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Sex Trafficking: A Cumulative Study

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Table of Contents

| | |
|---|---------|
| Introduction | page 1 |
| History of Sex Trafficking in North America | page 4 |
| Modern Sex Trafficking in the United States | page 7 |
| Sex Trafficking Legislation | page 18 |
| Vacating Convictions | page 21 |
| Common Misconceptions about Sex Trafficking | page 28 |
| Application | page 33 |
| Appendix A | page 35 |
| Appendix B | page 45 |
| Appendix C | page 48 |
| Appendix D | page 51 |
| Bibliography | page 57 |

Introduction

Slavery is considered to be a mark in the United States' history, a point of the past. Well, slavery never truly ended, it just changed faces. The notion of slavery is "that one person's life, liberty, and fortune can be under the absolute control of another, and be sold, bought, or used at the will of the owner."¹ This notion can be used to describe the problem of sex trafficking. Conferences such as Passion and North Star, a conference that is hosted by International Justice Mission (IJM), have moved sex trafficking from the dark to the spotlight. Organizations such as IJM, Polaris Project, Shared Hope International, and others have become frontline fighters in this war against modern slavery. The purpose of this thesis is not only to raise awareness concerning the truths about sex trafficking but to illustrate the domestic nature of the problem and the attempts to combat it.

According to the United States Trafficking Victims Protection Act, sex trafficking is defined as:

The recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour services, slavery or practices similar to slavery, servitude or the removal of organs.²

Sex trafficking falls under the umbrella term of human trafficking which has become the third-largest and one of the fastest growing enterprises in the world, falling behind drug and gun trafficking.³ The common misconception is that trafficking solely focuses on the movement of a

¹"What Is Human Trafficking?" Human Trafficking Fact Sheet. Accessed April 18, 2016. <http://www.caseact.org/learn/human-trafficking/>, 1.

²Siddharth Kara. *Sex Trafficking Inside the Business of Modern Slavery*. (New York: Columbia University Press, 2009), 4.

³John Elrod. "Filling the Gap: Refining Sex Trafficking Legislation to Address the Problem of Pimping." *Vanderbilt Law Review* 68, no. 3 (April 2015): 961.

person or persons. Human trafficking encompasses a number of behaviors, including a person being trafficked without leaving his/her hometown. Trafficking is the exploitation of that person for means of profit or the trafficker's self-gain. It is about the enslavement of a human."⁴

One example of human trafficking for sexual purposes can be seen in the documentary, produced by The Well-House, entitled "I-20: The Sex Trafficking Superhighway." This documentary tells the story of Anna who was enslaved for five years. Anna grew up in an upper-middle-class family. Anna was given a car on her sixteenth birthday with the caveat she was to be financially responsible for its insurance and maintenance. Her parents also made her adhere to a curfew and dress code.

Anna began to need money to pay for her car. A friend presented Anna with a job opportunity. This friend of Anna's was what is known as a "Bottom Girl" or more accurately referred to as the "Bottom Bitch" (Bottom Girl will be the nomenclature used for the remainder of this thesis). The Bottom Girl's job is to help recruit girls for traffickers. To be referred to as a bottom bitch means that the girl is the low person on the totem pole, purely a requirement term. She is a means to an end. Anna began working as a paid escort to men. Anna, after three months of being a paid escort, fell in love with one of these clients. The client romanced Anna and convinced her to run away with him to Las Vegas. This client soon became her pimp and required her to engage in sexual activity with many other customers in order to earn enough money to be able to help pay for their "dream" life together. Anna was caught in this trafficker's trap. He began to abuse her and took her identification away from her. After five years of being trapped in the sex trade, her rescue was a result of law enforcement action on the brothel where she had been

⁴Kara, 4.

forced to continue in prostitution. However, rescues are not the norm for the majority of trafficked persons⁵

History of Sex Trafficking in North America

To be able to understand the problem of modern sex trafficking in America in the 21st century, one must start with understanding America's history with slavery. Globally, the number of slaves is higher today than at any other point in history. Slavery is not a new concept to the United States. Slavery is considered one of the lowest points in United States history. Today the tradition continues in a different vein. The times in history that most people discuss when they talk about slavery is the era around the Civil War. The truth is, slaves have been here in the United States long before the 1800s, and it has not always just been descendants of Africa that were enslaved. Prior to the nineteenth century, Caucasians also were enslaved though not by law.

There is little recorded or agreed upon among historians in reference to the first slaves in the United States. Some historians believe the first slaves were brought to America in 1619 when the first colonists settled in Jamestown. However, these people were not the first slaves in the Western Hemisphere. By the time the colonists had settled in Virginia, there were African slaves in various areas of Central and South America. One of the earliest documents shows slaves existed in this part of the world in 1539. The 1619 slaves were African, but were not considered "slaves" as the word's connotation perceives today. In 1619, The Jamestown colony had no law regarding slavery, so the people were considered servants who had their own rights. It is suggested that slavery had ended for these twenty men and women once they boarded the vessel that brought them to the U.S.⁶

⁵"Anna's Story," *I-20: The Sex Trafficking Superhighway*. Produced by The Well-House Organization, (2015), 2:15-6:10.

⁶Countryman, Edward. *How Did American Slavery Begin?: Readings*. Boston: Bedford/St. Martin's, 1999, 3.

Both whites and blacks worked in the tobacco field and had similar living conditions. The difference still was that the whites were free, but the blacks were still servants who had to work for their freedom, which some obtained. The whites came to the New World by choice, whereas historians suggest the blacks did not.⁷

By the 1600s, as the colonies were becoming more organized and unified. Laws were established to set to provide racial distinctions. These laws have what created the structure found the in the eighteenth-century racial slavery. Virginia, for example, had regulations that worked toward the advantage of the slaveholders.⁸ Massachusetts created its first slavery legislation in 1666, which suggested that anyone who was obtained as a lawful captive of war, a stranger who willingly sold themselves, or someone who was been sold to the person, could be a legal slave. This was modeled after the laws Barbados had passed in 1661 and the Mosaic Law.⁹

The transition from servant to slave began in this time in the colonies. Around the mid-seventeenth century, the differences in white and black slaves started to become clearer. The white slaves were receiving better treatment, and lesser punishments. Laws were enacted to forbid interracial marriages and relationships. The children that came from these interracial unions were not considered free, but slaves themselves. In Virginia, interracial marriages were banned in the late 1600s.¹⁰

By the 1800s, slavery had become what comes to mind when Americans think about the country's history with slavery. In 1817, Missouri petitioned the U.S. to become a slave state. Soon after, Alabama became a slave state in 1819, having petitioned before Missouri. If Missouri had been accepted then, it would have unbalanced the ratio of free and slave states. In 1820, Congress

⁷Countryman, 4.

⁸Horton, James Oliver., and Lois E. Horton. *Slavery and the Making of America*. Oxford: Oxford UP, 2005, 30.

⁹Countryman, 9.

¹⁰Horton, 30.

created the Missouri Compromise, saying that no state can enter the U.S. as a slave state if it is below Missouri.

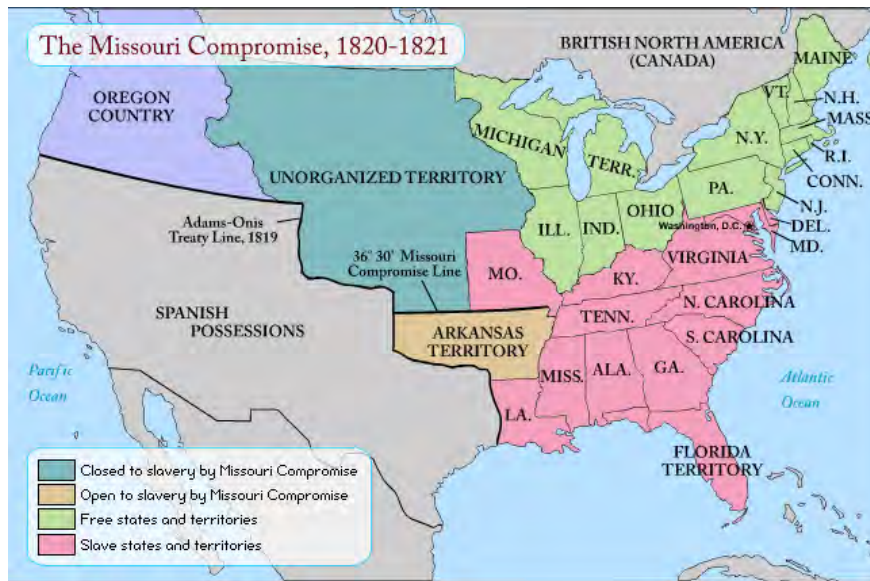


Figure A: Map of Missouri Compromise.¹¹ This map shows the divide between the free and slaves states in the U.S. before 1820 as well as indicating the split in free and slave territories if they were to enter the U.S. as a state.

Slavery was more prevalent in the South due to cotton plantations that were being planted.¹² In the North, free blacks and slaves risked being kidnapped or illegally sold into slavery.¹³ By 1860s, 90% of the African American population were enslaved. This aided in the push for the abolishment of slavery, by those who were enslaved as well as those free. There were also white men who wanted slavery abolished.¹⁴

The treatment of those enslaved continued to worsen as time passed. Slaves were forced to live by the Slave code. The overseers, who were appointed the plantation/field master, was in charge of the work that happened in the field. He was allowed to use any means necessary to make

¹¹<http://users.humboldt.edu/ogayle/MissouriCompromiseMap.png>.

¹²Horton 71.

¹³Ibid, 74.

¹⁴Ibid, 139.

sure the works was done. The slaves worked from sunup to sundown, no matter the weather. They were fed little and lived in horrible living conditions. They were not paid, and if they were paid, the slaves received little for their work. Slaved women were commonly raped, either for punishment or pleasure of the overseers.¹⁵

Slavery was abolished in January 1865, by the passing of the Thirteenth Amendment to the Constitution.¹⁶ Now, the U.S. and the world face a new type of slavery. Sex slaves undergo some of the same treatment as described for the 1800s slaves, but instead of working in a field, they are working a brothel, hotel, or are forced to work the streets. History repeating itself is not new, and here, slavery is even shown to be repeated.

Modern Sex Trafficking in the United States

As of January 2015, the number of slaves, both sex slaves and work labor slaves, was approximately 36 million slaves worldwide. Of this number, about 22 million slaves were reported to be found in the countries of India, China, Pakistan, Uzbekistan, and Russia. This total number of slaves came from a study that added up the number of slaves in 167 countries.¹⁷

The United States has between 600,000 and 800,000 slaves (sex and labor slaves) within its borders as of 2015. These statistics only include domestic (United States citizens) slaves. There are about 14,500 to 17,000 slaves brought into the United States from foreign nations annually. Of the 600,000 to 800,000 domestic slaves, sex trafficking victims make up nearly 300,000 to 500,000 of the total number. It's hard to obtain an accurate count of slaves in the United States as many are natural born citizens and are able to blend in their current environs.¹⁸ According to the

¹⁵"Slave Life and Slave Codes." Ushistory.org. Accessed March 23, 2016. <http://www.ushistory.org/us/27b.asp>.

¹⁶Horton, 209.

¹⁷McKirby, Euan. "World Has 35.8 Million Slaves, Report Finds." CNN. January 4, 2015. Accessed January 8, 2016.

¹⁸"Quick Facts About Commercial Sexual Exploitation & Sex Trafficking." Partners Against Trafficking Humans (PATH.) (March 2015), 3.

National Human Trafficking Resource Center (NHTRC) Annual Report of 2014, California has the highest number of reported cases of sex trafficking. Texas, Florida, New York, and Ohio follow behind.¹⁹

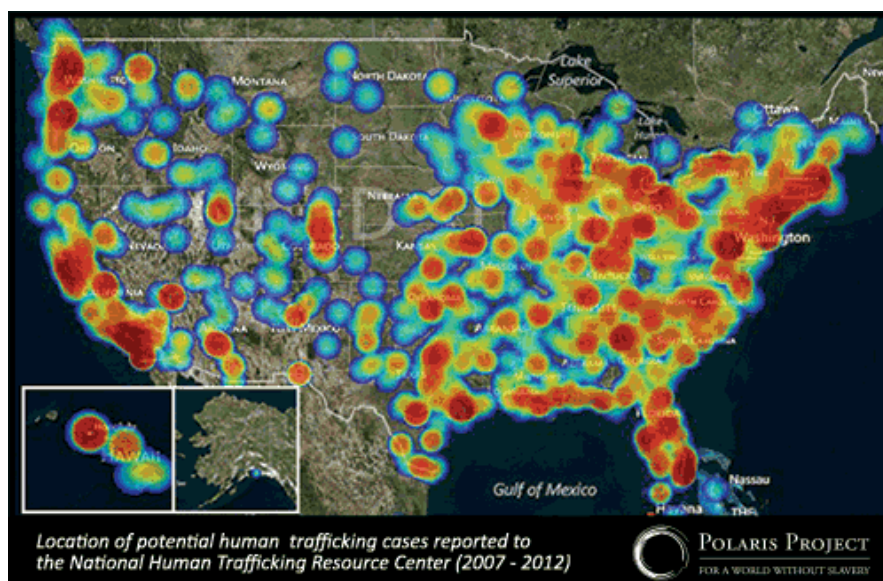


Figure 1: Location of trafficking cases between 2007-2012²⁰ Figure 1 shows a map of where trafficking was most prevalent in 2012. The darker the red color, the more reports of trafficking have been in that area.

Once the Trafficking Victims Protection Act was passed, the world was divided into Tier standings. Each Tier represents how effective or significant the laws in that country are in combating sex trafficking. The United States is a Level One Tier country, meaning its laws are helping in the fight against sex trafficking. The United States adapted the Tier standings to be used to gage state progress. The rankings are based off 12 anti-trafficking provisions: victim assistance, protection of minors, measures taken against forced sex and labor, and other provisions.

¹⁹"2014 NHTRC Annual Report." National Human Trafficking Resource Center. February 21, 2015. Accessed January 1, 2016. <https://traffickingresourcecenter.org/resources/2014-nhtrc-annual-report>, 3.

²⁰"The Facts." Polaris. 2015. Accessed January 1, 2016. <https://polarisproject.org/facts>.

Each state is rated on how many provisions the state has enacted. The standing qualifications are as followed as of 2013:²¹

- Tier 1: The state has enacted 7 to 12 provisions to combat sex trafficking: 32 states, including Texas and Arkansas, with Washington and New Jersey having adopted all 12 provisions.
- Tier 2: The state has enacted 5 to 6 provisions to combat sex trafficking: 11 states, including Washington D.C.
- Tier 3: The state has enacted 3 to 4 provisions to combat sex trafficking: 6 states.
- Tier 4: The state has enacted 0 to 2 provision to combat sex trafficking: 1 state.

Victims of sex trafficking do not have a particular look or way of life that causes them to become a victim. There is no true stereotype. Status in the world, age, and race have very little bearing on who gets victimized. However, those who are in a minority or economically disadvantaged groups are statistically victimized more. An upper east side girl can become a victim just like a girl from the projects, but it is more likely that the girl from the upper east side will be reported missing. Of the cases reported to NHRTC, there were about 2203 adults were trafficking and 1322 minors. There were 3250 females to 173 males and 1577 United State citizens to 464. These demographics only show a percentage of victims. Not every victim is reported or found and when they are reported, not all of their information is disclosed to the NHTRC.²² Because of how many victims come into the United States each year and how many citizens become victims of sex trafficking. It's hard to come up with 100% accurate statistics.

Just as the victims do not have a face, nor do the traffickers. A trafficker could be a tycoon on Wall Street or could be a gang member on the street. Again, there is no specific race, age, or gender to a trafficker. Traffickers can be male or female, 60 or 20, or of any racial background. Media does an injustice to victims by portraying traffickers to all be the same.

²¹Yamiche Alcindor. "Dozens of States Pass Laws to Fight Human Trafficking." USA Today. 2013. Accessed January 2, 2016. <http://www.usatoday.com/story/news/nation/2013/08/14/human-trafficking-state-laws/2652611/>.

²²"2014 NHTRC Annual Report," 6.



Figure 2: Picture portraying trafficking victim and trafficker²³

Figure 2 shows an image that can be found on different flyers against trafficking. Pictures like this paint an image in the minds of humanity. It depicts victims are white and traffickers are black. While both can be true, humans have the flaw of only believing what they see.

So how does sex trafficking still happen here in the land of the free? In the United States, trafficking has occurred in both legal and illegal avenues through different industries such as commercial sex and salon services. Most sex trafficking happens in ways, and places that are not visible to the public eye or the services are shielded under the name of another legitimate business. The most common form of sex trafficking here in the United States is violent pimp-controlled prostitution.²⁴

There is a system to sex trafficking. There are two key components: slave trading and slavery. Sex trafficking is a business that deals supply and demand. Slave trading is the supply and slavery is the demand. Within these two elements, there are three parts: acquisition,

²³<http://www.dreamcenter.org/wp-content/uploads/2012/12/HT-Pic.jpg>.

²⁴Barnard, Alyssa M. "The Second Chance They Deserve:" Vacating Convictions of Sex Trafficking Victims." *Columbia Law Review* 114, no. 6 (October 2014,) Accessed July 18, 2015. <http://www.jstor.org/stable/23932264.1468>.

movement, and exploitation. Acquisition and movement are tools to the slave trading supply part of this business. Traffickers have five different methods of acquiring victims: deceit (fraud,) a family member selling the victim to the traffickers, abduction (force and coercion,) romance, or recruitment by another victim.²⁵ The Trafficking Victims Protection Act (TVPA) uses the language of fraud, coercion, and force to describe how victims are obtained.

Fraud and deceit are used by way of promising the victims something: a job, a better life, or travel. The trafficker has something that the victim wants. After the lie has been accepted by the victim, the trafficker will move the victim to a different place. Once they have made it to the destination, the trafficker will either keep up the charade or will show their true motives. The victim's passport, identification, and any financial means are then taken. The victim is then forced to work as a prostitute or some other type of sex slave. If the trafficker is not the pimp that the victim will be working for, the victim will be sold to a pimp. This method is how most foreign victims find themselves in the United States, but it is also used for domestic victims as well.²⁶

Another method of trafficking being sold by a family member. Members of a family of lower income who are dealing with poverty, desperation, and displacement will be approached by a trafficker who will offer money for their child. In those times, a family who is desperate will sell their child for amounts as little as twenty dollars. The trafficker will begin to make promises to the family. They will say that the child will be working and that some of the wages earned will be sent back to the family. This statement is hardly the case. Once the victim is in the hand of the trafficker, they are owned by that person. Most of the money goes to the trafficker and the family may never see a dime. It is notated however that few families sell their child out of greed. Most families sell their child to be able to pay for food, their home, or debt. This method is not as

²⁵Kara, 5-6.

²⁶Ibid. 7.

prevalent in the United States but still can happen. Again, this is how most foreign victims come to the United States.²⁷

The fraud, coercion, and selling by family are the standard common methods that traffickers used to obtain victims. The media shows that traffickers only obtain their victims by the means of kidnapping/force. This is actually one of the less frequent practice. Force requires quick action and transportation. Most traffickers try to avoid moving victims as much as possible. Once a victim has made it to the intended destination, they will most likely stay there for an extended amount of time. Kidnapping is more commonly the tool used to acquire child victims. Victims of kidnapping will make more of an effort to run away, or will begin to draw more attention to the trafficker. Regardless, force is used by traffickers, and they will try to obtain a victim at any time of day. Traffickers are not the old man wearing the tweed trench coat lurching in the dark, waiting for nightfall. They will grab a victim in the middle of the day in the middle of a busy restaurant or mall.²⁸

With force, comes the next method of coercion. This method is when the trafficker threatens the victim to come with them. This can be paired with kidnapping, especially of those victims who are older. The trafficker threatens the family or will emotionally blackmail the victim. A mother is more willing to go with someone if they are threatening her husband and children. The trafficker has now established control over the victim.

Another method of capturing victims is through seduction and romance. Traffickers, also known as “Romeos,” will start to give attention to a girl. He will cause the girl to fall for him by way of elaborate gifts, offering undying love, or even a better life that the one she might have. They will date for a while, sometimes even marry, before the trafficker starts to make demands of

²⁷Kara, 8.

²⁸Ibid, 8.

the girl. The trafficker has promised a life for them somewhere and the girl has to help pay for that life. The trafficker will do one of three things: make all the preparation for travel and will have the girl travel alone to meet a friend of his, start suggesting that she go on dates with his friends, or ask her to start providing sexual favors for people as her way of contributing to them creating this new life together.²⁹

One of the final methods of entrapment is recruitment by former or current slaves. The example in the introduction of this thesis is that of recruitment. A “friend” of the soon-to-be victim will make the life they are living sound fabulous and worth doing. Women who are already slaves appear to be living a life of luxury. They have beautiful, expensive clothes, and money. Another trick is for the friend to say it is an excellent way to earn money and no one gets hurt. So the soon-to-be victim will buy into the façade. Of all the methods, this is one that researchers have a hard time believing this because it is a victim tricking another person into becoming a victim.³⁰

Once the trafficker has obtained the victim, the second step is movement. Movement is not necessarily moving from country to country or even state to state. A victim can be moved from their house to a house just across their hometown. The movement is just taking the victim out of their safe zone to a place of threat and danger. Traffickers will do anything and everything possible to make moving their victims as easy as possible. Threats, alcohol, or drugs are some of the tools of the trade in moving victims. Some traffickers will have the victims move themselves. With the promises of a new job, home, or living situation, victims do not second guess a trafficker's request to move from home. Traffickers will even convince younger victims to run away from home. This tactic is only used if the victim is a minor and lives at home. Transportation for victims is not limited to any particular means. Anything from cars to ferries can be used. The point is

²⁹Kara, 9.

³⁰Ibid, 9.

to get the victims away from where they are safe and identifiable. Traffickers will come up with false documents to help move people, specifically with organized crime groups.³¹

The last step and the longest part of this business is exploitation. Once the victim makes it to the final destination, their life is no longer their own. This destination is where coercion usually takes place. If the victim tries to escape, the trafficker threatens the victim's life and family. Drugs and alcohol are used to subdue the victim and to make them manageable, as well as violence.

In sex trafficking, the first order of business is to break the spirit of the victim. This is done by rape, torture, starvation, humiliation, and drugs. Before the victim is even begins working, they will already have endured multiple counts of rape. Once the victim has nothing left of dignity or pride, they are put to work. Most victims are trafficked to work just for one network of people. These people force the victims to work in the trafficker's choice of venue.³²

There are numerous venues of exploitation but the six most common: brothels, clubs, massage parlors, apartments, hotels, and streets. In the NHTRC's 2014 report, of the 3,598 sex trafficking case venues reported: 411 were hotel/motel based, 405 were commercial-front brothels, 202 were street-based, 184 were a residential brothel (apartment-like) based, and 98 were club based. Another venue of exploitation is pornography. Victims are forced to act in porn films. In that report, 145 pornographic based cases were reported.³³

Texas is Tier One state. According to the NHTRC, Texas had 1,876 calls to report trafficking within the state borders in 2014. There were also 64 reports made by email and 89 online tip reports.³⁴ This made Texas the second-highest call count in the United States of that

³¹Kara, 10-11.

³²Ibid, 12.

³³"2014 NHTRC Annual Report", 3

³⁴"NHTRC 2014 Texas State Report." National Human Trafficking Resource Center. 2015. Accessed January 2, 2016. <http://traffickingresourcecenter.org/resources/nhtrc-2014-texas-state-report>, 1.

year. Of the cases that were reported, 374 cases of sex trafficking were counted. This number is a non-cumulative number because not every sex trafficked case that is reported gives all the demographic information. 140 of cases were cases involved children.³⁵

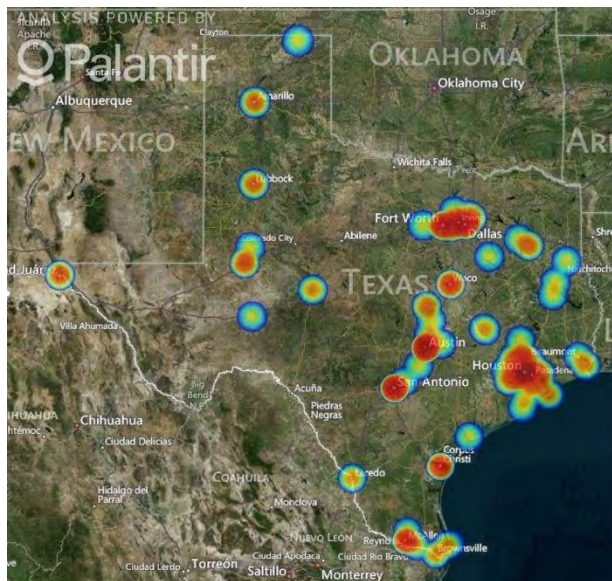


Figure 3: Locations of Most Reported case in Texas.³⁶

In April 2014, Texas Department of Public Safety issued an assessment of the threat of human trafficking within the state. Texas only accounts for about 10 percent of the tips sent into the NHTRC. As of January 2014, ninety-nine people have been incarcerated for human trafficking or compelling prostitution. The number of state charges for these crimes has grown from 20 and 54 in 2010 to 101 and 74 in 2013.³⁷

The demographic of victims in Texas are usually runaways, illegal aliens, and other vulnerable victims. Some of the cases in Texas are directly linked to gang activity due the number of gangs within the state. These gangs include: Barrio Azteca, Black Gangster Disciples, Bloods, Crips, Mara Salvatrucha, Sureños (MS-13), and Tango Blast. Sex trafficking is an attractive

³⁵“NHTRC 2014 Texas State Report.” 3.

³⁶Ibid, 5.

³⁷“Assessing the Threat of Human Trafficking in Texas.” April 2014. Accessed January 1, 2016. http://dps.texas.gov/director_staff/media_and_communications/2014/txHumanTraffickingAssessment.pdf., 2.

business to gangs because there is a change for large, renewable profits as well as detection being lower.³⁸

According to Polaris Project, around 100,000 children are trafficked for the sex trade in the United States. From 2007 to 2014, there were 709 human trafficking cases, 609 victims reported, and 176 arrests made in Texas. Texas has two FBI Innocence Lost Task Forces, one in Dallas and one in Houston. These task forces deal with child trafficking victims. Also from 2007 to 2014, there were 957 victims reported and 1,057 human trafficking incidents reported. Of the 99 arrests made as of January, 75 of the arrests were made due to the offender compelling prostitution.³⁹

Arkansas is ranked 36 out of the 50 states and Washington D.C. on how many calls that were received by the NHTRC in 2014.⁴⁰ There was 102 phones call made, two emails, and online tip reported. There were about 18 sex trafficking cases reported. Against, this is a non-cumulative number. The number of adult cases reported was 14 and there were 4 children cases reported.⁴¹ There was no assessment data found for the state of Arkansas.

³⁸"Assessing the Threat of Human Trafficking in Texas.", 2.

³⁹Ibid, 8.

⁴⁰"NHTRC 2014 Arkansas State Report." National Human Trafficking Resource Center. 2015. Accessed January 2, 2016. <http://traffickingresourcecenter.org/resources/nhtrc-2014-arkansas-state-report..> 1.

⁴¹"NHTRC 2014 Arkansas State Report.", 3.

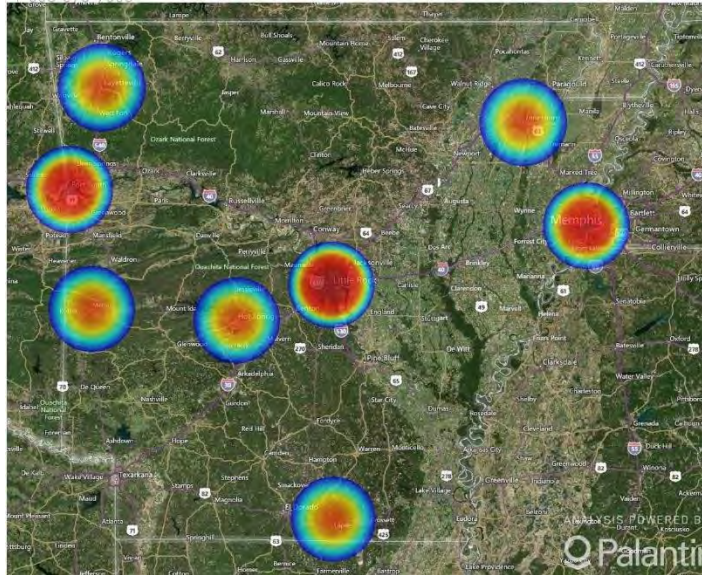


Figure 4: Locations of Most Reported Cases of Trafficking in the State of Arkansas

Lastly, District of Columbia (D.C.) was ranked 16th in number of reported cases in the U.S. There were 404 phone calls made, 35 emails, and nine online tips reporting trafficking in the nation’s capital.⁴² There were about 40 cases of sex trafficking reported out of D.C., 21 of these cases involved adults and 19 involved minors.⁴³ There was no assessment data found for the District of Columbia.

⁴²"NHTRC 2014 District of Columbia Report." National Human Trafficking Resource Center. 2015. Accessed January 2, 2016. <http://traffickingresourcecenter.org/resources/nhtrc-2014-district-columbia-report>, 1.

⁴³"NHTRC 2014 District of Columbia Report.", 4.



Figure 5: Locations of reported potential trafficking in the Washington D.C. area.⁴⁴ This map shows where the highest number of reported cases in the D.C. area were in 2014.

Sex Trafficking Legislation

The Trafficking Victims Protection Act (TVPA) was passed in October 2000.⁴⁵ This piece of legislation is what the Tier system is passed on and sets the standards on how to deal with this issue. The act blankets all forms of trafficking: forced labor and sex trafficking.

In 2013, Congress recommitted to aiding in the battle against human trafficking by reauthorizing the TVPA. The act’s effectiveness; however, is questioned. The TVPA only calls “severe” sex trafficking as a criminal offense. As noted, the TVPA defines sex trafficking as “in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”⁴⁶ Later in the act, the definition continues to say “the recruitment, harboring, transportation, provision, or obtaining of person for the purpose

⁴⁴“2014 NHTRC Annual Report”, 4.

⁴⁵Peters, Alicia W. ““Things That Involve Sex Are Just Different”: US Anti-Trafficking Law and Policy on the Books, in Their Minds, and in Action.” *Anthropological Quarterly* 86, no. 1 (2013): 221-55, 221.

⁴⁶Elrod, 964.

of a commercial sex act.” This addition to the definition now includes more than just the traffickers. Pimps of ordinary prostitution are now found guilty of sex trafficking.⁴⁷

Not all states recognize pimping as “severe” sex trafficking. Due to this, convictions, for any case where a defense attorney can say that there was no “severe” sex trafficking was done, are harder to secure by federal prosecutors. Most states will request that pimping cases remain in state and local courts, meaning pimps and traffickers can escape prosecution and are still able to operate their “business.”⁴⁸

The 2013 TVPA states that all commercial sex acts can fall under the title of “sex trafficking.” This notation is debated and disagreed with by feminist scholars and lawyers. Feminist scholars say that it is an act of gender discrimination to say that someone who is willingly participating and performing commercial sex acts is the same as someone who is forced. Some men and women who sell sex by choice.⁴⁹ Another group that argues against the TVPA are federalist groups. They believe that the government has stepped out of bounds into an area of the law that is usually left up to the states themselves. State and local police are more in the practice of handling prostitution and pimping. Even more so, it is usually the prostitute who is arrested and taken to trial, not the pimp.

The TVPA was originally passed to aid in the global fight against human trafficking. The mission statement that is found in the 2000 TVPA is that it “seeks to “combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominately women and children.” The TVPA states three ways of accomplishing this goal: prosecuting traffickers, protecting human trafficking victims, and preventing trafficking worldwide.⁵⁰

⁴⁷Elrod, 964.

⁴⁸Ibid, 965.

⁴⁹Ibid, 965, footnote number 27.

⁵⁰Ibid, 967.

In 2012, the TVPA issued a new offense: the sex trafficking of children or by force, fraud, or coercion. This offense is found in section 1591 of 22 United States Code (U.S.C.). This offense holds a minimum of fifteen-years sentence, with a clause that if the victim is, at least, fourteen-years old, but is still a minor, the penalty is a minimum of ten years. However, this section does not criminalize all activities. It only criminalizes “severe” sex trafficking that is either “force, fraud or coercion” or the victim is a minor. If the victim is eighteen years of age or older, or there is a lack of evidence of force, fraud, or coercion, it is not considered criminal activity under the TVPA.⁵¹

The TVPA is considered the first time that the federal government recognized human trafficking as a specific criminal offense. Before 2000, the Mann Act of 1910, also known as the “White Slave Traffic Act,” was used to prosecute sex trafficking cases. The catch was that there had to be evidence of transportation in interstate or commerce. The Mann Act does not require proof of force, fraud, or coercion. Prosecutors will bring cases under the Mann Act instead of prosecuting under 18 U.S.C Section 1591.

When the U.S. passed the TVPA, more states began to pass laws to aid in this fight. All U.S. states have some type of anti-trafficking legislation passed and in action. Most of these state laws mimic Section 1591, but may have their own variations. Despite legislation efforts, human trafficking cases are still rarely seen in state and local courts.⁵²

The United States has taken positive steps in the right direction towards fighting trafficking. The TVPA not only gives guidelines to the courts, but it also has provided awareness. The Department of Justice (DOJ) has dedicated numerous resources that have helped in the fight since the TVPA was passed. However, people still question the effectiveness of the TVPA, despite

⁵¹Elrod, 968.

⁵²Ibid, 969.

the rise in convictions since the 2000 TVPA was passed. According to the DOJ, before 2001, there were only seventy-six human trafficking case convictions from 1993 to 2000. From 2001 to 2008, there was a 581% increase in convictions. This does not show whether or not the TVPA's criminal provisions are aggressive enough to be effective.⁵³

There is also the question if section 1591 has made the workload for trafficking case prosecutors more burdensome. Sex trafficking cases are hard to get convictions on due to the proof needed. Some attorneys will only take child sex trafficking cases because they are easier to prove because the child cannot give consent for sexual acts. Even if a prosecutor does accept an adult trafficking case, it will be after local officials have already conducted their investigation and an arrest is made. The prosecutor is not able to gather the evidence at that point needed to prove fraud, force, or coercion. The TVPA has been effective in fight against trafficking due to the ways it aids victims. The TVPA falls short in helping convict traffickers though.⁵⁴

Vacating Convictions

Prostitution is illegal in the United States; except for in certain counties in Nevada, and even those places have very strict regulation for prostitution. Due to prostitution being a misdemeanor or felony crime, many prostitutes are picked up by local law enforcement and are arrested for prostitution. Those arrest made include those prostitutes who are victims of sex trafficking. They are arrested, prosecuted, found guilty by a jury, and either are forced to serve jail time, or are fined hundreds of dollars. Prostitution is a "quality of life" offense. This minor offense is given when it appears that the offender's actions are demoralizing communities and

⁵³Elrod, 972.

⁵⁴Ibid, 972.

diminishing the satisfaction of the neighborhood's residents. These areas are usually patrolled more due to the number of complaints made about the prostitution that is happening there.⁵⁵

In the absence of a clear way to identify who is a willing participating in prostitution, an “out” had to be created so that sex trafficking victims were not forced to pay the consequences for a crime that they were being forced to commit. In August 2010, the state of New York passed Assembly Bill 7670 in to their Criminal Law Procedure. This amendment to section 440.10 gave sex trafficking victims a way to vacate their convictions to crimes they committed while being a victim of a crime themselves.⁵⁶ This annulment of crimes gives the victims a second chance. Fifteen other states since 2010 have also made similar amendments to criminal law procedures, examples being: Oklahoma, Nevada, and Maryland.⁵⁷

Even though these amendments were created to help victims, the laws have not been as beneficial as lawmakers might have hoped. Once a prostitute is convicted, they end up having to deal with more problems either while they are trafficked or after they escape from their traffickers, if they find a way to do so. A trafficker or pimp will use the conviction as another way to manipulate their victims. They will tell the victim that they will have a hard time finding legitimate employment due to their now criminal record. If the victim threatens to out their trafficker, the trafficker will tell the victim that they are no longer creditable due to their conviction. Lies like these and much more are used to force the victims to stay trapped in this industry.⁵⁸

If the victims manage to escape entrapment, they face other problems. Their convictions do make finding employment difficult. It also makes finding public and private housing harder.

⁵⁵Barnard, 1470.

⁵⁶Ibid, 1463.

⁵⁷Ibid, 1464.

⁵⁸Ibid, 1472.

Some victims find themselves in custody battles because courts will see the conviction as a way to prove that the victim is unfit to raise children. If the victim was trafficked to the United States from a foreign country and they wish to become a legal citizen, the courts may not approve their citizenship due to their prostitution conviction.⁵⁹

Assembly Bill 7670 was created to help these victims not to be victimized even more by the state and government. One of the bill's sponsors, Assemblyperson Richard Gottfried, is quoted to say "trafficked persons should not suffer ongoing punishment for acts they committed unwillingly under coercion."⁶⁰ The bill provides lawyers and judges step on how they can legally vacate the convictions. The defendant (victim) must be able to prove that their participation in the offense was due to being trafficked as defined by the TVPA.⁶¹ This bill has also placed certain regulations on what offenses may be vacated. The "arresting charge" must have been under either New York Penal Law section 240.37 or section 230.00.⁶² New York Penal Law section 240.37 is the law against loitering for the purpose of engaging in prostitution and section 230.00 is the law against prostitution. The second regulation is that the motions made for vacating must be made with due diligence by a person who is no longer a victim of sex trafficking or has sought counseling or other service to help overcome the victimized they endured.⁶³

Debates are surrounding this bill though. First off, the language of the bill states that the only victims who can have their convictions vacated are those whose "arresting charge" is for prostitution or loitering with the purpose of prostitution. This language was done so that relief

⁵⁹Barnard, 1472.

⁶⁰Ibid, 1474.

⁶¹Ibid, 1474.

⁶²Ibid, 1475.

⁶³Ibid, 1475.

was broadly available. Some people believe that this gives victims the chance to vacate more serious convictions, just because they were arrested first for prostitution.⁶⁴ The counter argument for this is that if victim was convicted of a more serious crime, then a new arresting charge would have been added, voiding the terms of the bill. Judges are given the freedom to use discretion when it comes to situation like this.

Another argument that is made against the “arresting charge” language is that it only prostitution and loitering charges are eligible for vacating. Victims are usually forced into participating in other illegal acts, such as drug use, either taking the drugs or purchasing them for their pimps. The victims then will also be charged with possession of controlled substances. Due to the language used in the bill, the victims are not able receive relief for these charges.⁶⁵

These debates about “arresting charge” language were silenced once the first case under this new bill happened. In *People v. G.M.*⁶⁶, the victim was able to vacate two prostitution convictions as well as two drug-possession convictions and two criminal-trespass convictions.⁶⁷

The only issue that has been seen with this new section is that does help victims receive post-conviction relief, however; it does not help provide a defense for the charges. Even with this section passed, people are still arrested for these charges and a percentage of them being victims of trafficking.

To help address this problem of victims still being arrested, in 2013, New York created Human Trafficking courts. These criminal courts are specialized to handle prostitution cases as well as providing services to trafficking victims. In New York, these courts handle cases from all

⁶⁴Barnard, 1475.

⁶⁵Ibid, 1476.

⁶⁶Sex Trafficking victims’ names are abbreviated in court case names for protection purposes.

⁶⁷Ibid, 1477.

of the five boroughs of New York City and other areas of the state.⁶⁸ These courts are employed with specially trained prosecutors, judges, defense lawyers, and social workers. These courts did undergo some scrutiny, but they became operation at the end of October 2013.⁶⁹

In 2011, Illinois passed Senate Bill 1037 which allowed victims to vacate their prostitution convictions in the state. There are many difference to the Illinois Bill from the New York Bill. The Illinois bill does not use “arresting charge” language but rather talks directly about “convictions made under Section 11-14,” which is the section about prostitution. The bill also provides many examples for types of probative evidence that will aid is proving is the charged person is a victim. Between 2011 and 2014, fourteen other states have created vacating convictions sections in their laws.⁷⁰

One of the only ways to prove these changes in the laws are effective is to see how many victims actually take advantage of them. There are two factors used to figure out who is actually eligible for this help. The first involves the number of arrests and conviction. From 2008 to 2012, there were between 2,400 to 2,800 arrest made in NYC for prostitution and loiter per year.⁷¹ The number of arrest do not give a clear picture of everyone who is eligible for their conviction vacated though. A victim, as noted, must be convicted to be able to receive relief. If a person is arrested for prostitution, they have the chance to plead guilty and have the charge lessened to a disorderly conduct charge which is out of the guidelines for a charge to be vacated. In 2011, NYC had 85% of prostitution-like arrest end in a conviction and only one-third of those ending

⁶⁸Barnard, 1478.

⁶⁹Ibid, 1479.

⁷⁰Ibid, 1480.

⁷¹Ibid, 1481.

in jail time.⁷² Numeric data, this means about 2,391 people were convicted of prostitution or a related charge and out of this number, only 789 people spent time in prison.

The second factor is figuring out if those who are arrested are actually victims or not. According to the Department of Justice, of the 2,391 arrest made in 2011, the number of people who were actually forced into prostitution by a pimp or trafficker were 1,793. These people are the ones who qualify for the relief.⁷³ Since the bill was passed, there has only been a few victims who actually made motions to vacate their convictions. As of March 2014, there have only been thirty-eight conviction vacated in New York. Illinois has only had two convictions vacated. There is no record of vacated convictions from the other states that have this legislation.⁷⁴

There are a couple reasons for why few convictions vacated. Victims may not know that this option is available to them or qualified lawyers who can file this motion are not found. The main problem for the small numbers can be found within the legislation. The bill requires due-diligence, or investigation which dictates when victims can file the motion to vacate the convictions. The bill also required evidence to support the motion.

A victim of sex trafficking cannot file for a motion to vacate if they are still entrapped or if they have not sought out help for trafficked victims. Evidence must be provided to prove that the victim was in fact coerced into prostitution. Vacating a trafficking-related conviction significantly differs from vacating other types of convictions; there are times that the requirement of due-diligence seems less relevant and more burdensome to trafficking cases.⁷⁵ This causes victims to not want to make motions for vacatur.⁷⁶ A motion to vacate a prostitution

⁷²Barnard, 1482.

⁷³Ibid, 1483.

⁷⁴Ibid, 1484.

⁷⁵Ibid, 1485.

⁷⁶Vacatur is “a court announcement saying something is cancelled or annulled.” *Collins English Dictionary – Complete and Unabridged, 12th Edition 2014*. S.v. "vacatur." Retrieved April 2 2016 from <http://www.thefreedictionary.com/vacatur>.

conviction does not mean the victim is arguing that they did not commit the crime, but that they were not culpable for the crime, due the fact they were trafficked and what that entails.⁷⁷

Evidence is also required when a victim makes a motion for their convictions. There are few guidelines for what evidence is acceptable for use to prove victimization. Section 4401.10 in New York's Criminal Procedure Law says that "official documentation of the defendant's status as a victim...shall create a presumption that the defendant's participation in the offense was a result of them being a victim of sex trafficking."⁷⁸ This makes achieving vacated convictions more obtainable for older prostitution convictions. The caveat in this section does not make clear what type of evidence is sufficient enough to prove that the defendant is actually a victim.⁷⁹

Despite this discrepancy, this requirement has not seriously hindered the victims who have sought this relief. The state normally does not contest the motion based evidence provided and even in cases where the motion is contested, the courts will grant the motion because the victim's testimony was creditable. Due to this, there has not been a motion to vacate that has been denied.⁸⁰

As noted, this bill that New York passed in 2010 has lead the way in aiding victims with justice for wrongful convictions. However, it has not appeared to be 100% successful due to how little the number of victims who have actually filed motions. The system appears to be filled with contradictions. Sex trafficking victims are still convicted of crimes the legislators say that they are not guilty of committing. The vacating of the offense does not happen until after the victims has already gone through trial. Despite the flaws, the idea of giving victims a chance to create a

⁷⁷Barnard, 1486.

⁷⁸Ibid, 1489. This is from Criminal Procedure Law section 440.10 (1)(i)(ii).

⁷⁹Ibid, 1489.

⁸⁰Ibid, 1490.

better future, by getting rid of a past that they did not chose is an idea that continues to evolve for the better.

Common Misconceptions about Sex Trafficking

There are many common misconceptions on trafficking. Television shows and movies have glamorized trafficking to cause people to believe that what is shown in media, is what trafficking really is. Some of the big misconceptions are that people smuggling is the same as human trafficking, a pimp and trafficker are the same things, and that all prostitutes are sex trafficked victims.

The first debate that will be addressed is human smuggling versus human trafficking. The definition of human trafficking has already been stated. Human smuggling is “the procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident.”⁸¹ Asylum seekers and refugees are not in this category of people. It is not a crime to seek asylum from another country. Someone who is smuggled is someone who was willing to go with another person, a smuggler, and has paid for the services of the smuggler. The people who are smuggled are considered illegal migrant.⁸²

Some things have to considered when describing the differences between trafficked and smuggled. Trafficking has a victim. This person has not requested movement, nor are willing. They are not paid or paid little for their labor. Exploitation is the key element to what makes trafficking what it is.

⁸¹Iselin, Brian, and Melanie Adams. "Distinguishing between Human Trafficking." *UN Office on Drugs and Crime, Regional Centre for East Asia and the Pacific*, Bangkok, April 10, 2003., 2. This definition is according to the Protocol against the Smuggling of Migrants by Land, Sea and Air.

⁸²Iselin, 2.

Generally speaking, smuggling has no victims. As noted, the person being smuggled wants to go with the smuggler. They want to be moved from where they are to a new location. The person is a client of the smuggler more or less. There is a chance that once they are in the new country, the smuggler could turn around and exploit the client, but the initial transaction was from two willing parties. People smuggling is illegal due to fact that is a person entering another country without going through the proper and legal channels. If a notion of a victim had to be made in this situation, it would be the State.⁸³

The next difference is that of consent. There is little to no effective consent in trafficking. The victim may have consented to the movement, example: a promise of a new job, but the moment they are exploited, that consent meant nothing. Smuggling only happens with consent. They agree to the terms of payment, the means of travel, etc.⁸⁴

Trafficking and smuggling are similar in one fashion, the movement of people. A trafficker's reason for moving their victim is for exploitation at the final destination. The trafficker has the intention of exploiting the victim for profit or personal gain. Smuggling's purpose of movement is moving people who have made entered into an agreement to be "stolen" across border. The smuggler has the intention of moving the person, but as a facilitator.

Next is the differences in recruitment and procurement. In trafficking, the recruiter is the person who finds the victims. They are first-level traffickers whose job is to find those who fit the demand profile. These are the traffickers who assist or orchestrate the movement of the victims. Smugglers do not have recruiters. They are just operators. Smugglers may "advertise," but

⁸³Iselin, 3.

⁸⁴Ibid, 3.

typically a smuggler waits for clients to find him. They do not have to deceive their clients into moving locations.⁸⁵

The customer relationship in trafficking is very different than the customer relationship in smuggling. In trafficking, the trafficker/recruiter is usually working for someone else: a brothel owner, pimp, factory owner, or other sex-trade related businesses. The victim is nothing more than a commodity to both parties. The customer relationship is only between the traffickers and those who are paying them. The victim is not a part of the equation. In smuggling, the relationship is between the smuggler and the one being smuggled. The smuggle provides the service of movement, and the client pays for it.⁸⁶

Knowledge and control are both vital parts to trafficking and smuggling. Those who actually have knowledge and control in each scenario is different story. In trafficking, the victim knows nothing. The victims are losing control and knowledge the moment they agree to or are forced to go with the trafficker. The trafficker picks the destination, means of transportation, means, the job, and other aspects of this “new” life. The victim no longer has a say in their life. The trafficker, to put it plainly, owns the victims. In smuggling, the client has knowledge of all parts of the transaction. They have the ability to pull out of the deal at any time, usually for no refund. The client picks the location. The control is not lost by the client, nor is the client owned by the smuggler.⁸⁷

The last difference that is going to be discussed is that of violence. Trafficking is a violent crime. Smuggling is a migration offence. Violence is a tool of the trade for traffickers. It helps subdue the victim, even the threat of violence makes the victim comply. It aids in controlling the

⁸⁵Iselin, 4.

⁸⁶Ibid, 5.

⁸⁷Ibid. 6.

victim once they are put to work. Smugglers rarely use violence. They have already made profit. Smugglers are paid upfront for their services. Smuggling does not deprive people involved of their liberty or rights.⁸⁸

The next debate is a pimp versus a trafficker. In 18 U.S.C. section 1591, the character of the pimp is addressed. According to Black's Law Dictionary, a pimp is defined as "a person who solicits customers for a prostitute, usually in return for a share of prostitute's earnings." The truth is that the pimp is more than just the prostitute's agent. A pimp will recruit vulnerable people to work in prostitution. Pimps and traffickers are not extremely different in their methods, which means prostitution and sex trafficking are similar in ways as well, but that will be addressed later. A trafficker may use the same tactics as a pimp, but their role in this business is different.⁸⁹

A trafficker is usually just the recruiter. He or she is a provider for the exploiter. Once the trafficker has delivered the victim to the intended patron, that is usually the last time the victim and trafficker have contact. A pimp, on the other hand, is the exploiter but also wears the hat of a trafficker. A pimp can also be a trafficker, but a trafficker is rarely a pimp.⁹⁰

The last debate that will be looked at is prostitution versus sex trafficking. As noted, they are similar in the sense that both have workers providing commercial sex acts. Some people have the belief that all prostitutions are victims of sex trafficking. This belief is false. Sex-work advocates will say that forbidding the sale of consensual sex takes away an individual's rights of choice and agency.⁹¹

Sex-work advocates see prostitution and sex trafficking as two completely different business industries. Prostitutes are merely exercising their rights as an individual to choose what

⁸⁸Iselin, 7.

⁸⁹Elrod, 979.

⁹⁰Ibid, 972.

⁹¹Ibid, 972.

they will do with their bodies. Sex trafficking victims do not have a choice; they are forced to work as sex slaves.

According to this line of reasoning, when someone equates prostitution with sex trafficking, they are not recognizing a women's choice to engage in this line of work. Prostitution is a female dominated business, but there are men who work in the business as well. The equating of the two also reinforces the gender-based stereotypes that say that women are weak and vulnerable and do not have the ability to willing choose to work in the commercial sex industry.⁹²

The two are different, but they do have a link. The commercial sex industry is fed from the sex trafficking industry. The supply and demand model explains this relationship. Due to the growth of the commercial sex industry, there is a demand for more and more workers. This demand creates a profit motive. This motive is what draws in traffickers to be those individuals who provide the supply to meet the demand. Also, because of the nature of the industry, traffickers, once they run out of willing workers, have to go and find sex partners. At this point is when the exploitive tactics come in.⁹³ Even if there are willing participates in prostitution, if the sex trafficking industry grows or declines, so does the prostitution industry.⁹⁴

The line between prostitution and sex trafficking is at times hard to see. The prostitution industry may have coercive elements. There is evidence to say that some prostitutes do not generally enter into prostitution of their own free will, but at the hands of a pimp or trafficker or other variables. Other variables could be poverty and economic vulnerably. Most prostitutes are recruited because they see that money can be made.

⁹²Elrod, 973.

⁹³Ibid, 974.

⁹⁴Ibid, 975.

Some prostitutes fall into category of victim due to what age they entered prostitution. If an individual is a minor, they do not have the legal capacity to consent to sexual activity. Statistics show that most prostitutes come into the industry as a minor. It's hard to leave the life of prostitution once an individual has lived in it.

Due to the age in which an individual most likely became a prostitute, it is hard to distinguish consensual prostitution and sex trafficking. Legislation may equate them together, but sex work advocates will try to show the difference. A sex trafficking victim will be forced into prostitution, but not all prostitutes were forced into the industry due to being trafficked. Legislation also is written in a way that if it conclusively implicates sex trafficking, it may also implicate prostitution.⁹⁵

Application

Sex trafficking continues to grow day by day. It is a problem that that has many sides and elements. However, there is a hope to be found. Sex trafficking is coming out of the dark and is being reported about. Each day, more stories are being reported about rescues, pimp/john arrests, and hope. People are becoming aware through training, videos, and conferences. Partners Against Trafficking Humans (P.A.T.H) holds annual training sessions that help people become able to work with the victims the organization helps and just gives them basic tools to identify victims and what to do when that happens.

The best aid in this fight against sex trafficking is knowledge. The more people know, the more they are able to help. The first way people can help in this fight is by receiving training. Law enforcement is now being required to go through training. While it is never the job of citizens to perform rescues, the way they can help is by reporting victims when they see them. While there is

⁹⁵Elrod, 977.

not a face to victims, there are tale tell signs. This is where attending training sessions offered by anti-trafficking agencies is beneficial.

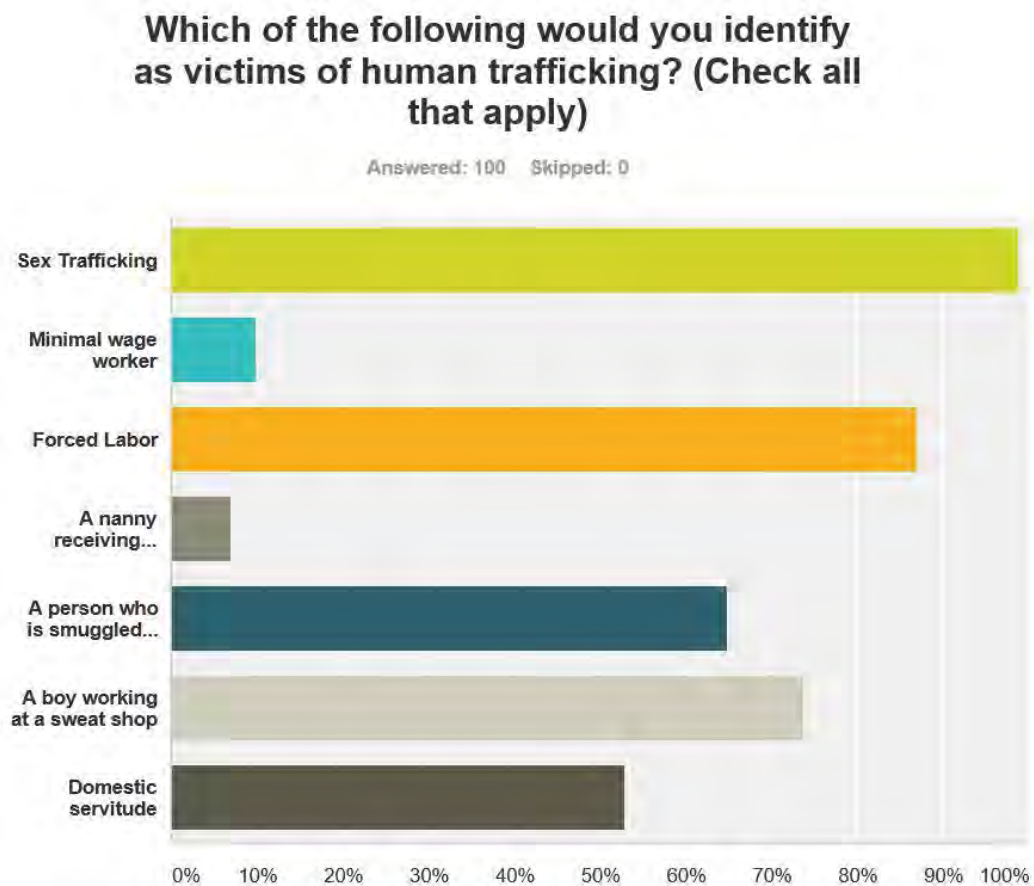
Anti-trafficking agencies, safe houses, refuge houses, and aftercare homes are growing in numbers as more people become aware of the problem and want to join in the fight. States are creating Task Forces that are specialized in stopping trafficking and rescuing victims. Safe houses and refuge houses are being created to house victims once they are being freed. These houses are equipped to help the victims with basic needs: food, shelter, clothes, and even help break the drug habits that the victims obtained while entrapped. Aftercare houses help by teaching victims how to be a member of society. The houses help them get an education, teaching them basic life skills: cooking, cleaning, paying bills, and other things that normal citizens may take for granted, and getting a job. If rehab is needed, the refuge house will help with that.

These victims endure many difficulties entering back into the real world, but success is not uncommon. It is the family of people from these houses and agencies that contribute to this. A person has the ability to succeed on their own, but the support of other gives them the hope needed to push them forward. As noted, this problem is not going to go away tomorrow. This fight is not a hopeless fight. The first step is knowledge, followed by action. It is a fight that if more people would take up arms in and do their part, sex trafficking could one day become a problem of the past.

Appendix A

I created a survey for the students of Ouachita Baptist University to take so that I could analyze how much information about sex trafficking an average college student knew. 100 students took this survey.

Question 1:

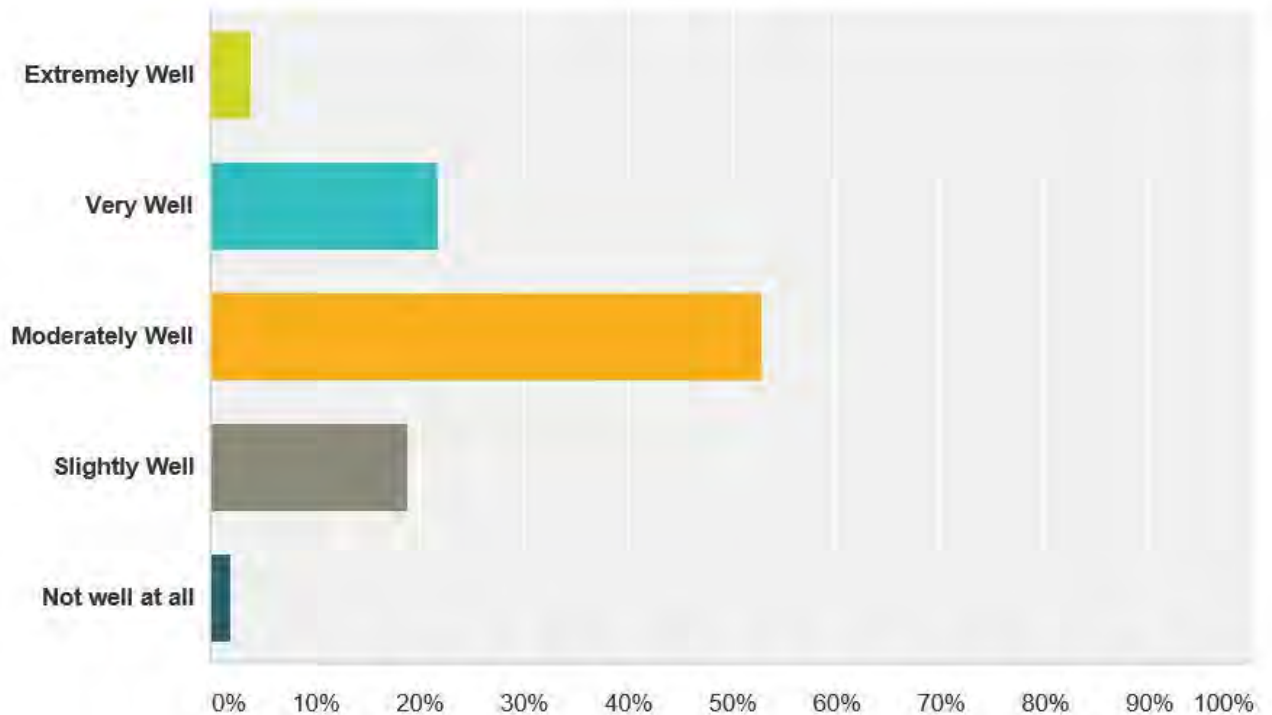


The answers to this question were sex trafficking, forced labor, and a boy working at a sweat shop. As the graphs show, most students answered this questions correctly. 99% picked the answer sex trafficking, 86% picked the answer of forced labor, and about 75% picked the answer of the boy in the sweat shop.

Question 2:

How well do you feel you understand what sex trafficking is?

Answered: 100 Skipped: 0

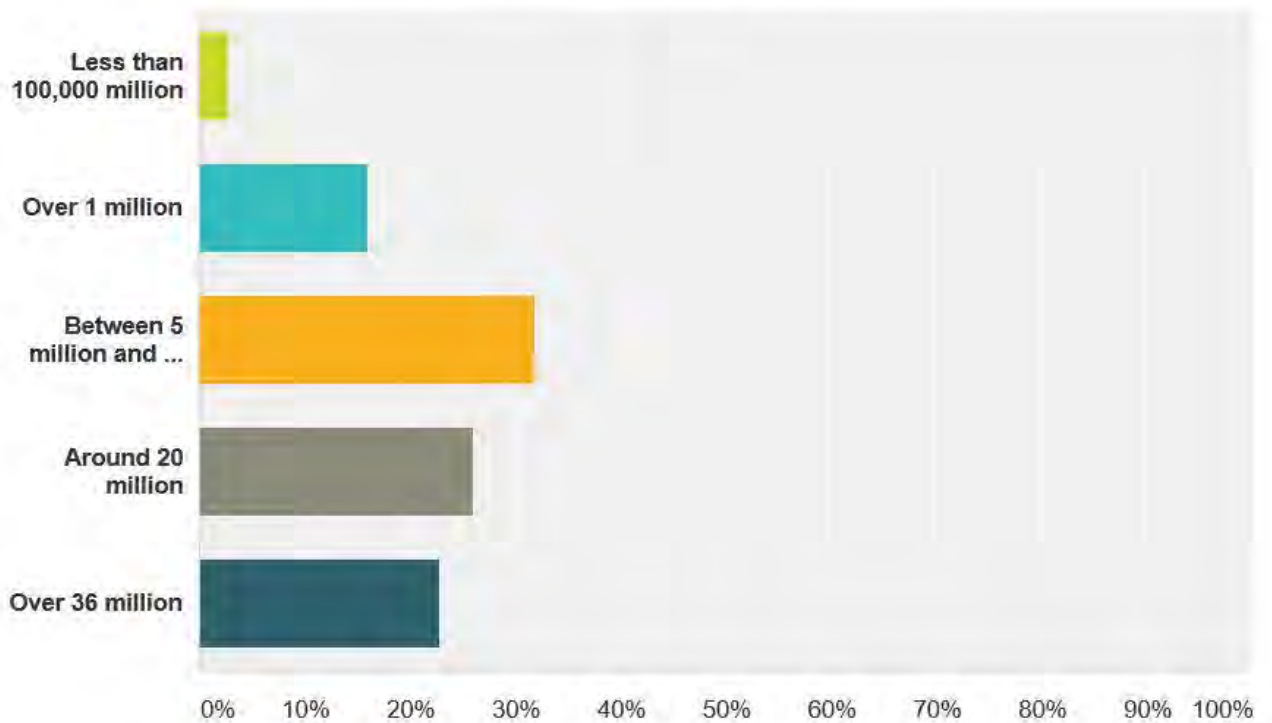


This question was asked just to show that sex trafficking is a topic that is not explained as well as other problems in society. There is so much knowledge but it is not taught or people just underestimate the severity of the problem.

Question 3:

How many modern day slaves do you believe there are in the world today?

Answered: 100 Skipped: 0

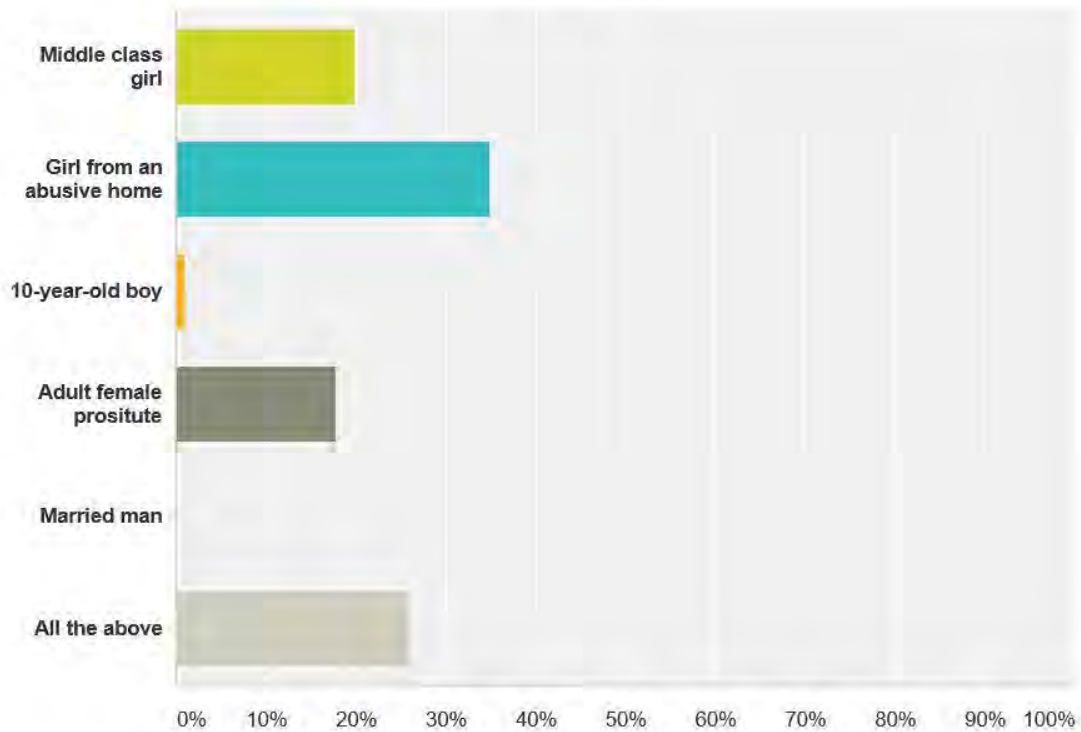


The answer to this question is over 36 million people enslaved in the world today. That number continues to grow day back as more people become victims. About 25% picked the answer over 36 million.

Question 4:

Which of the following would consider most likely to be sex trafficked?

Answered: 100 Skipped: 0

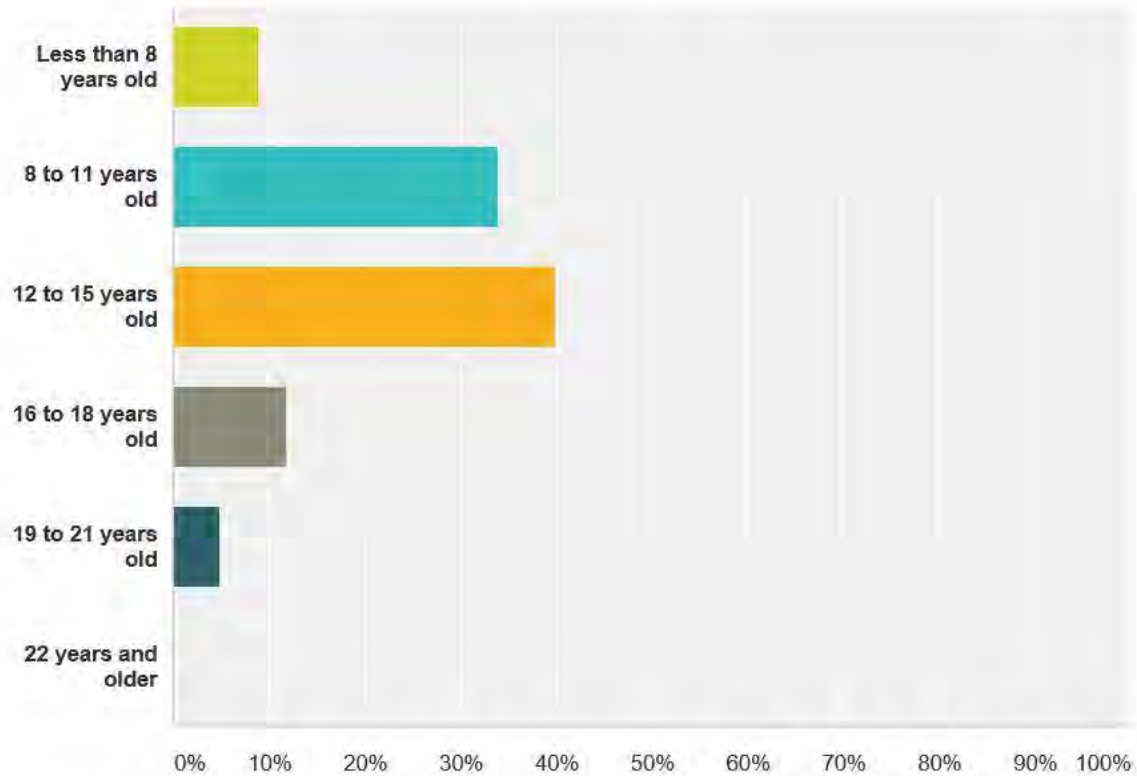


The answer to this question is all of the above. About 25% of the students gave this answer. Anybody can fall victim of sex trafficking. However, females are the most trafficked in when comparing the genders.

Question 5:

The majority of girls being trafficked are

Answered: 100 Skipped: 0

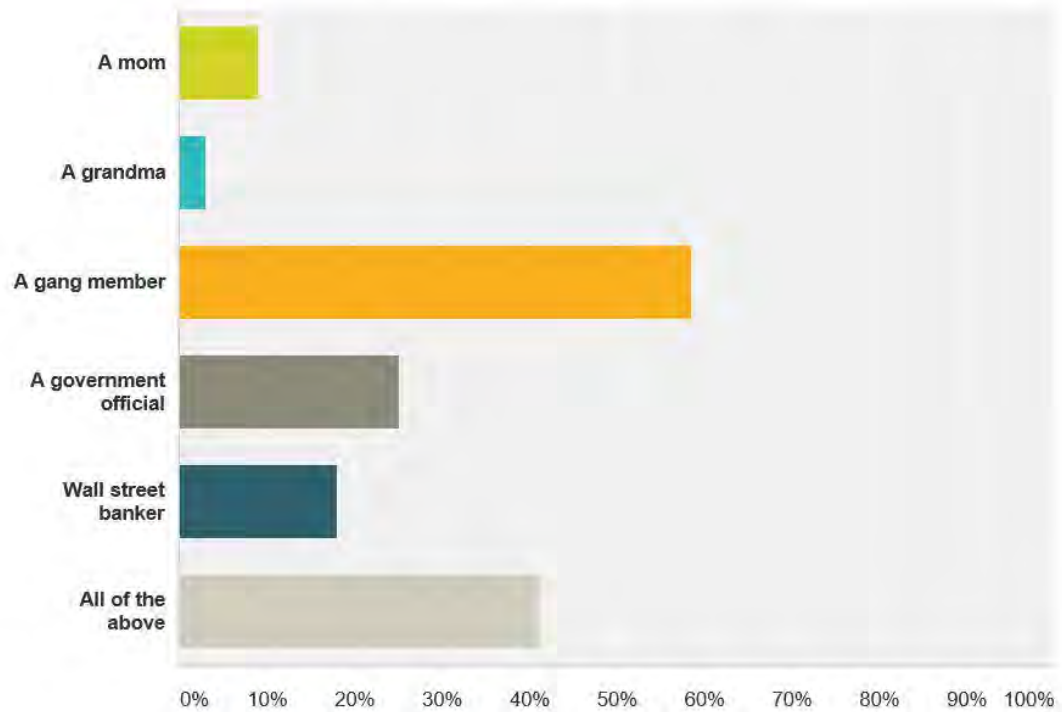


The average age that a female is trafficked is 11-13 years-old. About 35% of students gave this answer.

Question 6:

Which of the following would you identify as a pimp, someone who controls the sex trafficked victims? (check all that apply)

Answered: 99 Skipped: 1

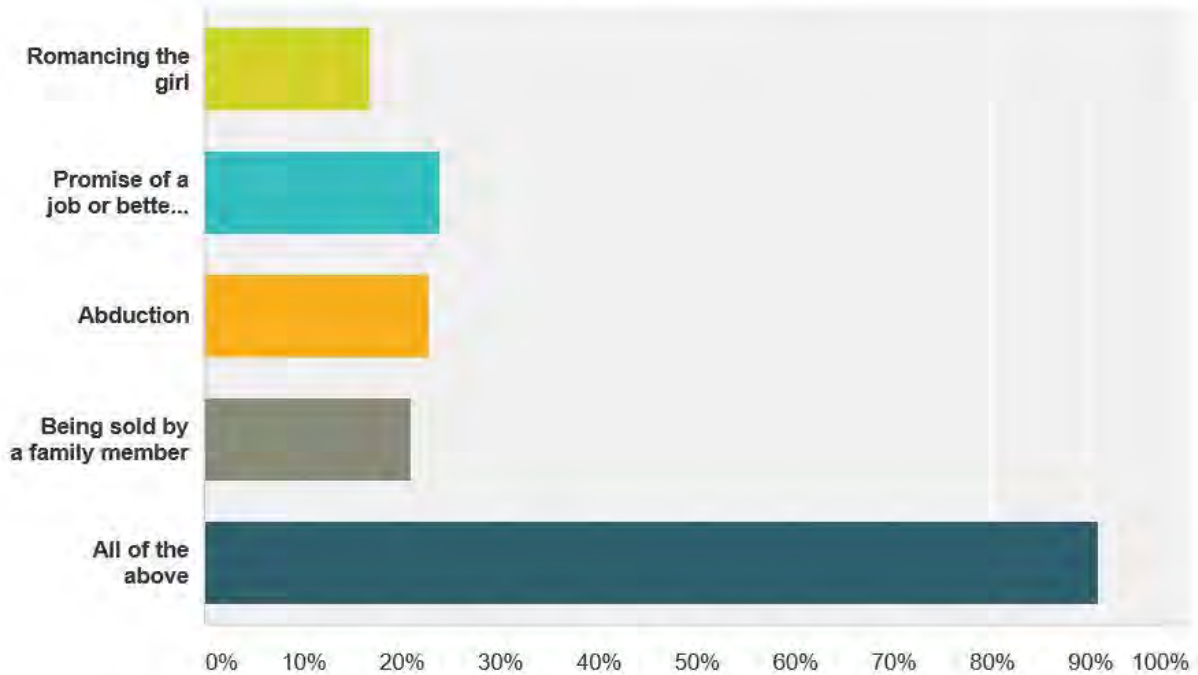


The answer to this question is all of the above. Just as any person can be victimized, any person can be a trafficker. About 41% of students said all of the above.

Question 7:

Which of the following would you identify as methods to force girls into sex trafficking? (check all that apply)

Answered: 100 Skipped: 0

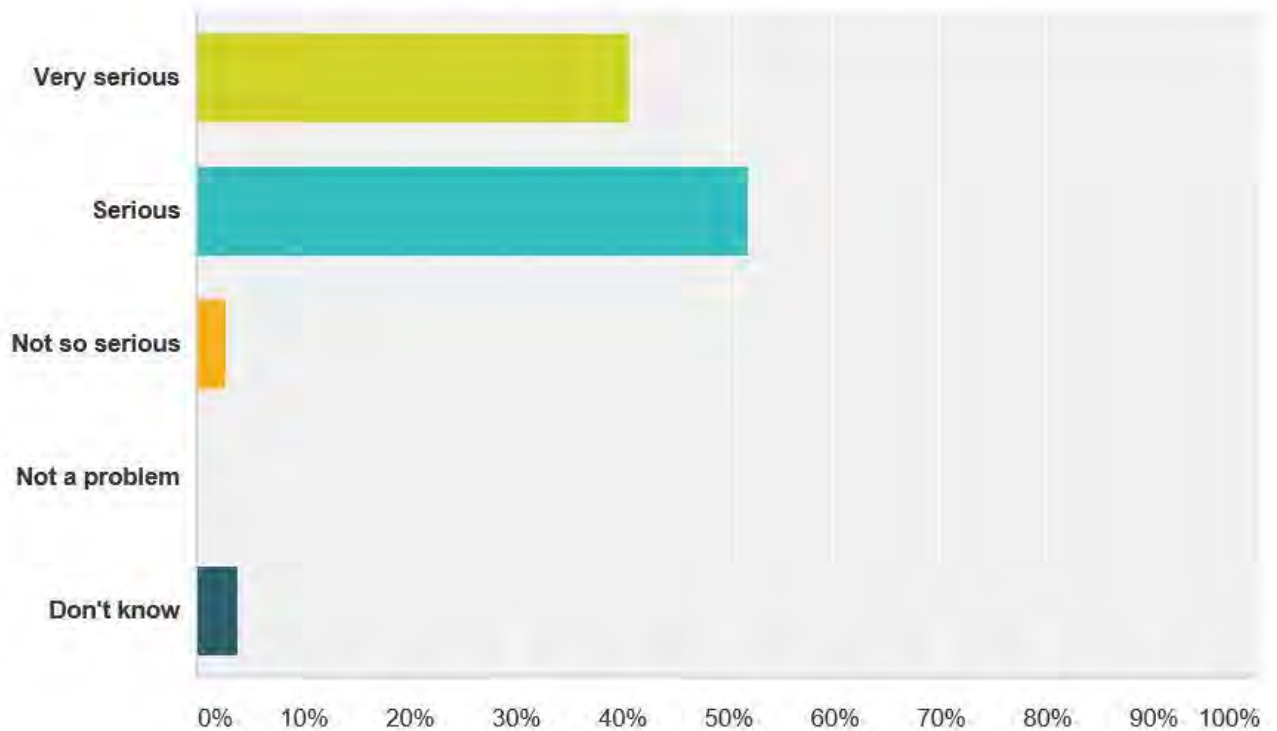


The answer to this question was all of the above. About 91% picked this answer. The most commonly used methods a trafficker will use are romancing the victim and a promise of a better job, life, or home. Being sold by a family member is more common in communities known for poverty and third world nations. Abduction is the least used method.

Question 8:

In your opinion, how serious of a problem is sex trafficking in the United States?

Answered: 100 Skipped: 0



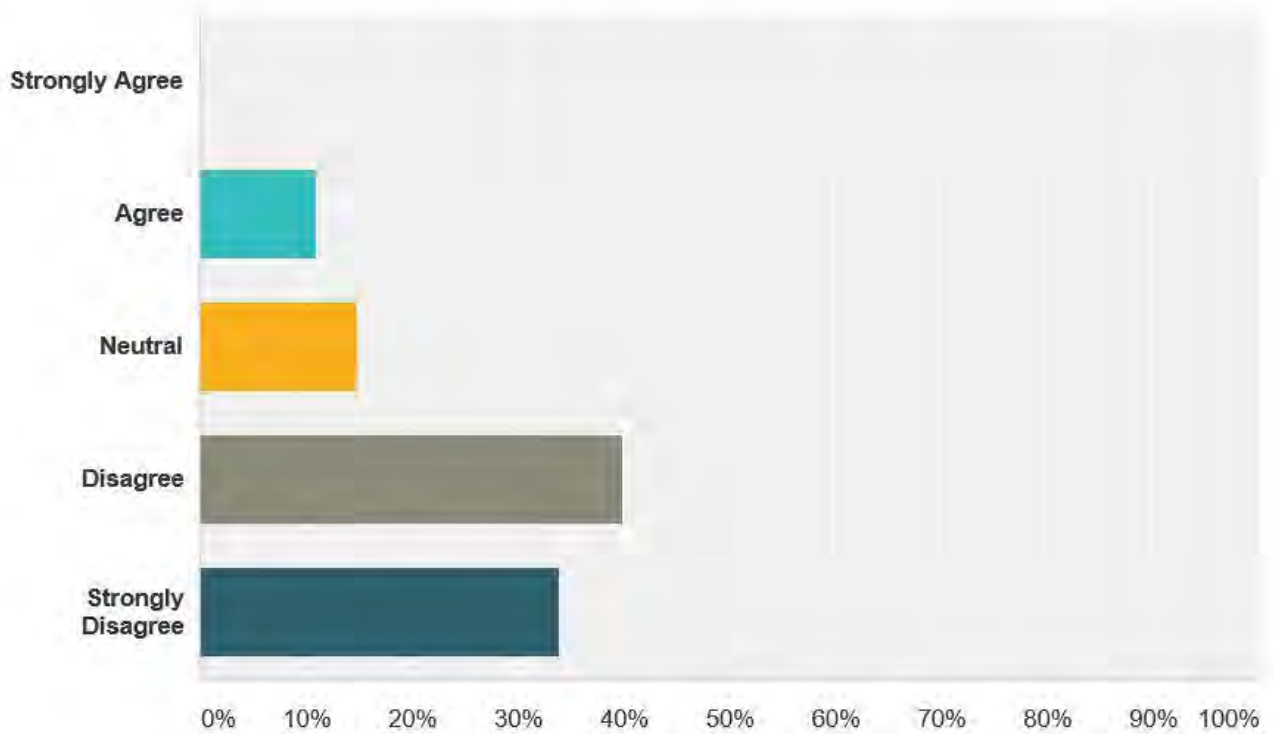
This question did not have a correct answer. This was to test the knowledge of the students.

About 2% students who took the survey said that they did not know how serious the problem is in the United States. This is not a failure on the part of the students. This shows that this topic is not being talked about in a way that people understand how serious of a problem is in the nation.

Question 9:

If prostitution were legalized, sex trafficking would pose less of a problem?

Answered: 100 Skipped: 0

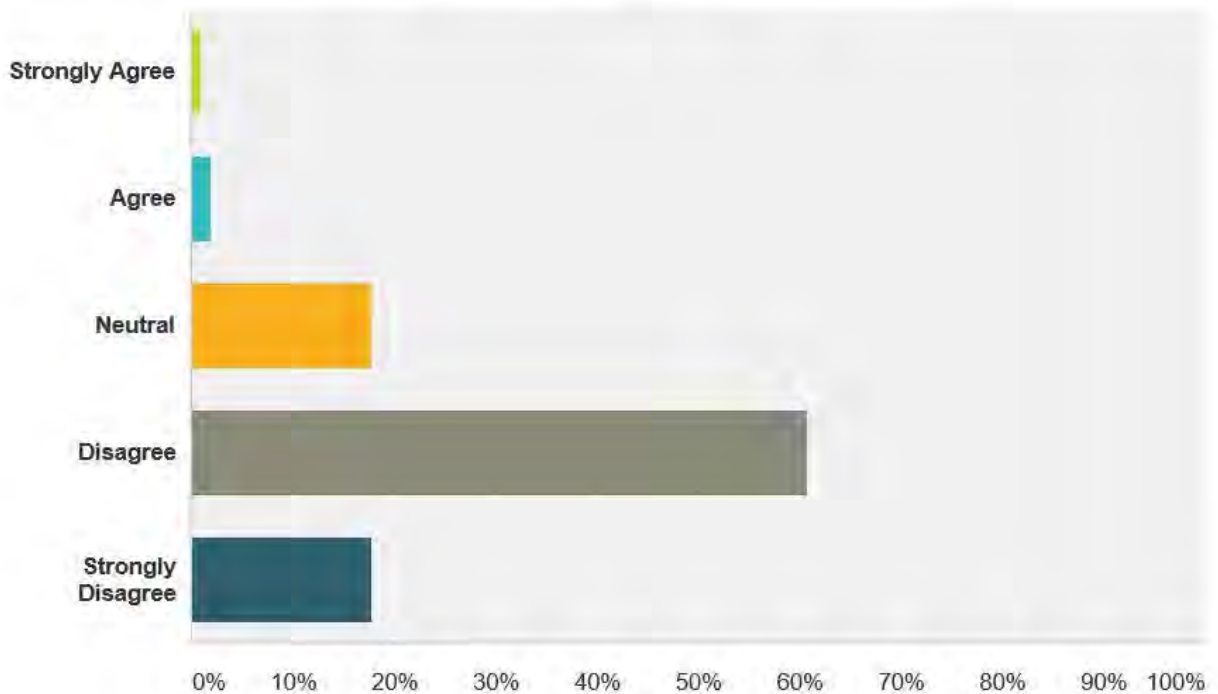


This question was asked to get the opinion of students. Prostitution is a criminal offense in the United States. If prostitution was legal, it could change the demand for sex workers because people might be more will to work in the industry. Or it would cause pimps to want more workers, therefore, they would still be trafficking people.

Question 10:

The United States is doing everything within its power to combat sex trafficking?

Answered: 100 Skipped: 0



Again, this was an opinion seeking question. Arguments could be made that the United States is doing enough to help combat trafficking or that the government is not doing enough. The United States is making great strides in the actions they are taking to end the problem. More could always be done, but the United States is not failing in their efforts. Sex trafficking a problem that hides in the dark and under other names, making it impossible to just have one defensive tactic. As the problem molds, grows, and changes, it forces the solution to mold, grow, and change.

Appendix B

I conducted an interview on January 14, 2016 with an Assistant United States Attorney and a Department of Homeland Security Agent, both based out of Texas, were asked a series of questions about sex trafficking in the United States, specifically in the state of Texas. For protection purposes, their names and specific location will not be mentioned.

- 1) What are your specific rolls in this fight against sex trafficking?
 - a. Attorney: “I am an Assistant United States Attorney in the Northern District, and I specifically deal with human trafficking cases.”
 - b. Agent: “I am a Special Agent Criminal Investigator with the Department of Homeland Security. I specifically deal with crimes against human trafficked adults and minors.”
- 2) What are some notable convictions?
 - a. Attorney: “There was U.S. vs. Luis Rivera and Brady Rodriguez-Cruz. This was one of the first federal cases to try both a “pimp” and “john.” The victim was a 12-year-old child. There is also U.S. vs Erin Patton and Keith Williams. This was a couple that was tried and pleaded guilty to conspiracy and sex trafficking of children. Williams was also a street gang member. Then there was also U.S. vs Steric Paul Mitchell and Gregory Hunt. They were charged with kidnapping, trafficking, rape, and attempted selling. The two were also charged with firearms charges. This case’s victim was also an FBI security guard’s daughter.”

- 3) Do you consider all those arrested for prostitution to be victims of sex trafficking?
- a. Attorney: “No, if it is an adult female. Course there is a chance that if we looked that when they started soliciting, they were under the age of 18 and were victims at the time. Many women start recruiting: either because of their pimp or they cross over on their own. Some adult females started out as strippers and may have chosen to start working for a pimp. There is an opinion that prostitutes are just prostitutes, despite their age, adult or child, domestic or foreign.”
 - b. Agent: “No.”
- 4) What percentage of the victims help in the arrest of their traffickers/pimps?
- a. Attorney: “Most cooperate, about 50%. But this is only of those who have a definite pimp. Those who cooperate can be both adults or children.”
- 5) Did you choose to prosecute/work with victims or where the cases just assigned to you?
- a. Attorney: “I first worked as a prosecutor for child pornography cases. In 2012, the U.S. Attorney in my district asked me to make the change. In human trafficking cases, I get to interact with the victims more than just seeing their faces on the screen.”
 - b. Agent: “I first started working with trafficking cases in 2004. I was more so assigned to work them, rather than me asking to. I was first in Houston, and then transferred to Seattle. Around 2013, I was transferred back to Texas to work with human trafficking victims. I like working with being able to actually work with victims, and having the chances to see results.”

6) What are associated crimes with sex trafficking?

- a. Attorney: “Guns, gang members, prior drug dealers. There have been people who have been convicted of domestic violence, gun/drug possession, identify thief. About 20-30% of those who are convicted of trafficking are convicted with at least one of these other crimes. There are more gangs in Texas than on the East Coast. Trafficking may not be a gang’s full time “job,” but some of a gang’s members can also be pimps.”

7) What is age of some of your oldest victims? Youngest?

- a. Attorney: “I have worked with victims as old as 31. The foreign victims are usually older. Under federal law, victims who are under the age of 18 is immediately a victim.”
- b. Agent: “One of my youngest victims was twelve.”

8) What is the hardest element in working with sex trafficking victims?

- a. Attorney: “When the they disappear or “re-runaway” after they have made progress outside of that life. When the victims slip back.”
- b. Agent: “It is establishing rapport with the victims. It is also difficult when they slip back. Some victims do really well outside of that life, but other love the money and bling too much. Some of the female victims have had multiple pimps so they get use to the money and ‘glamour’ that they get with the pimps.”

- 9) Is there any specific training you had to go through to be able to work with victims?
- a. Attorney: “No, I did not have go through any training, but I do attend training sessions. I am a part of the region’s Anti-Trafficking Task Force. They suggest training for its members: such as looking for signs of trafficking in the area.”
 - b. Agent: “There is training given for state and local cops. The training is also used so those who work with victims will change their vernacular on the subject, specifically medical personnel and police. The victims already have a hard time trusting people. If those who are helping them, police and medical personnel, are using terms like “whore” or “slut” when referring to a prostitute who started out as a trafficked victim, the victim will be even more reluctant to accept help.”

10) Have you presented anything at the Crime Against Children Conference?

- a. Attorney: “I have attended the conference as well as Crimes Against Women conference. I also attend conferences hosted by the Texas Gang Investigation.”

11) What are some of the road blocks you face in your field?

- a. Attorney: “There is always judgment from people who do not understand. It is hard to communicate with normal people who do not deal with this jargon or situations like trafficking on a day to day basis. It is also difficult trying to get the girls to testify and also getting them to trust you. There are times where I have had to charge to get them to talk. It is also hard having to make cases without the victims’ testimonies.”

12) What percentage of victims are non-U.S. citizens?

- a. Attorney: “Most of the victims that I have worked with are domestic. From this group, I have worked with more children than adults. I have not worked with many foreign victims, maybe 2 out of the 25. Foreign victims face other obstacles such as deportation so they are more likely not to report anything. Their children are also used as control pawns.”

13) Do you ever see any familial connections? What is the most prevalent?

- a. Attorney: “Yes, I have seen familial connections: dads pimping out children, etc. However, it is not just the father. All sides of the family, moms, brothers, uncles, etc. have identified as a victim’s pimp.”

14) What is the most rewarding cases?

- a. Attorney: “There was a girl who was found trafficking who got out of the life. She is now married to a youth pastor and has children. She struggled with drugs when she was being trafficked but is now clean.”
- b. Agent: “There was a 16-year-old and 14-year-old who were rescued. One of the girls still keeps in touch. She was thankful for the help. The girl is now going to college and is overcoming her past and struggles and is moving forward. When the victims have support from family and/or friends, it helps them stay out of the life and addictions.”

15) Is there anything you would like to add?

- a. Attorney: “It is important to recognize the little victories and successes: the victims not on the street, not on drugs and working towards something. Seeing than as an equal is also important. Reminding the victims who have been rescued, “Prostitution is something you did, it is not who you are.”
- b. Agent: “You have to meet people at their level.”

Appendix C

These are a list of terms that can be associated with sex trafficking.⁹⁶

1. **Automatic** — A term denoting the victim's "automatic" routine when her pimp is out of town, in jail, or otherwise not in direct contact with those he is prostituting. Victims are expected to comply with the rules and often do so out of fear of punishment or because they have been psychologically manipulated into a sense of loyalty or love. All money generated on "automatic" is turned over to the pimp. This money may be used to support his concession/phone account or to pay his bond if he's in jail.
2. **Bottom** — A female appointed by the trafficker/pimp to supervise the others and report rule violations. Operating as his "right hand," the Bottom may help instruct victims, collect money, book hotel rooms, post ads, or inflict punishments on other girls.
3. **Branding** — A tattoo or carving on a victim that indicates ownership by a trafficker/pimp/gang.
4. **Brothel (a/k/a Cathouse or Whorehouse)** — These establishments may be apartments, houses, trailers, or any facility where sex is sold on the premises. It could be in a rural area or nice neighborhood. Most brothels have security measures to prevent attacks by other criminals or provide a warning if law enforcement are nearby. The security is two sided—to keep the women and children in, as well as robbers out. The places often are guarded (and open) 24 hours a day, but some have closing times in which the victims are locked in from the outside. Victims may be kept in this location for extended periods of time, or rotated to other locations every few days.

⁹⁶"Common Sex Trafficking Language." *Shared Hope International*. Web. 15 Apr. 2016.
<<http://sharedhope.org/the-problem/trafficking-terms/>>.

5. **Caught A Case** — A term that refers to when a pimp or victim has been arrested and charged with a crime.
6. **Choosing Up** — The process by which a different pimp takes “ownership” of a victim. Victims are instructed to keep their eyes on the ground at all times. According to traditional pimping rules, when a victim makes eye contact with another pimp (accidentally or on purpose), she is choosing him to be her pimp. If the original pimp wants the victim back, he must pay a fee to the new pimp. When this occurs, he will force the victim to work harder to replace the money lost in transaction.
7. **Circuit** — A series of cities among which prostituted people are moved. One example would be the West Coast circuit of San Diego, Las Vegas, Portland, and the cities between. The term can also refer to a chain of states such as the “Minnesota pipeline” by which victims are moved through a series of locations from Minnesota to markets in New York.
8. **Daddy** — The term a pimp will often require his victim to call him.
9. **Date** — The exchange when prostitution takes place, or the activity of prostitution. A victim is said to be “with a date” or “dating.”
10. **Escort Service** — An organization, operating chiefly via cell phone and the internet, which sends a victim to a buyer’s location (an “outcall”) or arranges for the buyer to come to a house or apartment (an “in-call”); this may be the workplace of a single woman or a small brothel. Some escort services are networked with others and can assemble large numbers of women for parties and conventions.

11. **Exit Fee** — The money a pimp will demand from a victim who is thinking about trying to leave. It will be an exorbitant sum, to discourage her from leaving. Most pimps never let their victims leave freely.
12. **Family/Folks** — The term used to describe the other individuals under the control of the same pimp. He plays the role of father (or “Daddy”) while the group fulfills the need for a “family.”
13. **Finesse Pimp/Romeo Pimp** — One who prides himself on controlling others primarily through psychological manipulation. Although he may shower his victims with affection and gifts (especially during the recruitment phase), the threat of violence is always present.
14. **Gorilla (or Guerilla) Pimp** — A pimp who controls his victims almost entirely through physical violence and force.
15. **“John” (a/k/a Buyer or “Trick”)** — An individual who pays for or trades something of value for sexual acts.
16. **Kiddie Stroll** — An area known for prostitution that features younger victims.
17. **Lot Lizard** — Derogatory term for a person who is being prostituted at truck stops.
18. **Madam** — An older woman who manages a brothel, escort service or other prostitution establishment. She may work alone or in collaboration with other traffickers.
19. **Out of Pocket** — The phrase describing when a victim is not under control of a pimp but working on a pimp-controlled track, leaving her vulnerable to threats, harassment, and violence in order to make her “choose” a pimp. This may also refer to a victim who is disobeying the pimp’s rules.

20. **Pimp Circle** — When several pimps encircle a victim to intimidate through verbal and physical threats in order to discipline the victim or force her to choose up.
21. **Quota** — A set amount of money that a trafficking victim must make each night before she can come “home.” Quotas are often set between \$300 and \$2000. If the victim returns without meeting the quota, she is typically beaten and sent back out on the street to earn the rest. Quotas vary according to geographic region, local events, etc.
22. **Reckless Eyeballing** — A term which refers to the act of looking around instead of keeping your eyes on the ground. Eyeballing is against the rules and could lead an untrained victim to “choose up” by mistake.
23. **Renegade** — A person involved in prostitution without a pimp.
24. **Seasoning** — A combination of psychological manipulation, intimidation, gang rape, sodomy, beatings, deprivation of food or sleep, isolation from friends or family and other sources of support, and threatening or holding hostage of a victim’s children. Seasoning is designed to break down a victim’s resistance and ensure compliance.
25. **Squaring Up** — Attempting to escape or exit prostitution.
26. **Stable** — A group of victims who are under the control of a single pimp.
27. **The Game/The Life** — The subculture of prostitution, complete with rules, a hierarchy of authority, and language. Referring to the act of pimping as ‘the game’ gives the illusion that it can be a fun and easy way to make money, when the reality is much harsher. Women and girls will say they’ve been “in the life” if they’ve been involved in prostitution for a while.

28. **Track (a/k/a Stroll or Blade)** — An area of town known for prostitution activity. This can be the area around a group of strip clubs and pornography stores, or a particular stretch of street.
29. **Trade Up/Trade Down** — To move a victim like merchandise between pimps. A pimp may trade one girl for another or trade with some exchange of money.
30. **Trick** — Committing an act of prostitution (*verb*), or the person buying it (*noun*). A victim is said to be “turning a trick” or “with a trick.”
31. **Turn Out** — To be forced into prostitution (*verb*) or a person newly involved in prostitution (*noun*).
32. **Wifeys/Wife-in-Law/Sister Wife** — What women and girls under the control of the same pimp call each other.

Appendix D

If you would like more information about organizations mentioned in this thesis as well as ones not mentioned, here are a list of websites to each organization:

1. www.antislavery.org
2. www.breakingfree.net
3. www.missingkids.org
4. <http://catwinternational.org/>
5. <http://www.freetheslaves.net/>
6. <http://hopeforjustice.org/>
7. <https://www.ijm.org/>
8. <https://www.notforsalecampaign.org/>
9. <https://polarisproject.org/>
10. <http://run2rescue.com/index.php>
11. <http://sharedhope.org/>
12. <http://www.truckersagainsttrafficking.org/>
13. <http://pathsaves.org/>
14. <http://www.theprephome.org/>
15. <http://www.refugeoflight.org/>
16. <https://traffickingresourcecenter.org/>
17. <http://www.ntcaht.org/>
18. <http://the-wellhouse.org/>
19. <http://restorenyc.org/>
20. <http://ctcaht.org/>

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