such as Asian mafias, also traffic people to the United States. Asian traffickers are commonly referred to as “snakeheads,” while Mexican traffickers are known as “coyotes.” Women often have a larger role in trafficking operations, because they are better at luring potential victims.

The main piece of U.S. legislation designed to combat human trafficking is the TVPA, originally passed by President Clinton in 2000. Arguably the most comprehensive anti-trafficking legislation in the world, it recognizes the global scope of trafficking by containing both domestic and international guidelines to fight trafficking. The annual Trafficking in Persons report (TIP) details the trafficking situation in the United States and ranks other countries according to their cooperation in combating trafficking. Countries that do not meet certain criteria are now subject to penalties such as economic sanctions. Despite the good intentions of the TIP report, some countries friendly with the United States have been ranked low on the scale, such as Saudi Arabia, Kuwait, and the United Arab Emirates. This ranking has caused some diplomatic friction. Additionally, the U.S. Government Accountability Office (GAO) has raised doubts about the accuracy of information in the TIP report and has questioned the source of such information.

Perhaps the most important changes that came with the TVPA were the distinction between smuggling and trafficking, and the establishment of longer prison sentences for traffickers. Trafficked persons are now defined as victims, not just illegal aliens. The TVPA has also included psychological coercion on the part of traffickers as a criminal defense. Longer prison sentences for convicted traffickers are supposed to act as a deterrent against trafficking, and traffickers can now be prosecuted even if they use no physical force against their victims. Compared to other types of transnational crime, like drug trafficking, human trafficking carried very light sentences, and this was the reason why many criminals chose to engage in it. Human trafficking now carries a maximum prison term of twenty years, and if the case of trafficking results in the death of the victim, the trafficker may face life in prison. The average prison term for a trafficker in 2005 was 8.5 years (U.S. Department of Justice 2006).

The other main focus of the TVPA is to provide social services and legal benefits to trafficking victims, including employment authorization, housing, mental health services, medical care, and Supplemental Security Income. Some victims even have the option of entering the Witness Protection Program. If a victim fits certain criteria, he or she can receive immigration assistance in the form of a temporary visa (T-visa) to stay in the United States. To fit the T-visa criteria (under 2000 TVPA requirements), the victims must have suffered a severe form of trafficking, be physically present in the United States, and comply with federal law enforcement. If a victim is underage, the TVPA also allows the parents to receive T-visas to stay with the child.

In 2003, Congress reauthorized the TVPA to improve many parts of the legislation. The new legislation, now known as the Trafficking Victims Protection Reauthorization Act (TVPRA) appropriated more funds to fight trafficking overseas. This shows that the American government realized that international cooperation is an inescapable necessity for solving the trafficking problem.

The TVPRA also sought to make all benefits more accessible to victims, especially by relaxing the eligibility requirements for T-visas. Now, if entire families are granted T-visas, all members are eligible to receive social benefits. Between 2000 and 2006, 729 T-visas were issued to trafficking victims and 645 T-visas were issued to family members of victims (Office of the Secretary of State 2007).

The original TVPA authorized the President to fund public trafficking awareness programs, non-governmental organizations, and further research on trafficking. One controversial new requirement of the TVPRA was that for any anti-trafficking organization to receive government funding, it had to formally refuse to promote, support, or advocate the legalization of prostitution. This was controversial because it created tension between some activists, who believed women should have the right to choose prostitution, and other activists, who work to abolish prostitution. Many organizations also believed that their First Amendment rights were being violated.

Just as in other countries, the research on human trafficking in the United States has critical gaps. Most Americans have no idea that any human trafficking even takes place in the country. The public usually only hears about major cases of sex trafficking, which cause moral outcry. This moral panic is what drives research on human trafficking, but this research is not well thought-out or methodical. A better-informed public will aid law enforcement agencies in spotting traffickers and their victims. Gathering consistent and accurate statistics about the number of trafficking victims in the United States is critical in order to make sure that adequate social benefits exist for victims. Research is also lacking on the extent to which victims are trafficked along routes within the United States, and how many males are victims of trafficking. The United States Government must continue to devote anti-trafficking resources both internally and to other countries, in order to stop the cycle of trafficking.

Annotations

Background Information on Trafficking in the United States

Bales, Kevin. 2004. Disposable People: New Slavery in the Global Economy. Revised Edition. Berkeley: University of California Press.

Annotation: Bales's book is a profile of "new slavery" in today's world. He uses five case studies (Thailand, Mauritania, Brazil, Pakistan, and India) to explore the types of slavery that still exist. Even though none of the chapters deals explicitly with the United States, the case study on Mauritania sheds interesting light on the American Government's attitude toward slavery. Although Mauritania has legally outlawed slavery several times, the practice still exists; U.S government chooses to ignore the problem in favor of maintaining a friendly and strategic relationship with this North African country.

———. 2005. New Slavery: A Reference Handbook. 2nd ed. Santa Barbara: ABC-CLIO.

Annotation: This book is a comprehensive reference guide to contemporary slavery and human trafficking. Bales includes chapters with historical information; forms, examples, and solutions of contemporary slavery; statistics; a directory of anti-slavery organizations and agencies; and discussion

of slavery in America. Bales's particularly noteworthy chapter on slavery in America uses case studies to show the nature and scope of slavery in the United States. Bales also analyzes existing data to draw definitive conclusions about slavery in America. He ends the chapter with detailed recommendations that include increasing law enforcement efforts, supporting survivors of trafficking, and raising public awareness.

Finckenauer, James O., and Jennifer Schrock. 2003. "Human Trafficking: A Growing Criminal Market in the U.S." In Trafficking in Women and Children: Current Issues and Developments. Edited by A. M. Troubnikoff. New York: Nova Science, Inc.

Annotation: This chapter is an introductory summary of the issues surrounding human trafficking in the United States. Despite its brevity, the chapter explains important distinctions between human smuggling and human trafficking, and between clandestine migration and legal migration. The authors even mention the problem of corruption among government officials in both source and destination countries. For those with absolutely no knowledge of human trafficking in the United States, this chapter is a useful starting point for laying out the main facets and complexities of the problem.

King, Gilbert. 2004. Woman, Child For Sale: The New Slave Trade in the 21st Century. New York: Chamberlain Bros.

Annotation: Although this book does not read like an academic work, it is a good introduction to the scope of the new slave trade of the 21st century. King discusses the realities of America as a primary destination country for trafficked persons, and includes profiles of some major traffickers who have worked in America. The book ends with an appendix detailing several criminal cases of trafficking in the United States, as well as an appendix on organized crime rings involved in trafficking. The personal stories of several trafficked women are also given, which lends a more personal feeling to the book.

Lowe, Allison H. "Human Trafficking: A Global Problem with Solutions that Begin at Home." *PRAXIS* 7:50-57.

Annotation: Lowe describes human trafficking as the most profitable area of organized crime. She investigates the history of this form of contemporary slavery and the Trafficking Victims' Protection Act (TVPA) legislation written to fight the problem. She gives some valuable introductory information on the problem, and offers many suggestions on how to fight the problem, but her suggestions are typical of the common ideas many other researchers have had.

Miko, Francis T. 2003. "Trafficking in Women and Children: The U.S. and International Response." In Trafficking in Women and Children: Current Issues and Developments. Edited by A. M. Troubnikoff. New York: Nova Science, Inc.

Annotation: Miko focuses the bulk of the chapter on the United State Government's response to

trafficking. He details actions during the Clinton and Bush administrations, as well as the State Department's annual Trafficking in Persons report and various Congressional actions. After exploring what has been done in America to combat trafficking, Miko ends by posing a series of questions for the government to consider as it refines its efforts in fighting trafficking. This chapter provides a good introduction to the types of policy the U.S. government has utilized in fighting this problem.

Office of the Secretary of State. 2007. "Trafficking In Persons Report 2007." Edited by D. o. State. Washington D.C.: Office of the Under Secretary for Global Affairs.

Annotation: This annual report covers April 2006-March 2007, and is arguably the most comprehensive worldwide report on the subject of human trafficking. The report is intended to raise awareness, highlight advances made each year in fighting trafficking, and influence other foreign governments to take action against this issue. Most of the report is dedicated to country narratives, which describe the severity of trafficking in a country as well as their government's efforts to fight trafficking. Based on this analysis, the severity of trafficking in each country is ranked as either tier one, two, or three.

Seelke, Clare Ribando, and Alison Siskin. 2008. "Trafficking in Persons: U.S. Policy and Issues for Congress." Washington D.C.

Annotation: This recent report from the Congressional Research Service gives general information about the trafficking problem in the United States and is updated periodically to add the latest developments. This particular report describes current trafficking legislation in the 110th Congress, especially the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 (H.R. 3887). This act would monitor the effectiveness of the Trafficking Victims Protection Act (TVPA) and establish a database of trafficking information for governmental departments and agencies. The report also analyzes the 2007 Trafficking in Persons report and the scope of responses to trafficking in the United States.

Shirk, David, and Alexandra Webber. 2004. "Slavery Without Borders: Human Trafficking in the U.S.-Mexican Context." *Hemisphere Focus* XII (5):1-5.

Annotation: The authors pinpoint Mexico as an obvious entry point and source country for trafficking to the United States. Mexico is also a major transit point for trafficking from other source countries. Labor exploitation, sexual slavery, sex tourism, and illegal adoptions are all reasons for human trafficking in this context. Through their investigation, the authors found that Mexican government corruption and high levels of poverty exacerbate the problem of human trafficking between Mexico and the United States. Shirk and Webber's best recommendation is to consult former victims of trafficking in order to discern the best tactics for combating this crime.

Siers, Rhea. 2007. "The Implications for U.S. National Security." In Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life. Edited by K. L. Thachuk. Westport: Praeger Security

International.

Annotation: Siers argues that human trafficking not only affects victims and law enforcement agencies, but also directly impacts United States national security. She ranks trafficking among the four biggest threats to security, including nuclear/technical smuggling, drug trafficking, and intellectual property crime. These four types of transnational crime are negative consequences of globalization, and intersect in complex ways. Siers argues that since trafficking breeds in states with weak economies, part of the fight against trafficking must come from U.S. aid to other states.

Zhang, Sheldon X. 2007. Smuggling and Trafficking in Human Beings: All Roads Lead to America. Westport: Praeger Publishers.

Annotation: Despite the title of Zhang's book, only one chapter specifically deals with human trafficking in the United States. Zhang characterizes the scope and causes of human trafficking as well as the traffickers themselves. He includes case studies of Korean sex traffickers, arguing that they are some of the most sophisticated traffickers in the U.S. Zhang sees shortcomings in the State Department's annual Trafficking in Persons (TIP) report, namely that it is unclear who decides what information will be included and how accurate the information is. Even though most of the book deals with human smuggling, it contains important information about methods used to clandestinely bring people across U.S. borders.

Who gets trafficked?

Acharya, Arun Kumar. 2006. "International Migration and Trafficking of Mexican Women to the United States." In Trafficking and the Global Sex Industry. Edited by K. Beeks and D. Amir. Lanham: Lexington Books.

Annotation: Acharya examines the increasing number of female migrants from Mexico to the United States, but finds that the line between migration and trafficking is difficult to discern because research is lacking in this area. Since economic conditions in Mexico are quite poor and the society remains patriarchal, women who seek out better opportunities are especially vulnerable to traffickers. Acharya includes testimony from a Mexican woman about her experience as a victim of sex trafficking in America.

Fulginiti, Laura C. 2008. "Fatal Footsteps: Murder of Undocumented Border Crossers in Maricopa County, Arizona." *Journal of Forensic Sciences* 53 (1):41-45.

Annotation: Fulginiti cites a large increase in deaths among people who illegally cross the Arizona border into the United States. She specifically focuses her investigation on Maricopa County. Forensic investigations into several of these deaths have uncovered a chilling new trend among "coyotes," human traffickers who are paid to smuggle people over the U.S. border. These people increasingly threaten their human cargo, demanding extra money once within the U.S. If the victims do not comply, "coyotes" murder them indiscriminately and leave the bodies in the desert. Some deaths are also attributed to violence between competing gangs of traffickers.

Gozdziak, Elzbieta, and Micah N. Bump. 2008. "Victims No Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation in the United States." Washington D.C.: Institute for the Study of International Migration.

Annotation: Gozdziaak and Bump see several gaps in research on child trafficking victims. Children should not be lumped together with adult female victims, because they have different needs and abilities than women. Additionally, most research on child victims centers only on young girls and not on boys. The authors gathered data over a twelve-month period through interviews with survivors and service providers, and studies of case files. Between 2000 and 2007, only a small percentage of the total number of child trafficking victims received assistance from the Office of Refugee Resettlement. The majority of referrals were deemed ineligible for benefits. The two largest source countries for child victims were Mexico and Honduras. The majority of the children were between 14 and 17 years of age when trafficked. In order to combat this problem, the authors argue that child labor must be combated all over the world, since most child victims of trafficking were seeking labor when trafficked.

Gozdziaak, Elzbieta M., and Margaret MacDonnell. 2007. "Closing the Gaps: the Need to Improve Identification and Services to Child Victims of Trafficking." *Human Organization* 66 (2):14.

Annotation: When considering the victims of human trafficking, children are most vulnerable because of their lack of maturity and development and need for special attention. Of all trafficking victims, children are most often unidentified and do not seek out any rehabilitative services. Gozdziaak and MacDonnell use case studies of child trafficking victims to identify gaps in services available to trafficked children, especially through the Immigration and Naturalization Service (INS) and Office of Refugee Resettlement (ORR). The authors make nine detailed recommendations for future policy changes.

Raymond, Janice G., and Donna M. Hughes. 2001. "Sex Trafficking of Women in the United States: International and Domestic Trends." Washington D.C.: Coalition Against Trafficking in Women.

Annotation: This comprehensive report on sex trafficking of women in the United States was funded by the Department of Justice. The scope of the report is purposely broad in order to establish a research framework on the topic. Topics covered include connections between supply and demand of trafficked women, characteristics of local sex industries, linkage between international and domestic trafficking, and social consequences of trafficking. The report offers a regional comparison of trafficking in San Francisco, New York, the Northern Midwest, the Northeast, and the Southeast. Data were compiled through over one hundred interviews with victims, law enforcement officials, and social service providers.

Who are the traffickers?

Finckenauer, James O., and Ko-lin Chin. 2007. "Asian Transnational Organized Crime and Its Impact on the United States." Washington: U.S. Department of Justice National Institute of Justice.

Annotation: This study identifies human trafficking committed by Asians as transnational crime that poses a threat to the United States. Research methods included interviews, field observations with

U.S. and Asian officials, and a literature survey. Findings show that many more Asians are smuggled to the U.S. than trafficked, and that Asian organized crime groups do not play as big a role in human trafficking to the United States as formerly thought. Most trafficking from Asia to the United States is perpetrated by small “mom-and-pop” organizations. Researchers found that many Asian officials did not mention human trafficking from Asia to the U.S. as a threat to American interests.

Friedrich, Krista. 2007. “Statutes of Liberty? Seeking Justice under United States Law when Diplomats Traffic in Persons.” *Brooklyn Law Review* 72 (3):1139-1171.

Annotation: This article highlights the problem of diplomats who traffic domestic servants to the United States. Diplomats cannot be prosecuted because of diplomatic immunity, not even under the Trafficking Victims Protection Act (TVPA). Ironically, some of these traffickers even work for international organizations that combat trafficking. Friedrich details the causes and effects of this problem, aspects of existing legislation that are most effective in dealing with this type of trafficking, and the laws of immunity which protect these diplomats. Friedrich ends by evaluating solutions to this problem and argues that the jus cogens aspect of international law overrides diplomatic immunity in these cases.

Hughes, Donna M., Katherine Y. Chon, and Derek P. Ellerman. 2007. “Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women.” *Violence Against Women* 13 (9):901-922.

Annotation: The authors of this study investigate the fact that U.S. military personnel sometimes aid trafficking in and around their military bases all over the world. For this study, the authors concentrate on military bases in South Korea because U.S. soldiers have been stationed there for almost six decades. Additionally, there are over one hundred U.S. military bases throughout the country with over 37,000 troops. The U.S. government responds by saying it cannot intervene because this would violate South Korea’s sovereignty. It is accurate to say that U.S. military bases in South Korea are a major transit point for human trafficking from East Asia to the U.S. Many Korean women trafficked to the U.S. got there in part through fake marriages to U.S. servicemen.

Shelley, Louise I. 2007. “The Rise and Diversification of Human Smuggling and Trafficking into the United States.” In Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life. Edited by K. L. Thachuk. Westport: Praeger Security International.

Annotation: This recent work is valuable because it addresses developments in trafficking to the United States and elucidates shortcomings in U.S. policy towards trafficking. One focus is the changing face of the traffickers themselves. Organized crime rings have become the main traffickers, replacing individual traffickers who operated independently. Shelley focuses on the huge growth of trafficking to the United States and suggests that not enough has been done to combat the problem. She does not, however, make any concrete suggestions for future U.S. policies, which is a weakness in her piece.

Stoecker, Sally. 2005. “Human Trafficking: A New Challenge for Russia and the United States.” In Human

Traffic and Transnational Crime: Eurasian and American perspectives. Edited by S. Stoecker and L. Shelley. Lanham: Rowman & Littlefield.

Annotation: This chapter focuses on trafficking of women and children, especially in relation to Russia and America. Stoecker describes economic and social conditions in Russia that cause trafficking to the United States. Stoecker estimates that up to 3,000 Russian mobsters participate in trafficking in the United States. The author finds a rise in demand for Slavic women in the world of trafficking and studies different international trafficking routes. The Baltic route is especially porous for people trafficked to the United States. Stoecker sees a lack of research in assessing American demand for trafficked persons and argues this research is vital in addition to fighting supply in other countries. Prevalence of husband-and-wife teams operating in the United States is also addressed.

The Trafficking Victims Protection Act

Albanese, Jay, Jennifer Schrock Donnelly, and Talene Kelegian. 2005. "Cases of Human Trafficking in the United States: A Content Analysis of a Calendar Year in 18 Cities." In Transnational Crime. Edited by J. Albanese. Whitby: de Sitter Publications.

Annotation: The authors argue that more research on the scope of trafficking in the United States is needed to make the Trafficking Victims Protection Act (TVPA) more effective. The annual Trafficking in Persons report (TIP) estimates the number of trafficking victims in the U.S. per year, but the estimate fluctuates from 14,500 to 50,000. The authors attempt to compile an accurate count of victims by analyzing newspaper stories in major cities on trafficking arrests during 2002. The authors found only fifty-one trafficking reports, and because some cases were reported in more detail than others, the authors were unable to compile a full range of data.

DeStefano, Anthony M. 2007. The War on Human Trafficking: U.S. Policy Assessed. Brunswick: Rutgers University Press.

Annotation: DeStefano traces the evolution and effectiveness of U.S. domestic policy against human trafficking from the mid-1990s to present. He specifically examines the 2000 Trafficking Victims Protection Act (TVPA) and its revisions. Many legislators and law enforcement officials have focused on sex trafficking in the United States as the main problem, but DeStefano argues for a multifaceted approach. He argues that trafficking in forced labor is comparable to the sex trade in scope and negative implications. Additionally, the intense focus on sex trafficking has stigmatized innocent victims as prostitutes. The author includes several trafficking cases to illustrate the diverse facets of trafficking in the United States.

Free the Slaves, The Human Rights Center, and University of California. 2006. "Challenge of Hidden Slavery: Legal Responses to Forced Labor in the United States." In Trafficking and the Global Sex Industry. Edited by K. Beeks and D. Amir. Lanham: Lexington Books.

Annotation: This chapter is a condensed version of a report on the effectiveness of United States legislation and governmental and non-governmental efforts against human trafficking between 2000 and 2006. The authors first explore the nature of the problem by citing statistics, and then examine

the 2000 Trafficking Victims Protection Act (TVPA) for shortcomings. The three main complaints listed in the report are trafficking victims must be more adequately protected under legislation, the law enforcement approach to fighting trafficking is inconsistent and fragmented, and there is a lack of public awareness.

Kim, Kathleen. 2007. "Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting *United States v. Kozminski* and Understanding Human Trafficking." *University of Toledo Law Review* 38 (3):941-972.

Annotation: Kim studies the role of psychological coercion in human trafficking, and notes that the Trafficking Victims Protection Act (TVPA) was the first legislation to criminalize psychological coercion as a tactic used by traffickers. Formerly, traffickers could only be penalized for the use of physical force when controlling their prisoners. This article is framed in the context of U.S. examples and legislation, so it is valuable for those studying trafficking in the United States.

Medige, Patricia. 2007. "The Labyrinth: Pursuing a Human Trafficking Case in Middle America." *Journal of Gender, Race, and Justice* 10 (2):269-285.

Annotation: This article uncovers the difficulties and shortcomings in the current Trafficking Victims Protection Act (TVPA) legislation by studying a group of migrant farm workers in Colorado, who filed claims under the TVPA. By focusing on this case, Medige offers suggestions to improve protections for trafficking victims. The main suggestions are that various law enforcement agencies must coordinate their efforts and the government should provide more funding for victims' legal expenses.

Nam, Jennifer S. 2007. "The Case of the Missing Case: Examining the Civil Right of Action for Human Trafficking Victims." *Columbia Law Review* 107 (7):1655-1703.

Annotation: This article studies the effectiveness of the Trafficking Victims Protection Act (TVPA), which originally focused heavily on legal enforcement but not enough on humanitarian approaches to fighting trafficking. In 2003, the TVPA expanded to include section 1595, or the civil right of action, which allows victims to take traffickers to district court for damages. Nam finds that despite the good intentions of section 1595, victims need more protection and benefits from the government in order to follow through with lawsuits, including monetary assistance and protection from retaliation from traffickers.

United States Congress, Senate Committee on the Judiciary, and Subcommittee on Human Rights and the Law. 2007. *Legal Options to Stop Human Trafficking: hearing before the Subcommittee on Human Rights and the Law of the Committee on the Judiciary, United States Senate, One Hundred Tenth Congress, first session, March 26, 2007.* Washington D.C.: U.S. G.P.O.

Annotation: The focus of this hearing is to determine whether the Trafficking Victims Protection Act (TVPA) can and should be amended to better aid trafficking victims. Two main problems

addressed are U.S. contractors in Iraq who aid trafficking and issues of diplomatic immunity. Witnesses representing the Department of Justice, the National Immigrant Justice Center, and the International Justice Mission also make introductory speeches. The Commissioner asks each witness how the TVPA affects their work helping trafficking victims, and what could be changed to make this legislation better.

Benefits for Trafficking Victims

Clawson, Heather J., Kevonne Small, Ellen S. Go, and Bradley W. Myles. 2005. "Human Trafficking in the United States: Uncovering the Needs of Victims and the Service Providers Who Work with Them." In *Transnational Crime*. Edited by J. Albanese. Whitby: de Sitter Publications.

Annotation: This study analyzes the benefits and services available to trafficking victims under the Trafficking Victims Protection Act (TVPA). The researchers gathered data through a national telephone survey and focus groups with social service providers (including legal, health, education, and law enforcement agencies) and trafficking victims. The information gathered from ninety-eight telephone interviews was compared to determine trends, and then focus groups were held to explore these trends. Most service providers said they were able meet some needs of victims, but lacked adequate funding, resources, training, and coordination of agencies. Despite the intentions of the telephone survey, interviews took place in only twenty-two states.

ICF International (formerly Caliber Associates). 2007. *Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned*. Washington: U.S. Department of Justice.

Annotation: This report, compiled between 2002-2004, seeks to determine the effectiveness and accessibility of services for trafficking victims. The study was conducted through interviews with trafficking victims and site visits, which included the Coalition to Abolish Slavery and Trafficking (CAST), the Asian Anti-Trafficking Collaborative (AATC), and the Florida Freedom Partnership (FFP). The study found that organizations usually lack funding and staff to adequately meet every need of trafficking victims. Other problems include difficulties in identifying victims and obstacles working with law enforcement agencies.

Shigekane, Rachel. 2007. "Rehabilitation and Community Integration of Trafficking Survivors in the United States." *Human Rights Quarterly* 29 (1):112-136.

Annotation: This article critiques the nature of the Trafficking Victims Protection Act for focusing too heavily on the prosecution of traffickers and not enough on victims' benefits. Shigekane finds that most trafficking victims lack simple life skills that would allow them to reintegrate into society, and are also suffering significant psychological trauma. To this end, research is lacking in the type of psychological trauma suffered by victims other than women and girls. After stressing the necessity of increased benefits and assistance for victims, Shigekane concludes that the best response is actually preventing human trafficking in the first place.

Shinkle, Whitney. 2007. "Protecting Trafficking Victims: Inadequate Measures?" Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University.

Annotation: Shinkle investigates the effectiveness of victims' benefits under the Trafficking Victims Protection Reauthorization Act (TVPRA). She makes several typical recommendations, including the need for increased funding for all organizations that fight trafficking and the need to treat all trafficking victims equally. After making these recommendations, Shinkle looks at the problem on a global scale, and argues that the most effective way that the United States could combat the trafficking problem is to confront its reliance on cheap and exploitable labor. This would mean, however, slowing down or stopping the entire process driving globalization.

Srikantiah, Jayashri. 2007. "Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law." *Boston University Law Review* 87 (1):157-211.

Annotation: This article examines recent U.S. immigration legislation designed to assist trafficking victims in obtaining visas to remain in the United States. Despite the noble aspirations of the legislation, Srikantiah finds that only a small number of victims have successfully utilized these benefits. The problem stems from law enforcement officials awarding benefits based on how much a trafficking victim "deserves" them, instead of impartially awarding benefits to all victims. Srikantiah argues that only highly trained Department of Homeland Security Officials should award visas to victims, instead of the current situation in which officials untrained in trafficking from a variety of agencies must deal with visas.

United States Prosecutions of Traffickers

Bales, Kevin, and Steven Lize. 2007. "Investigating Human Trafficking: Challenges, Lessons Learned, and Best Practices." *FBI Law Enforcement Bulletin* 76 (4):24-31.

Annotation: The goal of this study is to find ways to increase investigations and prosecutions of human traffickers. To do this, the authors studied twelve trafficking cases prosecuted between 1996 and 2002 to find out what factors led to successful cases. Bales and Lize found that early actions in investigations are most important: the more quickly victims and their traffickers are identified, the more likely it is to prosecute the case and help the victims. The authors also stressed the importance of local law enforcement officials who should gather initial information before federal authorities become involved. Cooperation between local, state, and federal agencies is also vital.

Government Accountability Office, and United States. 2007. "Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes." Washington D.C. .

Annotation: In this report, the Government Accountability Office (GAO) seeks to summarize the efforts of federal agencies in investigating and prosecuting trafficking cases since the passage of the 2000 Trafficking Victims Protection Act (TVPA). The efforts of the Bureau of Justice Assistance (BJA) in assisting federal, state, and local anti-trafficking task forces are also investigated. The GAO recommends that further collaboration is needed between the Department of Homeland Security and the Department of Justice, and directs the leaders of these departments to devise a framework for future collaboration.

U.S. Department of Justice, Bureau of Justice Statistics, and United States. 2006. "Federal Prosecution of Human Trafficking, 2001-2005." Washington, D.C.

Annotation: This report gives statistics on United States Federal Prosecution of Human Trafficking from 2001-2005. During this time period, 555 suspected traffickers were investigated, most under violations of the Trafficking Victims Protection Act (TVPA). The report breaks down these cases into the types of crimes suspected, how many of these cases went to trial, the geographic distribution of the cases within the United States, and the number of trafficking suspects convicted. Of the 555 cases cited in this report, almost half occurred in 2005, which shows that the full realization of the TVPA did not come until several years after its passage.

Zakhari, Beatrix Siman. 2005. "Legal Cases Prosecuted under the Victims of Trafficking and Violence Protection Act of 2000." In Human Traffic and Transnational Crime: Eurasian and American Perspectives. Edited by S. Stoecker and L. Shelley. Lanham: Rowman and Littlefield Publishers, Inc.

Annotation: Zakhari first traces the events leading up to the 2000 passage of the Trafficking Victims Protection Act (TVPA) legislation. Trafficking in humans is less risky than trafficking in guns or drugs, which is why many decide to commit this crime. The author uses three case studies of prosecutions against traffickers to explore how these prosecutions preceded TVPA. Because these three cases were some of the first prosecuted under the TVPA, they are valuable in showing the effectiveness of the new legislation. The three case studies all involve Russians trafficking women and children to the United States from former Soviet states.

The Fight Against Trafficking as a Moral Crusade

Hynes, H. Patricia, and Janice G. Raymond. 2002. "Put in Harm's Way: The Neglected Health Consequences of Sex Trafficking in the United States." In Policing the National Body: Sex, Race, and Criminalization. Edited by J. Silliman and A. Bhattacharjee. Cambridge: South End Press.

Annotation: This chapter focuses on sex trafficking to and within the United States, specifically from a public health perspective. The authors argue that victims in the U.S. are stigmatized as prostitutes and are thus less likely to benefit from services available for victims. The body of the chapter is devoted to the public health consequences of sex trafficking, including the spread of HIV/AIDS, which is inevitable because of lack of condom use. The authors end by making a series of policy suggestions, mostly involving the decriminalization of sex trafficking victims and the development of viable alternative employment opportunities for victims.

Kinney, Edi C. M. 2006. "Appropriations for the Abolitionists: Undermining Effects of the U.S. Mandatory Anti-Prostitution Pledge in the Fight Against Human Trafficking and HIV/AIDS." *Berkeley Journal of Gender, Law, and Justice* 21:158-194.

Annotation: This article addresses problems stemming from the United States government's decision to apply socially conservative approaches to fighting human trafficking and the spread of HIV/AIDS. This conservative approach requires anti-trafficking organizations to explicitly

denounce prostitution. Many organizations that fight trafficking have protested, arguing that these requirements stigmatize victims of sex trafficking as illegal prostitutes, make it harder for them to receive benefits and assistance, and violate First Amendment rights.

Masenor, Nicole Franck, and Chris Beyrer. 2007. "The U.S. Anti-Prostitution Pledge: First Amendment Challenges and Public Health Priorities." *PLoS Med* 4 (7):1158-1161.

Annotation: This article addresses the implications of the U.S. Anti-Prostitution Pledge, which was passed as part of the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003. This act appropriates funding to organizations and programs that fight the AIDS epidemic. In order to receive this funding, however, organizations must explicitly denounce prostitution and sex trafficking. Many organizations have filed lawsuits arguing that the Anti-Prostitution Pledge is unconstitutional. Furthermore, organizations that fight against human trafficking resent how the pledge equates sex trafficking with prostitution, because it stigmatizes victims of sex trafficking.

Weitzer, Ronald. 2007. "The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade." *Politics & Society* 35 (3):447-475.

Annotation: Weitzer examines sex trafficking in the United States through the lens of a moral crusade, a perspective that he argues has been detrimental to efforts combating human trafficking. One of the problems with making the fight against sex trafficking into a moral crusade is that it relies on horror stories and extreme victimization. Additionally, it lumps prostitution and sex trafficking together and paints the issue completely in black and white, which is problematic since there are actually many gray areas. Weitzer cautions against right-wing faith-based organizations which do not distinguish between types of sex work and the reality that different forms of victims might require various types of services and responses.

Future Response Strategies

Gozdziak, Elzbieta M., and Elizabeth A. Collett. 2005. "Research on Human Trafficking in North America: A Review of Literature." In Data and Research on Trafficking: A Global Survey. Edited Geneva: International Organization for Migration (IOM).

Annotation: The authors assess existing research on trafficking in North America and note the lack of reliable trafficking statistics. Research on trafficking in North America is often inaccurate and mostly funded by the U.S. government, which is problematic because government policy is often shaped by research findings. The authors argue that there is too much emphasis on sex trafficking and women, which draws attention from other forms of trafficking. The authors see a need for more careful research and cooperation among researchers in other countries.

Hodge, David R. 2008. "Sexual Trafficking in the United States: A Domestic Problem with Transnational Dimensions." *Social Work* 53 (2):143-152.

Annotation: Hodge focuses on sex trafficking in the United States in order to increase readers' awareness of the transnational nature of the crime and the role of organized crime in trafficking world. Hodge summarizes the legislative responses to the problem, including the Trafficking Victims Protection Act (TVPA). The author gives suggestions to help social workers in their roles as advocates for victims. At a local level, the author recommends "multidisciplinary teams" to fight trafficking, which would include local law enforcement officials, social workers, educators, clergy, and lawyers, and would work together to provide assistance to trafficking victims. This suggestion for multidisciplinary teams is a unique preventative suggestion not found in other sources.

International Association of Chiefs of Police. 2007. "Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation." Washington.

Annotation: This report provide instructions to local police agencies on how to identify trafficking victims and apprehend traffickers. Police agencies will likely discover trafficking in the context of other crimes, such as domestic violence, labor disputes, prostitution, pimping, shoplifting, and assault. Also, trafficking victims are not always illegal aliens: many victims hold valid visas and some are even U.S. citizens. Some strategies for identifying trafficking operations are paying attention to the security measures and working conditions of local businesses, and the freedom of movement and mannerisms of workers. Police departments are also urged to form relationships with any local anti-trafficking organizations before cases of trafficking occur.

Office of the Attorney General. 2007. "Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2006." Washington D.C.

Annotation: This report explores the effectiveness of different strategies to fight trafficking in the United States. The funding given to various anti-trafficking organizations is tracked to find out what it was used for. The benefits and services given to trafficking victims, both domestically and for immigration purposes, are described. The effectiveness of legal avenues, such as criminal investigations, prosecutions, and sentences, are examined. The report ends with appendices of information on various trafficking cases brought to court and tables detailing funding given to anti-trafficking organizations abroad. The report stresses that all government efforts to fight trafficking must employ a victim-centered approach.

Shinkle, Whitney. 2007. "Preventing Human Trafficking: An Evaluation of Current Efforts." Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University.

Annotation: Shinkle evaluates European and United States anti-trafficking legislation and finds that although there has been much progress in prosecuting cases of trafficking, it would be much more effective to focus on preventative measures to stop trafficking before it happens. Shinkle notes that some preventative measures are in place, but tend to be underutilized because it is extremely difficult to measure the effectiveness of such measures. Shinkle sees the best approach as one in which governments utilize trafficking survivors to find out what could have prevented them from being trafficked. Furthermore, the best prevention for trafficking is to rectify deep-seated societal inequalities.

United States Congress, and Commission on Security and Cooperation in Europe. 2005. "Exploiting Americans on American Soil." Domestic Trafficking Exposed: Hearing Before the Commission on Security and Cooperation in Europe, One Hundred Ninth Congress, first session, June 7, 2005. Washington D.C.: U.S. G.P.O.

Annotation: This hearing includes testimony from workers in various organizations who combat trafficking in America, including the FBI, U.S. Department of Health and Human Services, Standing Against Global Exploitation (SAGE) Project, and the National Center for Missing and Exploited Children. The testimony of a trafficking survivor is also included. Representatives of each organization testify and describe their goals, methods, and success in combating domestic trafficking. The commissioners then question the witnesses on specific statistics and policy in order to get a sense of the scope of the problem and how the organizations might be able to act more effectively in the future.

Vergara, Vanessa B.M. 2007. "Looking Beneath the Surface: Illinois' Response to Human Trafficking and Modern-Day Slavery." *University of Toledo Law Review* 38 (3):991-1009.

Annotation: This article focuses on anti-trafficking efforts in the state of Illinois, which has worked extensively with the federal government to establish the Illinois Rescue and Restore Campaign, designed to educate law enforcement agencies and the general public about human trafficking. Vergara argues that combating human trafficking will only come with widespread cooperation on state levels, and shows Illinois as a model for other states to refer to when crafting their own anti-trafficking legislation.

Wilson, Deborah G., William F. Walsh, and Sherilyn Kleuber. 2006. "Trafficking in Human Beings: Training and Services Among U.S. Law Enforcement Agencies." *Police Practice & Research* 7 (2):149-160.

Annotation: The authors note that current United States trafficking legislation relies heavily on federal agencies to respond to trafficking. In reality, however, it is more likely that local law enforcement agencies will first encounter victims of trafficking. The authors surveyed almost eighty police agencies across the country, all with jurisdictions over 150,000 people. The study found that most are unprepared to respond to cases of human trafficking. Survey findings shows that many local police agencies did not see trafficking as a problem in their area, and that they viewed anyone involved in the illicit sex trade as a prostitute willing to sell their body.