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COMBATING MODERN SLAVERY: REAUTHORIZATION OF ANTI-TRAFFICKING PROGRAMS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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COMBATING MODERN SLAVERY: REAUTHORIZATION OF ANTI-TRAFFICKING PROGRAMS

WEDNESDAY, OCTOBER 31, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 2:05 p.m., in Room 2141, Rayburn House Office Building, the Honorable John Conyers, Jr. (Chairman of the Committee) presiding.

Present: Representatives Conyers, Nadler, Scott, Watt, Lofgren, Jackson Lee, Waters, Johnson, Ellison, Smith, Coble, Chabot, Keller, and King.

Staff Present: Lou DeBaca, Majority Counsel; Andrea Loving, Minority Counsel; and Teresa Vest, Chief Clerk.

Chairman CONYERS. Good afternoon. The Committee will come to order. Welcome, everyone.

This is an incredible and an unusual kind of hearing because of the promise of freedom of the 13th amendment, a promise written from the suffering of all of those who have been held in bondage. Sadly, involuntary servitude lives on in this country long after Emancipation Day. Freedom can only be advanced through sustained determination. The Civil Rights Movement could only occur after the change of peonage and exploitation had been broken in the late 1940's by the NAACP and, as well, the FBI and the Justice Department's Civil Rights Section all working together.

The same type of collaboration is happening today with nonprofit groups and the Government working together to confront trafficking for modern slavery. Here in Congress we must work to ensure that they have the tools they need to fulfill the living promise of the 13th amendment, and that essentially is what this hearing is about today.

The Trafficking Victims Protection Act was a groundbreaking, bipartisan effort to update our involuntary servitude statutes and to create victim protections. I thank for this cooperation the Ranking Member of the Judiciary, Lamar Smith.

It is a bipartisan bill, recently introduced with both Chairman Tom Lantos' and Congress Member Chris Smith's reauthorizing the statute. The principal features include immigration avenues to protect victims and their families from retaliation and to ensure that children are protected, assistance to U.S. citizens who fall prey to modern slavery or who are caught up by pimps or other types of criminal social activity, more flexibility in the ability to employ ser-

vitude statutes and other criminal laws against sex tourism operators and others who retaliate against escapees.

The measure does not, however, create a general Federal antipimping statute or import the Mann Act into the trafficking and slavery statutes, as some have advocated. It is proper to seek compassionate responses for persons in prostitution, but we do not need to conflate prostitution and slavery or change settled bipartisan definitions of the TVPA and international law to accomplish this worthy goal.

The bill is named after the British parliamentarian William Wilberforce, who fought so hard to end the Transatlantic slave trade 200 years ago. There is a university named in his honor. I am proud that we are following in his footsteps to stand against slavery and exploitation in the modern era, and I express, again, amazement that it is so prominent and is a subject matter of such notoriety that we need to meet this afternoon on it.

I am now pleased to introduce Lamar Smith, the Ranking Member of the Judiciary, for his comments.

Mr. SMITH. Thank you, Mr. Chairman.

Human trafficking is a horrendous crime that exploits the innocent while promoting illegal immigration.

When we first created the anti-trafficking programs and immigration benefits for trafficking victims in 2000 with the Trafficking Victims Protection Act of 2000, I tried to ensure that these programs would not be subject to fraud and abuse and would actually help in the prosecution and the conviction of human traffickers. I was not the only Member of Congress with such concerns, and we were all assured that these programs were narrowly written to prevent abuse, but now, 7 years later, when the time has come to reauthorize the TVPA, we see that H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007," is not a straight reauthorization. Rather, it shreds the carefully negotiated and written standards of the original bill. Supporters of H.R. 3887 claim that this bill will help law enforcement officials and prosecutors stop human trafficking, but it sometimes does the opposite.

For instance, the bill encourages more people to put themselves in a position to be trafficked. Many trafficking victims start out as willing participants and have plans to come illegally to the United States. They either pay coyotes to smuggle them across or they sign up for jobs in America despite their illegal status.

H.R. 3887 makes it easier for people who knowingly and willfully violate U.S. law to get immigration benefits for themselves and for their families. It eliminates the requirement that a T-visa applicant must incur, quote, "unusual and severe harm if subject to removal." The bill allows the Secretary of Homeland Security to stay the removal of a T-visa applicant if the application, quote, "sets forth a prima facie case for approval." Such a low threshold approved may result in many stays of removal for illegal aliens with dubious trafficking claims.

In addition, the bill requires the Secretary of Homeland Security, when deciding whether or not the T-visa applicant would suffer extreme hardship if removed from the U.S., to consider whether the applicant's country of removal can adequately address security con-

cerns and the mental and physical health needs of the aliens and their families. Many countries are unlikely to meet such standards.

The bill also hinders DHS' ability to remove illegal immigrants who are under 18 or who simply claim to be so. In a world with suicide bombers and gang members as young as 16 and 17 years old, this is a troubling provision. DHS will be able to promptly return home illegal immigrants under the age of 18 from Mexico and Canada, apprehended along the border, only after DHS has signed a special repatriation agreement with Mexico or with Canada and has determined on a case-by-case basis if the aliens are nontrafficking victims or if they even have an undefined fear of being trafficked and if they meet other requirements. In all other cases, DHS will be barred from subjecting illegal aliens under the age of 18 to expedite a removal or allowing them to return home voluntarily.

The unaccompanied alien minor provisions will make it exceedingly difficult for DHS to remove any illegal immigrants apprehended along the border, at ports of entry or in the interior who are under 18 or who claim to be under 18, and the bill's provisions prohibit the exclusive use of radiographs to determine the real age of illegal immigrants claiming to be under 18, greatly raising the prospect that illegal immigrants will fraudulently claim to be minors in order to access all of the benefits of the bill.

The provisions require that unaccompanied minors in the Government's custody cannot be put in secure facilities and that they can be outplaced with persons who are not even family members. This could allow illegal immigrant minors to escape DHS supervision and force DHS to release many gang members, potential terrorists and other dangerous aliens.

The bill reverses longstanding immigration law and requires that taxpayers pay for the lawyers and for other representation of the illegal alien minors.

In addition, this bill creates problems for law enforcement officials and for prosecutors. The bill adds provisions that make it harder for a prosecutor to prove that criminals force victims to work in sweatshops or as prostitutes. At the same time, the bill lowers the criminal penalty for trafficking for the purpose of forced labor from 5 years to 1 year.

If the purpose of this bill is to punish human traffickers for enslaving victims and to dissuade others from committing these crimes in the future, why reduce the penalties? The statute's outlying retaliation against people who help Federal authorities investigate trafficking cases and sex tourism also now have lower penalties than current law. Incredibly, this bill creates an escape clause for people who travel abroad to have sex with children, and it allows these criminals to not pay for their crimes if they believe the child is over 18.

Why is a bill that is meant to protect women and children from being enslaved in our country and abroad being used to create defenses to sex tourism? In short, H.R. 3887 makes it harder to bring traffickers to justice, and it encourages the violation of our immigration laws.

Thank you, Mr. Chairman, for the extra time, and I yield back.

Chairman CONYERS. Well, we welcome your comments and take it that we and our staffs have a great deal of work to continue to

do on this measure as we move it through the Judiciary Committee, and I am happy to work with the distinguished gentleman from Texas.

We have a number of witnesses—the Director of the Office of Investigations of Immigration and Customs Enforcement, Ms. Marcy Forman; Safe Horizon from New York, Florrie Burke; the Institute on Race and Justice, Dr. Amy Farrell; the Sanctuary for Families' Center for Battered Women's Legal Services, Dorchen Leidholdt, Director; the Director of Refugee Programs of the Migration and Refugee Services of the U.S. Conference of Catholic Bishops, Anastasia Brown; the National Program Director of the Polaris Project, Bradley Myles; the Deputy Assistant Attorney General of the Office of Legal Policy of the United States Department of Justice, Laurence Rothenberg—I think I called Florrie Burke of Safe Horizon—and from Detroit, Michigan, we have a witness whom we will call Katya.

She will be our first witness this afternoon. For her protection, she is testifying only under that name. This brave young woman will describe her own experience with human trafficking and how exploiters use false hope to trap people in modern slavery.

We welcome you to this hearing. I know you are in a room full of people and two, four, six, seven other witnesses, and then you are called to start it off. Please forget all of that. I want you to be your usual, friendly, personable, direct-speaking self, and feel comfortable among us here on the Judiciary Committee this afternoon.

You can begin your testimony whenever you want.

TESTIMONY OF KATYA, DETROIT, MI

KATYA. Thank you.

Good afternoon. I would like to thank the House Committee on the Judiciary for the opportunity to speak on behalf of trafficking victims. This is my story.

I did not work as a maid or on a farm. I was not made to be a prostitute. I came from another country, but I will try to speak for all survivors on trafficking no matter what they were made to do or where they were from, because our desire is a universal one, the desire for freedom. Please call me Katya. I cannot use my real name today, and I am also in disguise because I fear that my captors will recognize me and will place my life and those of my family in danger.

In the fall of 2003, I was a university student in the Ukraine. I found out about a summer program that allowed me to come to the U.S. and study English. I was very excited. I applied for the program and obtained a student visa. I found out that I would be working as waitress in Virginia Beach.

In May 2004, I traveled to the U.S. I flew from Kiev to Washington, D.C. When I landed, I was surprised to see Michael Aronov and Alex Maksimenko, people who I knew from the Ukraine, at the airport in Washington, D.C. They told me that I would no longer be going to Virginia but not to worry because they had things worked out, and I would be going to Detroit. They gave me the bus ticket to Detroit.

When the bus arrived in Detroit, I saw Michael, Alex and another Ukrainian man waiting for me. Once I got off the bus in De-

troit, everything changed. They took me in the hotel and took all of my identity documents from me. They told me that they needed them in order to get a State identification card for me. They told me that I owed them $12,000 for travel to the U.S. and $10,000 for identification documents and that I only had a short time to pay them off. I quickly learned how I would have to pay it off.

They told me I was going to have to work at a strip club called Cheetah. They forced me to work 6 days a week for 12 hours a day. I could not refuse to go to work or I would be beaten. I had to hand over all of my money to Michael and Alex. I was often yelled at for not making enough money, and I had a gun put to my face. Every week, I would hand over around $3,000 to $4,000 to Alex and Michael. I was their slave.

My captors kept me in an apartment with one of the other girls. I was never allowed out of the apartment by myself. I was driven to work by Michael or Alex, sometimes both, every day except when they were on vacation. Then they hired a car service for us. There was no phone in our apartment. Sometimes I was forced to call home to talk to my mom and to tell her that I was okay. Someone was always listening in on the calls so I could not tell her the truth, but I think she could tell by my voice that I was in trouble. I never felt safe. Between me and the other girl, we had only one key to our apartment. Michael and Alex also had a key. Sometimes they would just come into our apartment, without knocking, even if we were in the shower or were sleeping. They would also come in our apartment when we were not there. I knew that they did this because I found my things moved around. I think they were looking around to make sure we did not keep any money.

The girl I lived with and I were trying to keep some money to escape. Our captors would give us money at the store, and we would have to give them any leftover money back. To try to keep some money for our escape, we would slide money into candy boxes. Once we got back to our place, we would hide the money in a hole outside of our apartment.

My enslavement finally ended when I escaped with the girl that I lived with. I was terrified that Alex and Michael were going to catch us. When we escaped from our apartment, we put the stuff we wanted to take with us in garbage bags in case Alex and Michael showed up. Then we could just act like we were taking out the trash. We escaped with the help of someone who believed us. The other girl was confident in a man who came to the strip club regularly and who she felt she could trust. When he found out what happened, he agreed to help us. We were scared, but we went with him to ICE because they were supposed to help escapees. It was intimidating, but we told our story. The agents not only believed us and helped us, but they went that night and rescued two other women who had also been enslaved. They arrested Alex and Michael before they could run away or hide any evidence. Once they were arrested, I felt safe for the first time.

Since I have escaped, I have been learning English on my own and have been working full time. I really want to go back to school and finish my degree in sports medicine, but the money for college is an issue.

I am lucky. I escaped and survived being a victim of human trafficking. Many other victims right now—they need help. Traffickers should not be able to exploit the student visa process. I was aware of human trafficking. I knew about it. I checked the program out and talked to people who had used the same company and who came back safely. Still, I was a victim.

Businesses in the U.S. should not be able to make money off of slaves simply because they have someone else bringing them in to work. Not only did Alex and Michael make a lot of money by exploiting me, but so did the strip club.

Finally, when I left the Ukraine in May of 2004 and I said goodbye to my mother, I expected to see her again in a few months. Life in the U.S. is hard without my mom being next to me. I never wanted to be here this long, but it is not safe for me to return to the Ukraine. I miss my mom, and I worry about her safety since Alex's dad, Veniamin, is still in the Ukraine. If the trafficking law had allowed for my mom to come and live with me in the USA, it would have helped me and would have protected her.

Please help future victims like me. Do not let this happen to anyone else.

Thank you.

[The prepared statement of Katya follows:]

PREPARED STATEMENT OF KATYA

Good afternoon. I would like to thank the House Committee on the Judiciary for the opportunity to speak on behalf of trafficking victims. This is my story. I did not work as a maid, or on a farm. I was not made to be a prostitute. I came from another country. But I will try to speak for all survivors of trafficking, no matter what they were made to do or where they are from. Because our desire is a universal one—the desire for freedom.

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My enslavement finally ended when I escaped with the girl that I lived with. I was terrified that Alex and Michael were going to catch us. When we escaped from our apartment we put the stuff we wanted to take with us in garbage bags in case Alex or Michael showed up, that way we could just act like we were taking out the trash.

We escaped with the help from someone who believed us. The other girl confided in a man who came to the strip club regularly and who she felt she could trust. When he found out what happened, he agreed to help us. We were scared but went with him to ICE because they were supposed to help escapees. It was intimidating, but we told our story. The agents not only believed us and helped us, but they went that night and rescued two other women that had also been enslaved. They arrested Alex and Michael before they could run away or hide the evidence. Once they were arrested, I felt safe for the first time.

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Businesses in the United States should not be able to make money off of slaves simply because they have someone else bring them into work. Not only did Alex and Michael make a lot of money by exploiting me, so did the strip club.

Finally, when I left Ukraine in May of 2004 and I said good-bye to my mother, I expected to see her again in a few months. Life in the United States is hard without my mother being with me. I never wanted to be here this long, but it is not safe for me to return to Ukraine. I miss my mom, and I worry about her safety since Alex's dad, Veniamin, is still in Ukraine. If the trafficking law had allowed for my mother to come and live with me in the United States it would have helped me and protected her.

Please help future victims like me, do not let this happen to anyone else. Thank you.

Chairman CONYERS. You are a very brave person, Katya. We thank you for coming here to tell your story. We want you to know you have a lot of people who are working to end the circumstances that you have reported to us here today.

I would like now to call on the Deputy Assistant Attorney General in the Department of Justice's Office of Legal Policy, Laurence Rothenberg. Among his responsibilities are helping to develop the Department's legal policy regarding child exploitation, obscenity, violence against women, and trafficking in persons, among other issues.

We welcome you to the Committee today, sir.

TESTIMONY OF THE HONORABLE LAURENCE E. ROTHENBERG, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, U.S. DEPARTMENT OF JUSTICE

Mr. ROTHENBERG. Thank you, Mr. Chairman.

Good afternoon, Chairman Conyers and Ranking Member Smith. Thank you for the opportunity to present an overview of efforts to combat human trafficking by the Department of Justice.

The Department has undertaken a comprehensive, robust and aggressive strategy to fight this terrible crime that includes the infiltration of the dark places of the underground economy in this country, the rescue of victims and the prosecution of perpetrators. In addition, our work includes comprehensive training, the design of proactive investigative methodologies, the coordination with multidisciplinary task forces in 42 U.S. cities, the development of partnerships with nongovernmental organizations and with our sister agencies, including participation in the Human Smuggling and Trafficking Center and the Senior Policy Operating Group, the funding of research to better help us understand the nature and the scope of the problem of human trafficking, and the awarding of grants to victim services organizations, all under the concept we call a "victim-centered approach." The reward of this effort is the knowledge that our efforts support the foundational values of our Nation—the liberty promised by the 13th amendment to our Constitution.

It is an honor to appear before this Committee to talk about the Department's anti-trafficking efforts as you consider H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007. At the center of our efforts to fight trafficking is the TVPA of 2000. Reauthorizing the TVPA is, therefore, vital to the Department's continued success in fighting this crime.

Using the tools provided to the Department under that legislation and its subsequent reauthorizations, the Department's multifaceted approach to combating human trafficking has yielded significant results.

Between fiscal years 2001 and 2006, the Department's Civil Rights Division increased by 600 percent the number of human trafficking cases filed as compared to the same immediately preceding time period. The Civil Rights Division has increased by 10 percent the number of human trafficking investigations opened in fiscal year 2007 from the preceding year, an all-time high. For the fourth year in a row, the Division and the U.S. Attorney's Offices around the country have convicted a record-high number of human trafficking defendants. In addition, in fiscal year 2007, the Innocence Lost National Initiative, led by the FBI and the Department's Child Exploitation and Obscenity Section, has led to 125 investigations, 300 arrests, 55 indictments, 106 convictions, and most importantly, 181 children rescued from prostitution.

The 42 human trafficking task forces, funded by our Bureau of Justice Assistance, have identified 1,500 potential victims of human trafficking since the beginning of the program through the last fiscal year. In addition, the Office of Victims of Crime funds services agencies that work collaboratively with those human trafficking task forces. In addition to providing services to over 1,900 victims prior to their official certification as victims, we have also trained more than 65,000 victim services practitioners to identify victims and to provide them those services.

Finally, we engage in quite a bit of outreach. For example, in the last year, attorneys in the Civil Rights Division spoke more than 130 times at public events or training sessions. We also engage in research. We are funding research at Northeastern University to design and to implement a national human trafficking reporting

system. In the last fiscal year, the National Institute of Justice funded three new research projects to assist in the understanding of the phenomenon, its perpetrators and its effect on victims.

As I noted above, the Department strongly supports reauthorizing the TVPA. We commend the Committee for its leadership on this important issue. With your support, we can continue to build our human trafficking program to identify and to prosecute human trafficking crimes and to restore the victims of this terrible crime.

I look forward to answering your questions.

[The prepared statement of Mr. Rothenberg follows:]

PREPARED STATEMENT OF THE HONORABLE LAURENCE E. ROTHENBERG

Department of Justice

STATEMENT OF

LAURENCE E. ROTHENBERG
DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL POLICY
DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY

CONCERNING

"COMBATING MODERN SLAVERY: REAUTHORIZATION OF ANTI-TRAFFICKING PROGRAMS"

PRESENTED

OCTOBER 31, 2007

Good afternoon, Chairman Conyers and Congressman Smith. Thank you for the opportunity to present an overview of efforts to combat human trafficking by the Department of Justice (DOJ or the Department). The fight against trafficking is a priority of the President and the Attorney General. The Department of Justice has undertaken a comprehensive, robust, and aggressive strategy to fight this terrible crime that includes the infiltration of the dark places of the underground economy, the rescue of victims, and the prosecution of perpetrators. In addition, our work includes comprehensive training, design of proactive investigative methodologies, coordination with multi-disciplinary task forces in 42 U.S. cities, development of partnerships across agencies, such as our participation in the Human Smuggling and Trafficking Center and the Senior Policy Operating Group, and with non-governmental organizations, funding of research to better help us understand the nature and scope of the problem of human trafficking, and awarding of grants to victim services organization—all under a concept we call a victim-centered approach. The reward of this effort for the investigators, attorneys, and restorative care providers is the knowledge that their efforts support the foundational values of our nation: the liberty promised by the Thirteenth Amendment to our Constitution.

It is an honor to appear before this Committee to talk about the Department's anti-trafficking efforts as this committee considers H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007." At the center of our efforts in fighting trafficking is the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA enhanced three aspects of Federal government activity to combat TIP: protection, prosecution, and prevention. The TVPA provided for a range of new protections and assistance for victims of trafficking in persons; it expanded the crimes and enhanced the penalties available to Federal investigators and prosecutors pursuing traffickers; and it expanded the U.S. Government's international activities to prevent victims from being trafficked. Reauthorizing the TVPA is therefore vital to the Department's continued success in fighting human trafficking.

Using the tools provided to the Department under the TVPA and its subsequent reauthorizations, the Department's multi-faceted approach to combating human trafficking has yielded significant results:

(1) Prosecution:

- Between Fiscal Years 2001 and 2006, the Civil Rights Division increased by 600 percent the number of human trafficking cases filed in court, as compared to the same immediately preceding time period;
- The Civil Rights Division has increased by 10 percent the number of human trafficking investigations opened in Fiscal Year 2007 from the preceding year, setting another all time high;
- For the fourth year in a row, the Civil Rights Division has convicted a record high number of human trafficking defendants;
- Since the last reauthorization of the TVPA, the Civil Rights Division has received criminal sentences as high as 50 years imprisonment and restitution awards higher than $950,000;
- The Child Exploitation and Obscenity Section of the Criminal Division continued its partnership with the FBI and the National Center for Missing and Exploited

Children under the Innocence Lost National Initiative to fight against the prostitution of children. In Fiscal Year 2007, the Innocence Lost National Initiative led to 125 investigations, 308 arrests, 55 indictments, 106 convictions, and, most importantly, 181 rescued children; and

- The Civil Rights Unit of the FBI, in Fiscal Year 2007, opened 120 trafficking investigations, made 150 arrests, filed 61 complaints and 77 informations/indictments, and had 56 convictions in human trafficking investigations.

(2) Protection:

- The 42 Human Trafficking Task Forces, which are funded by the Bureau of Justice Assistance, have identified 1,513 potential victims of human trafficking since the inception of the program through Fiscal Year 2006;
- The Office for Victims of Crime (OVC) funds victim services agencies that work collaboratively with the Human Trafficking Task Forces. From the inception of the program in 2003 through June 2007, OVC's grantees have provided services to over 1,900 pre-certified human trafficking victims; and
- The Civil Rights Division has specially trained victim/witness staff in every US Attorney's and federal law enforcement office. Working with our prosecutors and the law enforcement agents, these victim witness staff, alongside the OVC grantees and Department of Health and Human Services grantees, contractors, and coalitions, have provided direct assistance to numerous US citizen and undocumented human trafficking victims. They have helped these exploited citizens and aliens to find safety, jobs, education, and the other tools they need to put their lives back together again.
- The Office for Victims of Crime's grantees have trained over 65,000 practitioners, including law enforcement officials, legal service providers, victim service providers, medical professionals, the faith-based community, and other allied professionals, on human trafficking and the provision of victims services.

(3) Prevention:

- During FY 2007, attorneys in the Civil Rights Division spoke over 130 times at public events or training sessions on the issue of trafficking in persons, educating literally thousands of law enforcement officers and others to identify human trafficking crimes. This included 50 presentations to Federal, state, and local law enforcement officers; 46 presentations to international audiences; and 37 educational presentations;
- The FBI has worked with CEOS and NCMEC to provide training on the issue of prostituted children to 742 law enforcement officers;
- Researchers at Northeastern University in collaboration with the Urban Institute have been awarded a grant by the Department of Justice, Bureau of Justice Statistics to design and implement a national Human Trafficking Reporting System. This system will provide a secure and sustainable mechanism for collecting state and local data regarding victims and offenders involved in human trafficking. This data is intended to both help meet statistical reporting

requirements specified by Congress in the 2005 reauthorization of the TVPA and provide task forces with a standardized data management system, which is critical in assessing the success of human trafficking prevention and intervention strategies. Additionally, reliable data collection can help agencies improve their understanding of human trafficking and ultimately lead to the identification of offenders and victims with their local communities.

- In Fiscal Year 2007, the National Institute of Justice funded three new research projects on human trafficking to assist in the understanding of the phenomenon, its perpetrators, and its victims: (1) a study of sex trafficking in Tijuana and its impact on the United States; (2) a literature review of trafficking in human beings for both U.S. and non-U.S. populations; and (3) a study of law enforcement and non-governmental organizations in 60 randomly chosen communities that do not have a Human Trafficking Task Force to provide a deeper understanding of where unidentified victims of severe forms of trafficking may occur.
- The National Institute of Justice is preparing a literature review on the topic of commercial sex acts. This literature review will provide information for the Department's report to Congress, required under the 2005 reauthorization of the TVPA, regarding severe forms of trafficking in persons, sex trafficking, and unlawful commercial sex acts in the United States.

Our intensified efforts to combat the evil of human trafficking have required us to correct some confusion in the popular media and elsewhere concerning human trafficking—and it is worth a moment to clarify exactly what is meant by the term "human trafficking." As you know, human trafficking requires the use of force, fraud, coercion, or exploiting a juveniles' youth by a trafficker to compel a person into labor, services or commercial sex acts. Generally speaking, we see two types of cases: Sex trafficking and labor trafficking. Victims of this crime are U.S. Citizens and non-citizens, alike.

Human trafficking is not human smuggling. Human smuggling is the importation of people into the United States via deliberate evasion of immigration laws. Human trafficking, on the other hand, does not require the movement of people or crossing an international border as a necessary element of the offense. In addition, while not all prostitution, pimping, and pandering are human trafficking, prostitutes can be victims of human trafficking. As you know, pimping, pandering, and other prostitution related crimes have traditionally been and continues to be a crimes prohibited by state law and they are prosecuted by local District Attorneys across the country. And we work with these district attorneys and their local vice officers to help identify human trafficking where it occurs, they very often are part of our human trafficking task forces. But, while many people are trapped in prostitution through substance addiction or due to past trauma or abuse (and there are creative interventions for this population, often led by survivors), the jurisdiction of the Federal Government is limited. The federal government cannot prosecute every prostitution case. Rather, the Department of Justice can only prosecute these types of cases where a federal interest is implicated—such as the Thirteenth Amendment of the United States Constitution, traveling across state lines, or those cases that involve children.

Modern traffickers prey on United States citizens and foreigners alike, exploiting their vulnerabilities to hold them in such forms of service as forced prostitution, domestic service, and

migrant agricultural labor. The evil presented by human trafficking can be found wherever there are vulnerable people who can be exploited by others. Thus this modern-day form of slavery does not have any geographic or economic boundaries. Employers in urban centers as well as isolated parts of the economy find it possible to hold their workers in bondage through threats and force. Individuals can be exploited and forced to labor in affluent communities as well as in neighborhoods that have pockets of poverty. In short, this is a crime that can occur anywhere, any time, and against any vulnerable person. The victims we have seen include college students coerced into commercial sex in Atlanta, homeless men forced to work as farm laborers in Florida, and individuals with hearing impairments forced to peddle on the New York City subway system.

The Department of Justice has adopted a victim-centered approach to investigating and prosecuting these crimes. Law enforcement works very closely with non-governmental service providers, who have expertise in providing much needed services to these vulnerable victims. Many of the groups we work with have a track record of success working with battered immigrant women, migrant workers, victims of torture, or prostitutes attempting to escape the streets. The federal government has tried to nurture these groups through funding and technical assistance from the Department of Justice's Office for Victims of Crime and the Department of Health and Human Services' Office of Refugee Resettlement Anti-Trafficking in Persons Program. Our victim/witness staff partners with these grantees to ensure that all human trafficking victims, whether US citizens, lawful permanent residents, or undocumented aliens, receive the best care available under the law. Our victim/witness staff partner with these grantees to ensure that all human trafficking victims, whether US citizens or undocumented aliens, receive the best care available under the law. We will continue to work together to ensure the victims' safety and housing, to see that their medical and psychiatric needs are taken care of, and to cooperate in normalizing their immigration status to assist the prosecution and to prevent retaliation if they were to return home. This approach is an unprecedented partnership between government agencies, law enforcement and the non-profit sector, but must be established before we go into an enforcement action and before we interview victims so we can respond to the victims' needs in tandem.

Recognizing the need to work together, the Department has guided the development of anti-trafficking policy nationally and has trained thousands of prosecutors, law enforcement agents, and non-governmental organizations - both nationally and internationally - on the implementation of a victim-centered, multi-disciplinary approach to prosecuting traffickers and restoring the rights of their victims. For example, in September, the Department convened the third national anti-trafficking conference in Chicago, which brought together hundreds of task force members from the 42 DOJ-funded Human Trafficking Task Forces, which include federal, state, and local prosecutors and victim service providers, and the Innocence Lost Initiative Task Forces, which are focused on combating the sexual exploitation of children. The conference resulted in increased coordination among task forces and expanded capabilities to combat human trafficking. We also participated in HHS' Rescue and Restore Coalition launches and we contribute to the numerous trainings they host for the NGO community.

On the international front, prosecutors in the Department of Justice have provided training or engaged in information exchanges with dozens of other countries about our efforts to

combat human trafficking, including Mexico, Canada, Tanzania, Indonesia, Austria, Germany, Singapore, El Salvador, Czech Republic, Moldova, Belize, Venezuela, Colombia, Russia, Georgia, Malaysia, Saudi Arabia, Poland, Sweden, India, Taiwan, and the Netherlands.

Let me say something about victims. Providing restorative care for victims is the right policy in these cases, and the United States leads the world in the generosity of services and immigration relief it provides to the victims of this devastating crime. An added benefit is that without the empowerment that comes from these services, the victims are unable to tell their story and provide evidence of criminal activity. This victim cooperation is essential to a successful prosecution. Without victim cooperation, human traffickers stand a better chance of going free.

As I noted above, the Department strongly supports reauthorizing the Trafficking Victims Protection Act and we commend the Committee for its leadership on this important issue. The Administration would like the opportunity to work with Congress on the specific provisions of H.R. 3887.

The only way that the Government will succeed in its efforts to eradicate human trafficking is by building partnerships at all levels of government. The Department is actively coordinating with state and local partners through our Human Trafficking and Innocence Lost Task Forces. We have also developed important partnerships with our Federal partners. With your support, we can continue to build our human trafficking program, to identify and prosecute human trafficking crimes where they occur, and to restore the victims of this terrible crime.

I look forward to answering questions from the Members of the Committee.

Chairman CONYERS. Thank you very much.

The Director of the Office of Investigations at the Immigration and Customs Enforcement is Marcy Forman. Her office not only has conducted successful investigations in the United States and abroad but has also been a leader in seeking to incorporate victim witness protections into the Federal law enforcement response to trafficking.

We welcome you to the proceedings, and we understand that you have a short promotion that you would like to play at this time.

Ms. FORMAN. Yes.

Chairman CONYERS. Please. Welcome.

TESTIMONY OF MARCY M. FORMAN, DIRECTOR, OFFICE OF INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Ms. FORMAN. Thank you.

Good afternoon, Chairman Conyers, Ranking Member Smith and Members of the Committee.

I have a public service announcement that I would like you all to view that was put together by ICE.

[Film shown.]

Ms. FORMAN. Thank you. Let me take you back to the early hours of a June morning of 2004. On that morning, ICE agents executed search warrants at three seemingly middle-class bungalows in suburban New York. What they found was one of the most horrific cases of human trafficking and slavery in recent U.S. history.

Inside those homes were 69 Peruvians, including 13 children, being held in filthy, overcrowded and unsanitary conditions, who were forced to work in janitorial and factory operations. These people were brought to the United States by a couple who identified their victims in Peru and who had provided them false documents and who had helped them enter the United States.

Fortunately, the victims in this case were rescued, and the lead defendant was sentenced to 15 years in a Federal prison. After the enforcement action, ICE worked in concert with the Department of Health and Human Services and NGOs. I am pleased to say Florrie Burke from Safe Horizons, who is sitting with me, was the referer in this case and identified an additional 25 other human trafficking victims.

It is my privilege to appear before you today to discuss ICE's comprehensive efforts against human traffickers who exploit women, children and men, a form of modern day slavery.

ICE integrates Immigration and Customs authorities to investigate criminal organizations on multiple fronts, and in doing so, it is able to identify, disrupt and dismantle organizations. The most critical piece of legislation supporting our efforts in fighting human trafficking is the Trafficking Victims Protection Act of 2000 and the tenets of prevention, protection and prosecution.

Let me take this opportunity to highlight ICE's investigative efforts and successes in combating human trafficking. In fiscal years 2006 and 2007, ICE initiated 652 human trafficking investigations, an increase of over 21 percent from the previous 2 years. During the same period, ICE investigative efforts have resulted in 341 ar-

rests, 230 indictments and 190 convictions related to human trafficking. Examples of the successes include:

Several weeks ago, the ICE office in Newark rescued 21 West African victims of labor trafficking—14 women and 7 juveniles. The youngest was 12 years old. Based on information provided by one of the victims, ICE was able to identify and to rescue additional victims in three separate locations, resulting in 22 victims who were identified and rescued in this case. Three traffickers were arrested and jailed.

In a Special Agent in Charge New York case, based on a referral from our ICE office in Mexico City, ICE was able to locate and to rescue several victims involved in sex trafficking. This investigation resulted in the sentencing of each of the two primary defendants to 50 years incarceration each, which is the longest sentence since the enactment of the TVPA.

Trafficking is big business for organized criminal syndicates as well as for informal networks and for individuals who seek to gain profit from the exploitation of others. ICE makes every effort to not only find and rescue victims but to target and cripple the financial motivations and infrastructure that allow human trafficking organizations to thrive.

Given the international scope of human trafficking, ICE has an established global reach that has allowed us to foster strong international relationships through over 50 offices overseas, located in 39 countries. Our investigations begin in the source countries where trafficking begins, it continues into transit countries, and it concludes at the destination countries.

Human trafficking cases require law enforcement agencies to be victim-oriented. ICE has trained and deployed over 300 victim witness coordinators. The testimony of a victim is critical to the success of a prosecution. Victims are our best evidence of the crime. Yet, a victim should not and cannot be treated simply as a piece of evidence. We in law enforcement have a responsibility to treat victims fairly, with compassion and with attention to their needs.

ICE, in conjunction with U.S. Citizenship and Immigration Services, are the sole agencies charged with providing short-term immigration relief, also known as "continued presence." It allows certified victims of trafficking to remain in the United States. In each of the cases cited, we granted the victims continued presence, which is part of our victim-centered approach.

Under an ICE initiative titled ICE TIPS, ICE offices conduct outreach to law enforcement agencies and NGOs to expand the awareness of trafficking cases. ICE domestic field offices and ICE attache offices located overseas have provided training to over 9,000 staff from 323 NGOs and over 7,000 foreign law enforcement personnel from 867 agencies worldwide. ICE has established a toll-free tip line for reporting human trafficking leads as well as developed outreach materials for law enforcement and NGOs. These materials include, to my right, the training video and laminated, wallet-sized cards with human trafficking indicators that are available in five different languages.

ICE is committed to dedicating the resources necessary to make human trafficking a crime of the past.

Thank you for inviting me, and I will be glad to answer any questions.

[The prepared statement of Ms. Forman follows:]

PREPARED STATEMENT OF MARCY M. FORMAN

U.S. Immigration and Customs Enforcement

STATEMENT

OF

MARCY M. FORMAN

DIRECTOR, OFFICE OF INVESTIGATIONS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**"COMBATING MODERN SLAVERY:
REAUTHORIZATION OF ANTI-TRAFFICKING PROGRAMS"**

BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON THE JUDICIARY

October 31, 2007 – 2:00 p.m.
2141 Rayburn House Office Building
Washington, D.C.

Good afternoon, Chairman Conyers, Ranking Member Smith, and members of the Committee. Before making my opening remarks, I would like to play a Human Trafficking public service announcement developed by Immigrations and Customs Enforcement (ICE).

Let me take you back to the early hours of a June morning in 2004. On that morning, ICE agents executed search warrants at three seemingly middle class bungalows in suburban New York. What they found was one of the most horrific cases of human trafficking and slavery in recent U.S. history.

Inside those homes were 69 Peruvians - including 13 children - being held in filthy, over-crowded and unsanitary conditions forced to work in janitorial and factory occupations. These people were brought to the United States by a couple who identified their victims in Peru and provided them false documents and helped them enter the United States.

Fortunately, the victims in this case were rescued and the lead defendant was sentenced to 15 years in a federal prison. After the enforcement action, ICE worked in concert with Department of Health and Human Services and non-governmental organizations (NGOs) resulting in the identification of 25 additional trafficking victims.

It is my privilege to appear before you today to discuss ICE's comprehensive efforts against human traffickers who exploit women, children and men - a form of modern day slavery. I am proud to represent a federal law enforcement agency that has a leadership role in investigating human trafficking crimes and bringing perpetrators of these human rights abuses to justice.

ICE integrates immigration and customs authorities to investigate criminal organizations on multiple fronts, and in doing so, is able identify, disrupt, and dismantle organizations. The most critical piece of legislation supporting our efforts in fighting human trafficking is the Trafficking Victims Protection Act of 2000 (TVPA) and the tenets of Prevention, Protection and Prosecution.

Trafficking is big business for organized criminal syndicates as well as informal networks and individuals who seek to gain profit from the exploitation of others. Slavery has taken on countless and more hidden forms of exploitation in modern society. In the seven years since the passage of the TVPA, law enforcement has learned to look for trafficking not only in urban high crime areas in the form of street prostitution, but also in our rural agricultural sectors and in private homes in affluent neighborhoods. We know that adult men and women are victimized along with children, and that our own citizens can fall prey to traffickers when they are vulnerable. We at ICE make every effort to not only find and rescue victims, but target and cripple the financial motivations and infrastructure that allow human trafficking organizations to thrive.

Let me take this opportunity to highlight ICE investigative efforts and successes in combating human trafficking. In fiscal years 2006 and 2007, ICE initiated 652 human trafficking investigations, an increase of over 21% from the previous two years. During the same period, ICE investigative efforts resulted in 341 arrests, 230 indictments, and 190 convictions related to human trafficking. Examples of the success include:

- Several weeks ago, our ICE office in Newark rescued 21 West African victims of labor trafficking – 14 women and 7 juveniles – the youngest was 12 years old. Based on

information provided by one of the victims, ICE was able to identify and rescue additional victims in three separate locations, resulting in 22 victims identified and rescued in this case. Three traffickers were arrested and jailed. It is a sobering thought to consider that if law enforcement had not been contacted in the recent African case, the remaining 21 victims might not have been rescued.

- In a Special Agent in Charge (SAC), New York case based on a referral from our ICE Attaché office in Mexico City, ICE was able to locate and rescue several victims involved in sex trafficking. This investigation resulted in the sentencing of each of the two primary defendants to 50 years incarceration, which is the longest sentence since the enactment of the TVPA.

Given the international scope of human trafficking, ICE has an established global reach that has allowed us to foster strong international relationships through over 50 offices overseas located in 39 countries to fully identify and pursue criminal organizations. In order to fully address the harm inflicted by these organizations, our investigations begin in the source countries where trafficking begins, continue into transit countries and conclude at the destination countries.

As the law enforcement agency at the forefront of the U.S. Government's response to human international trafficking, ICE conducts global investigations identifying and rescuing victims, has a prominent role on several cabinet level working groups, and leads the intelligence gathering and sharing effort through the Directorship of the Human Smuggling and Trafficking Center (HSTC). The HSTC serves as a fusion center for intelligence, law enforcement and other information to enhance coordination and communication among U.S. government

agencies combating human traffickers, smugglers, and criminals facilitating terrorist travel. Our victim witness coordinators also work closely with the Department of Health and Human Services' grantees, contractors and coalitions in the provision of services for rescued victims.

Human trafficking cases require law enforcement agencies to be victim-oriented. ICE has trained and deployed over 300 victim-witness coordinators. The testimony of victims is critical to successful prosecutions. Victims are our best evidence of the crime – yet a victim should not – and cannot -- be treated as simply a piece of evidence. While we know that the long-term care of victims is and should be in the hands of NGOs, we in law enforcement also have a responsibility to treat victims fairly, with compassion, and with attention to their needs. ICE, in conjunction with U.S. Citizenship and Immigration Services (USCIS), are the sole agencies charged with providing short-term immigration relief, which is called "Continued Presence" and allows certified victims of trafficking to remain in the United States. In each of the cases cited, we granted the victims Continued Presence, which is part of our "victim-centered approach". Continued Presence or the award of a T-visa allows the Department of Health and Human Services to "certify" victims so that they can access federal benefits and services to the same extent as refugees.

This year, under an ICE initiative titled ICE TIPS, ICE offices were required to conduct outreach to law enforcement agencies and NGOs to expand awareness of trafficking cases. ICE domestic field offices and ICE Attaché offices overseas provided training to over 9000 staff from 323 NGOs and over 7000 foreign law enforcement personnel from 867 agencies worldwide. ICE has also established a toll free tip number line for reporting human trafficking leads, as well as developed outreach materials for law enforcement and NGOs. These

materials include brochures, a training video and laminated wallet-size cards with human trafficking indicators, available in five different languages.

ICE is committed to dedicating the resources necessary to make human trafficking a crime of the past. Thank you for inviting me and I will be glad to answer any questions you may have at this time.

Chairman CONYERS. Thank you very much.

We will make those displays, without objection, a part of our record.

Psychologist Florrie Burke has recently stepped down as the head of the anti-trafficking programs at the social services provider Safe Horizon in New York City. She now consults with governments and with nonprofit organizations on best practices for victim service provisions and assists with the litigation of criminal and civil cases across the country.

We are pleased to have you with us today.

TESTIMONY OF FLORRIE BURKE, HUMAN TRAFFICKING CONSULTANT

Ms. BURKE. Thank you.

Chairman Conyers, Ranking Member Smith, distinguished Members of the Judiciary Committee, my name is Florrie Burke, and I am a consultant from New York City where, until recently, I was the Senior Director of International Programs at Safe Horizon, the largest crime victim agency in the country. It is my great privilege to testify before this Committee on behalf of the survivors of trafficking who have told me of their ordeals, their fears and, finally, their freedom.

This reauthorization act of 2007 builds on the foundation of the TVPA 2000 in ways that are in keeping with the victim-centered approach to the law. In the brief time I have today, I would like to summarize some points that arise from my experience of working directly with hundreds of victims of trafficking and modern day slavery over the past 10 years, beginning with the deaf Mexican peddling case of 1997 and including individuals enslaved as nurses, ship welders, bar girls, farm workers, prostituted women, massage parlor workers, hotel maids, dancers, factory workers, and domestic workers, among others.

What these individuals share in common is that, instead of the legitimate work and fair treatment promised them, they were deceived and devalued by the schemes of traffickers. Human rights abuses were perpetrated upon them in our country by people whose greed has allowed them to turn human beings into commodities.

One: ensuring assistance for all victims of trafficking in persons. Until this reauthorization bill of 2007, the needs of U.S. citizens, especially youth who have been sexually exploited, has not received adequate attention. This bill highlights both the focus needed on the trafficking of U.S. citizens and the concerted effort needed to address trafficked children. However, this is not the time to turn away from foreign-born victims of trafficking and focus only on U.S. citizens. This is not an either/or situation. Both are equally important and deserving of our attention.

Without substantive research, it is impossible to say with certainty if there is in fact a disparity in the types, quality and number of service programs available for either group. This necessary research, the study outlined in section 214, should examine the funding of programs, the utilization of the funds and the efficacy, and it should look at different types of programs. Taking away funding from one group of victims to support programs for another group is not a solution. There already exists programs that have

the expertise in working with exploited youth and U.S. citizens and others with expertise in working with foreign victims of slavery of all types. These groups need to come together, look at best practices and need to strategize ways of working that will help meet the goal of identifying and helping more victims.

Two: the important immigration provisions detailed in the section ensuring availability of possible witnesses and informants must remain if we are to increase the rate of prosecutions and put a stop to this crime. Threats against a family are often the strongest deterrent to cooperation on the part of a witness. Allowing a family in danger of retaliation to join the victim will enable the victim witness to participate without fear and distraction.

We can never forget the bravery of the survivors of the brutal sex trafficking case, *U.S. v. Carreto*. There, traffickers never expected them to testify. Their children were being held hostage, but these women had worked long and hard with a dedicated team of law enforcement, prosecutors and service providers, and they were determined to seek justice for themselves and for other women in similar situations. These traffickers received sentences of 50 years.

Assisting those victims who are not able to participate in a law enforcement interview due to the level of their trauma is both necessary and humane. We do not want any more victims to be hospitalized for attempts at self-harm and escalated mental health problems due to having to recount brutal details of the case to law enforcement before the victims are emotionally able to do so.

We urge you to keep all immigration provisions in this bill as they were clearly designed to ensure that survivors can more easily access protections and can assist in investigating and in prosecuting their traffickers.

Three, information for work-based nonimmigrants on legal rights and resources and the provisions regarding the registration of foreign recruiters are effective mechanisms to combat labor trafficking. The current abuse is often seen in guest worker programs.

During an interview just last week, an H-2A guest worker told me, "It was more than fear. It was ignorance of the U.S. We did not know how to make a phone call; did not know anyone here; did not know where to get help. We did not know the laws. We did not even know exactly where we were. We had no access to the world."

The development of information is a major step in ensuring that workers will be protected, not exploited. If the welders in Oklahoma from the John Pickle case had been given this information and if the sheepherders in Idaho and the agricultural workers in south Florida had been provided with this help, employers would be held accountable, and workers would do the work they had been promised with the results they expected.

I support, in large part, the Wilberforce Reauthorization Act of 2007, and I urge this Committee and your Congressional colleagues to keep the victim as the focus. This bill should reflect every victim every time. We cannot and we must not stop now in our efforts. We must use our past work as a foundation to continue, but to do better, to evaluate and to strategize and to put our considerable knowledge and expertise into working to free every man, every woman, every child, U.S. citizen and immigrant victim of slavery alike.

Thank you for your attention and for the invitation to appear here today.

[The prepared statement of Ms. Burke follows:]

PREPARED STATEMENT OF FLORRIE BURKE

Chairman Conyers, Ranking Member Smith and Distinguished Members of the Judiciary Committee. My name is Florrie Burke and I am a Human Trafficking Consultant from New York City. Until recently, I was the Senior Director of International Programs at Safe Horizon, the largest victim service agency in the country where I oversaw the Anti-Trafficking Program, the Survivors of Torture Program, and the 9/11 Community Trauma Response. Among other current projects, I am consulting to New York State agencies responsible for implementing services mandated by the new state law. I also consult to a number of Anti-Trafficking programs nationally and internationally and serve as an expert on various cases. It is my great privilege to testify before this committee on behalf of the hundreds of survivors of trafficking who have told me of their ordeals, their fears and finally, their freedom. I hope to also give voice to those victims who have not yet been discovered, identified or liberated.

Let me begin by congratulating Mr. Conyers, Mr. Lantos and co-sponsors of the **William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.** This act reflects the broad understanding, compassion and intelligence necessary to fight this crime. The Victims of Trafficking and Violence Protection Act of 2000 and the Reauthorization Acts of 2003 and 2005 have greatly impacted the lives of many who were led to believe that legitimate work, education, and a chance to earn a decent wage were available to them. Instead, they were deceived and devalued by the schemes of traffickers. Because of our laws and your hard work and diligence, life is better now for these survivors. Consider Ivana who answered an ad in her local paper in Eastern Europe. She was working as a teacher, but not earning enough to support herself and her aging, sick parents. The ad described a job in the U.S. as a hostess in a restaurant. Instead, Ivana was forced into a nightmare of prostitution with multiple rapes a daily occurrence. A customer rescued her and brought her to a service provider. After a lengthy process, but while receiving the necessary supports and assistance, Ivana's traffickers are in jail; she is now employed as a paralegal and has her sights set on a career as an attorney.

While acknowledging the advances of the field, the important provisions of the law and the Reauthorizations in 2003 and 2005, there are still many fewer victims being discovered than we had thought. There are surprisingly small numbers of children being identified as victims of trafficking despite the lurid headlines and stories in the media. The very law enforcement entities that might identify these cases need greater understanding of the issues.

My introduction to Modern Day Slavery was the Deaf Mexican case of 1997, involving 60 people held in a peddling ring. (U.S. v. Paoletti) After several years of working on that case, the multiple issues of trafficking were apparent: recruitment, transportation, abuse, violence, psychological coercion, fraud, deception, immigration issues, document withholding, wage and hour elements and much more. This case provided an opportunity to use existing social services and enhance them by developing and adding innovative programs to address the specific needs of those who had been enslaved. We did not start from scratch—we used expertise available to us and built on it. In **Section 214, *Ensuring Assistance For All Victims Of Trafficking In Persons,*** the bill references the need to develop, expand and strengthen victim service programs. Because human trafficking is a hidden crime, it has taken years to develop a coordinated response and to create the infrastructure that can deal with it. Government and non-government agencies have proven that they can work together to address victim needs and the punishment of traffickers. This is not the time to dismantle existing programs by switching focus to a different population group. It is vitally important that U.S. citizens receive the attention they so deserve. It is also critical that the concerted effort to address the needs of trafficked children as outlined in this bill be recognized and carried forth. *Until* this Reauthorization bill of 2007, the needs of U.S. citizens, especially youth that have been sexually exploited, have not received adequate attention. However, it is not necessary to reinvent the wheel in order to serve these victims of this egregious form of slavery. There already exist programs that have expertise in working with exploited youth and programs that have expertise in working with foreign victims of human trafficking of all types. These groups need to come together in partnership with leadership from government agencies and then look at best practices and strategize ways of working that will help meet the goal of identifying more victims.

Unfortunately, a divide exists between assistance for immigrant victims of trafficking and citizen victims of trafficking. Without substantive research into this, it is impossible to say with certainty if there is, in fact, a disparity in the types, quality and number of service programs available for either group. This necessary research, the Study outlined in **Section 214,** should examine the funding of programs, the utilization of funds, the efficacy of programs and should also look at different types of programs. Taking away funding from one group of victims to support programs for another group of victims is not a solution. It is incumbent upon us to figure out better ways of utilizing resources. Certain funding restrictions appear to be antithetical to the goal of finding exploited youth and prosecuting their traffickers. To do that, partnerships must be created with those programs that know how to reach exploited youth through street outreach, education, counseling, peer support and other evidence based practice. Without these partnerships, victim service agencies and others will have difficulty reaching a group of youngsters who are afraid, dependent on traffickers and distrustful of law enforcement and providers. This is not the time to turn away from foreign born victims of trafficking and focus only on U.S. citizens. This is not an either-or situation. Both are equally important and deserving of full attention. These crimes are occurring in our country; the human rights abuses cannot be overlooked.

It is critical for the esteemed members of this committee and your Congressional colleagues to recognize the remarkable work of the DOJ prosecutors, OVC, ICE, FBI, DOL, HHS and countless NGO providers in addressing modern day slavery. We all want to stop the scourge of human beings being used as commodities and as pathways to feed the greed of their traffickers. We can not and must not stop now in our efforts; we must use this work as a foundation to continue, to do better, to evaluate and strategize and put our considerable knowledge and expertise into working to free every US citizen and immigrant victim of slavery.

In my work with survivors of Human Trafficking, I have interviewed individuals enslaved as nurses, ship welders, bargirls, prostituted women, peddlers, massage parlor workers, hotel maids, dancers, migrant farm workers, factory workers, and domestic workers, among others. These people put themselves and their families at great risk when they agree to cooperate, tell their stories and assist in the prosecution. We can never forget the bravery of the survivors of the sex trafficking case, U.S. v. Carreto. Their traffickers never expected them to testify, their children were being held hostage, but these women had worked long and hard with a dedicated team of law enforcement, prosecutors and service providers and were determined to seek justice for themselves and for other women in similar situations. These traffickers received sentences of 50 years.

The important immigration provisions of the Reauthorization bill of 2007, Subtitle A-***Ensuring Availability of Possible Witnesses and Informants*** must remain if we are to increase the rate of prosecutions and put a stop to the crime. One example of the import of these provisions concerns the threats made by traffickers against the victim's family, **Section 205.** We know these to be very real threats and often the strongest deterrent to cooperation on the part of a witness. Allowing parents and siblings who are in danger of retaliation because of the victim's cooperation with law enforcement to join the victim will greatly help in the prosecution, as the victims will not have to be constantly afraid and distracted from their roles as a witnesses. **Section 201** will assist those victims who are not able to participate in a Law Enforcement interview due to their trauma apply for immigration relief regardless, based on the elements of their trafficking situation. This is both necessary and humane. **Section 206** asks that the regulations regarding adjustment of status to permanent residence for T visa holders be issued according to the TVPRA 2005. We urge the release of these regulations as many survivors of trafficking have had T visas for more than the three year requirement and have complied and cooperated with all government entities. We urge you to keep all immigration provisions in this bill as they are clearly designed to ensure that survivors of trafficking can more easily access protections and assist in investigating and prosecuting their traffickers.

As an expert witness in several cases of workers brought to the U.S. on employment based non-immigrant visas, and through extensive interviews with the workers, I have learned of the exploitation and abuse suffered at the hands of their employers. These workers were isolated, enslaved and uninformed as to their rights in this country. In the case of ship welders in Oklahoma, (EEOC v. John Pickle Co.) the men from India were highly trained engineers, machinists and welders possessing advanced certification of their skills. They were locked in a factory, forced to live on the premises in crowded, squalid conditions, had little time off, had their documents taken and were paid well below the minimum wage. Their movements were monitored, their e-mails and phone conversations read and listened to and they were constantly threatened with deportation, abuse by the local law enforce-

ment and retaliation against their families. These intelligent, hard working individuals had been given no information about labor laws in this country, about their rights, about workers compensation programs, etc. It is my opinion that **Section 202, *Information for Work-Based Non-Immigrants on Legal Rights and Resources,*** in the Reauthorization bill is a vastly needed prevention of the abuses that are often present in the current Guest Worker programs. During an interview just last week, a guest worker told me, "It was more than fear, it was ignorance of the U.S., We didn't know how to make a phone call, didn't know anyone here, didn't know where to get help and we did not know the law. We didn't even know exactly where we were."

The development of a pamphlet that outlines workers rights, resources, laws and access to help is a major step in ensuring that the workers in this employment program will be protected, not exploited. **(Sections 110, 202)** If the welders in Oklahoma had been given this information, if the sheepherders out west had been provided with this help, employers would be held accountable, injuries and death might have been prevented, and workers would do the work they had been promised with the results they expected. Additionally, the sections of the reauthorization outlining requirements for foreign labor contractors are a positive and necessary step in this process of curtailing trafficking and slavery. In all cases of exploitation of workers here on work-based non immigrant visas with which I am familiar, the recruiters/contractors have not provided accurate information about the work conditions of the specific job awaiting these workers in the U.S. This reauthorization clearly spells out what information needs to be provided, as well as the certification of recruiters/contractors and the various enforcement processes for Department of Labor. The information to be conveyed consists of exactly what any individual in this country is entitled to by law when entering into an employment agreement.

In summary, I support the William Wilberforce Reauthorization of 2007 and urge this committee to carefully consider the TVPA of 2000 that established a victim centered approach. In the words of the Office for Victims of Crime at Department of Justice, this should reflect every victim, every time. This law was created to assist both foreign born and U.S. citizens, men, women and children and the reauthorization 2007 needs to reflect that.

Thank you for your attention and the invitation to appear here today.

Chairman CONYERS. Thank you, Psychologist Florrie Burke.

The Chair notices that there are two votes pending. We will try to take one more witness' testimony, that of Mr. Bradley Myles.

The Chair notices the presence of Ms. Carolyn Maloney of New York, who is very interested in this subject matter. We welcome her to this hearing and include, without objection, her statement and a letter from the Coalition against Trafficking in Women.

Thank you very much.

[The prepared statement of Mrs. Maloney follows:]

PREPARED STATEMENT OF THE HONORABLE CAROLYN B. MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Chairman Conyers, Ranking Member Smith, members of the committee, I want to thank you for allowing me to submit a statement about the issue of human trafficking.

Human trafficking is at least a $10 billion dollar worldwide industry and one of the largest organized crime rings in history. According to the State Department, approximately 800,000 people are trafficked across international borders for labor slavery and commercial sex purposes each year; the number is in the millions when trafficking within borders is counted. However, trafficking is not just a problem in other countries, it is happening in the United States in communities across the country. It represents what many have called the slavery issue of our time, and because girls and women are its overwhelming victims, it is one of the great women's issues of our time.

The lives of trafficking victims are pure horror—many are tricked into the country, fooled into believing that they'll be doing legitimate jobs. They arrive, many with limited English skills, or are picked up as runaways at U.S. bus stations, and have everything taken from them—their documents are held by the trafficker, if they have any. They see very little of the money they earn. They are cut off from the outside world, have no freedom of movement and no friends or relatives to help them.

I became involved in the fight to end human trafficking several years ago when I learned that a company, Big Apple Oriental Tours, was promoting sex tourism in my district in Queens. Since then, I have worked with my colleagues in Congress to pass several important pieces of legislation to fight this horrible problem. The 2005 Trafficking Victims Protection Reauthorization Act (TVPRA) included an important bill, the "End Demand for Sex Trafficking Act," that I worked on with Representative Deborah Pryce (R-OH) to address the problems of domestic trafficking. I also have reintroduced legislation, H.R. 3424, that would combat human trafficking by using the tax code to put traffickers in prison.

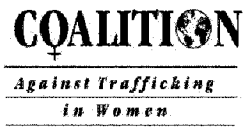
Last week, the House Foreign Affairs Committee voted out important legislation, H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007," which would help combat trafficking both domestically and internationally. I am a cosponsor of this legislation, and I believe that it is a good starting point. At the same time, I believe it critical that additional changes should be made to the legislation by this committee before it reaches the Floor for a vote by the whole House.

First, I would urge a revision of the existing Mann Act statute by substituting "in or affecting interstate commerce" for the existing requirement that a trafficker must cause his victim to "travel in interstate commerce." This change, along with moving the Mann Act into the Trafficking Victims Protection Act statute, would ensure that traffickers would be prosecuted for their heinous crimes, and would make it clear as we must, to ourselves and the world, that the act of trafficking—or the act of being a pimp—is a crime. Second, I believe that H.R. 3887 should call for the withdrawal of the current Department of Justice Model Law with one that would make proof of fraud, force, or coercion, or the minor status of trafficked persons, the basis of enhanced punishment of traffickers, rather than a required element of proof for the conviction of traffickers. Because states have been adopting the current DoJ Model Law, I share the concerns of the distinguished signers of the October 5, 2007, letter to Acting Attorney General Peter Keisler that fewer prosecutions of traffickers are occurring because of this proof requirement. I ask permission to enter this letter into the committee record, and I hope that the members of the committee will take the time to read the document signed by the leaders ranging from Gloria Steinem to Gary Bauer, from Walter Fauntroy to Beverly Lehay. Finally, I would urge the adoption of language in H.R. 3887 to make clear to DoJ that when Congress authorized a biennial survey in the 2005 TVPRA of the commercial sex industry in the United States, it expected this survey to be done. We must know the extent of this problem in the United States if we are going to target effectively our resources to combating it.

I want to commend this committee for its work on behalf of the victims and survivors of human trafficking, and want in particular to commend the work of the chairman, and the chair of the Crime Subcommittee, our distinguished colleague Bobby Scott. I believe that through our collective efforts, we can make not only a difference, but history. The signers of the letter believe this can be so, and look to us to work together to protect the victims of the sex trade industry, and punish the predators who exploit them.

Thank you.

[The information referred to follows:]



October 5, 2007

The Honorable Peter Keisler
Acting Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20005

Dear Mr. Acting Attorney General:

Founded in 1988, the Coalition Against Trafficking in Women is the first international non-governmental organization to challenge the trafficking of women and girls as an acute form of gender discrimination and a severe violation of human rights. The one hundred representative signers of this letter include leaders of organizations and communities that range across the country's religious, ideological and political spectrums. What unites us is our collective outrage at human trafficking and our commitment to end it.

More than six months ago, Congresswoman Maloney and Congressmen Wolf and Scott wrote to former Attorney General Gonzales to express their concerns with the Department's anti-trafficking policies and strategies. They did so in the context of his public statements that the initiative against domestic trafficking was a matter of high priority to the Department. We share these views and applaud these statements. The multibillion dollar "industry" operated within the United States by criminal traffickers enslaves and devastates hundreds of thousands of girls and women in a manner eerily reminiscent of the 19th Century African slave trade.

We write because of the Department's apparent rejection of the views expressed in the Maloney-Scott-Wolf letter and because of our serious concerns about the Department's anti-trafficking activities. First, we fail to understand why the Department has called on States to enact a model statute that effectively requires proof of fraud, force or coercion for the conviction of sex traffickers, instead of encouraging State and local prosecutors to strengthen and enforce existing statutes under which traffickers can be convicted on proof that they have "merely" engaged in sex trafficking. Our concern about the Department's model law is made

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particularly grave by its seriously misguided definition of prostitution as a form of "labor or services." The effect of conceptualizing prostitution as a form of "work" not only conflicts with public statements that former Attorney Generals Ashcroft and Gonzales and other administration officials have made, it also effectively converts the pimps, brothel owners and others who profit from the prostitution "industry" into presumptively legal employers. The Department's "labor or services" definition is thus in clear conflict with repeated statements of the President, with his National Security Policy Directive 22 and with almost all State and local laws on the subject.

What the Department's trafficking policy as embodied in the model law dangerously ignores is the acute difficulty of gaining testimonial evidence of fraud, force or coercion from terrified and brutalized victims of trafficking, and the potential danger that such a requirement poses to victims' safety. It is well documented that many victims enslaved by traffickers suffer from traumatic bonding and related conditions that make it impossible for them to give the testimony essential to the prosecution of fraud, force or coercion cases. In fact, we believe that the Department's policy will cause predatory traffickers to ***increase*** their acts of violence and psychological abuse in order to ensure that the persons they abuse will not serve as prosecution witnesses.

Requiring proof of force, fraud, and coercion has not only had a detrimental effect on the prosecution of cases of domestic trafficking. Such proof requirements have been cited by anti-trafficking leaders in other countries as obstacles to holding traffickers accountable for their systematic acts of violence against girls and women. If trafficking victims are afraid to testify against their traffickers in the U.S., as they are, they are more afraid to do so in foreign countries with even more violent traffickers and often less protective legal systems.

The approach of the Department's model law appears to be replicated in the Department's prosecution policies and strategies. We are gravely concerned by the Department's failure to more fully utilize D.C. Criminal Code § 22-2707, which makes sex trafficking per se a felony offense. In enforcing the D.C. Criminal Code, the Department functions much like State and local prosecutors, so that

vigorous utilization of Section 22-2707 would send a powerful leadership message to those prosecutors, one that would help ameliorate the negative effects of the Department's model State law. In the same vein, we are troubled by the Department's failure to more fully utilize 18 U.S. Code §2422(a), a statute recently amended by Congress that requires no proof of fraud, force or coercion and that would be of particular value in jurisdictions where major cities in different States border each other.

There are a number of additional aspects of the Department's anti-trafficking policies and strategies that trouble us, and about which we ask your views:

- The Department has given domestic traffickers effective immunity from criminal tax laws, when otherwise legal business owners are prosecuted for such acts as failing to provide W-2 forms. Congresswoman Maloney has recently introduced legislation that would ensure that traffickers are prosecuted for violating criminal tax laws, a leadership act that builds on Senator Grassley's leadership in the 109th Congress. The Grassley bill was unanimously endorsed by the Senate Finance Committee. Will the Department support this initiative?

- In the face of persuasive research conducted by Equality Now, the Department has failed to utilize existing criminal statutes to prosecute so-called "sex tourism" operators. Do you agree?

- The Department prioritizes the prosecution of traffickers of girls and women brought into the United States from foreign countries. Are American citizens who have been subjected to trafficking any less worthy of the Department's protection?

- The Department, through its grants under the Violence Against Women Act and like programs, often denies support to applicants who operate programs for trafficking survivors. Clearly, victims of domestic trafficking, routinely subjected to rape and battery, are as

much in need of and as much entitled to assistance and services as victims of other forms of gender-based violence. Do you share this view, and do you believe that victims of domestic trafficking are underserved?

- The Department has failed to pursue funds for the grant programs and the survey of the unlawful domestic commercial sex industry that were authorized by the Trafficking Victims Protection Reauthorization Act of 2005. Is it not important for the Department, and the country, to know as much about the predatory world of trafficking as is known about the country's gambling and drug operations?

- There is an apparent lack of coordination within the Department of its anti-trafficking activities. We believe it essential, as called for in the Maloney-Scott-Wolf letter, for there to be a single, accountable office headed by an experienced criminal prosecutor to whom Congress and the American public can look for results in the conduct of the Department's anti-trafficking activities. Do you share this view?

- The Departmental leadership on the trafficking issue has been vested in the Civil Rights Division even though the Division's sole jurisdiction is the prosecution of traffickers who have committed provable acts of fraud, force, or coercion against adult victims. While we celebrate the highly professional and committed prosecutors who have brought such cases, we are deeply concerned that the anti-trafficking strategy adopted by the Department will shield traffickers from prosecution while encouraging them to intensify their acts of violence and psychological abuse. Do you believe this concern legitimate?

Attached is a report prepared by Professor Donna Hughes of the March 13 Human Trafficking Training session conducted by the head of the Civil Rights Division's Anti-Trafficking Unit – a session broadcast to United States Attorneys throughout the country. The Hughes report demonstrates the Department's seeming disinterest

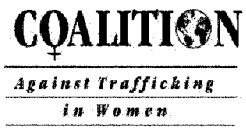
in enforcing *per se* statutes against trafficking. The report also shows that the Department's anti-trafficking initiative is directed against provable physical violence rather than trafficking *per se*.

We are dismayed by the comments of Department officials described in the Hughes report that leaders of the country's trafficking survivor community are "not ... ready" to engage in education, awareness and service initiatives on behalf of trafficked women. Is this your perception, or the Department's, of the ground-breaking and courageous work of such survivor-led groups as GEMS, Dignity House, Veronica's Voice, SAGE, and Breaking Free?

Congress, the administration, and a broad and fully engaged anti-trafficking coalition now in place can in our view make history, ***and do so this year,*** in ending the reign of terror and enslavement long practiced by traffickers operating within this country.

Additionally, effective prosecution of domestic traffickers, and committed Federal government support for their victims, will strengthen the capacity of the State Department's Trafficking in Persons Office to deal with countries that are complicit or indifferent to mass trafficking within their borders. Such action would save millions of trafficked and at risk girls and women throughout the world.

The Department has significantly increased the number of its trafficking prosecutions and the resources it has committed to anti-trafficking activities. Yet in spite of this, there has been no decline in the incidence of domestic trafficking or in the number of girls and women abused and destroyed by domestic traffickers during the five year period in which the Department has conducted its costly anti-trafficking initiative. Moreover and critically, the model law promoted by the Department has produced few if any State prosecutions or convictions – an outcome that we are certain will continue for the reasons set forth in this letter. Until the Department begins prosecuting and calling for the prosecution of traffickers on a *per se* basis, and ends its effective call for limiting such prosecutions to cases where fraud, force or coercion can be proven, domestic and international trafficking will continue to flourish and grow.



Human trafficking can and must be ended within our borders. But it is only through strong and strategic measures that we will do so. Accordingly, we respectfully request a meeting to discuss the matters set forth in this letter.

Respectfully,

Dorchen Leidholdt
President, Coalition Against Trafficking in Women

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Co-Executive Director, Coalition Against Trafficking in Women

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Georgette Forney
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Commissioner Israel Gaither
National Commander
The Salvation Army USA

Commissioner Eva Gaither
National President of Women's Ministries
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Dr. David P. Gushee
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Professor of Christian Studies
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Mimi Haddad, PhD
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Biblical Equality

Rev. Dr. James V. Heidinger, II
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Donna M. Hughes
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Sandra Hunnicutt
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Nancy Lewis
UN Representative
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Foundation

Sister LeeAnn Mackeprang
Good Shepherd
Contemplative Sisters

Catharine A. MacKinnon
Elizabeth A. Long
Professor, University of
Michigan Law School

Frederica Mathewes-Green
Speaker, Author

Faith McDonnell
Director, Religious Liberty
Program
Institute on Religion and
Democracy

Alyssa Milano
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Human Rights Activist

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Gloria Steinem
Co-Founder
Ms. Magazine

Cheryl Thomas
Director, Women's Human Rights Program
Advocates for Human Rights

Jim Wallis
President, CEO
Sojourners/Call to Renewal

Rev. Gloria E. White-Hammond, M.D.
Co-Founder, My Sister's Keeper
Co-Pastor, Bethel AME Church

Wendy Wright
President, Concerned Women for America

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Anne Bissell
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Voices for Justice

Vednita Carter
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Breaking Free

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Co-Founder, Polaris Project

Rachel Durchslag
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Sexual Exploitation

Laurel W. Eisner
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Sanctuary for Families
New York, NY

Juliette Engel
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MiraMed Institute
Moscow, Russia

Sid Ford
Founder, Director
YANA (You are Never
Alone)
Baltimore, MD

Leah Gruenptere Gold
Director, Machon Toda`a
Awareness Center
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Survivor Improving
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Rachel Lloyd
Executive Director, Founder
GEMS
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Kathleen Mitchell
Founder, Catholic Charities
DIGNITY Services

Beatrice Okezie
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Artika Roller
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Ed Shuma
Executive Director
Coalition for the Homeless
Chicago, IL

Shaleen Horrocks Silva
Executive Director
The Paul & Lisa Program, Inc.

Chairman CONYERS. Mr. Bradley Myles, the next witness before our recess, is connected with the Polaris Project, a group in Washington that works with trafficking victims from the United States and abroad, and is engaged in intensive outreach with women in prostitution generally. Mr. Myles has played a key role in the development of State legislation and anti-trafficking task forces around the country.

We welcome you to this hearing, sir.

TESTIMONY OF BRADLEY W. MYLES, NATIONAL PROGRAM DIRECTOR, POLARIS PROJECT

Mr. MYLES. Thank you, Chairman Conyers, Ranking Member Smith, and Committee Members.

My name is Bradley Myles, and I am the National Program Director of a nongovernmental organization based here in Washington, D.C., called the Polaris Project.

Our organization is dedicated exclusively to fighting modern day slavery and human trafficking. With my brief comments today, I hope to provide some concrete examples of our direct experiences of working in the field in order to inform your sound policy decisions. The following are my recommendations which are supplemented and elaborated in my written testimony.

First, our field must emphasize that human trafficking involves both the transnational trafficking of foreign nationals into our country as well as the internal trafficking of citizens within our country. In our field experience, we frequently encounter the common misconception that trafficking only involves foreign nationals who are brought across country borders. As the Federal law has been clear since the year 2000, the definition of "human trafficking" not only includes foreign nationals but also includes domestic or internal U.S. citizens. In the U.S., this means U.S. citizen victims of both sex trafficking and of forced labor.

We need to use consistent and comprehensive definitions. We need to be inclusive of all types of victims, and we need to ensure that our structures, our systems, our policies, dialogues, and statistics consistently include both populations.

Second, in the area of estimating the scope of trafficking, we are encountering skepticism in the field of the total number of victims in the U.S., and we need more research to help better and more accurate counting mechanisms for all victims in the U.S., including foreign nationals and U.S. citizens and victims of sex trafficking and forced labor. Currently, the majority of the victim counts out there, such as the Federal certification process, do not include U.S. citizen victims. The certification process and other counting mechanisms can be revisited toward these ends, and if we enable more sources beyond Federal law enforcement to initiate the certification process, I believe more victims can receive services and can be included in the count, reflecting our victim-centered values.

Third, I encourage Congress to support the need for U.S. citizen victims of trafficking to receive funding for specialized services in addition to their foreign national counterparts, not in place of them. For the past 7 years, little to no Federal anti-trafficking funding to victims through the TVPA or its reauthorizations have been made available to provide case management services to vic-

tims who are U.S. citizens. The Polaris Project works with both U.S. citizens and foreign national victims, and we feel it is important for Federal anti-trafficking policies and funding streams to enable specialized providers in the field to work with both populations and to provide a sustainable continuum of care.

Moreover, both foreign national and U.S. citizen victims need increased services, and the inclusion of VOCA funds in section 214(b) of this bill is a good step. However, I feel that additional legislative language is needed to address how these VOCA funds will reach victims at the State level.

Fourth, it is critical to invest in the sustainability of the Federal human trafficking task forces and coalitions that have been built over the past 3 years. Since 2004, HHS and DOJ have been hard at work in creating long-term, sustainable infrastructure for the field. These structures have generated results, like in Washington, D.C., where our task force has prosecuted over 30 traffickers and has helped to provide services to over 70 victims. Yet, after watching our task force lose its funding about a month ago, we are now struggling to avoid losing the know-how, the capacity, the momentum, and the infrastructure that we have built over the past 3 years. Other cities are facing a similar struggle.

Fifth, we must give prosecutors the strongest tools they need to effectively and efficiently prosecute traffickers. Our task force in Washington, D.C. has prosecuted around 30 sex traffickers, and while with only a small number of these prosecutions we actually went Federal with U.S. Code 1591, for a number of the prosecutions, we were able to use the local "pimping of a minor" statute. I encourage the replication of these types of prosecution strategies and support their consideration in model statutes related to sex trafficking. Section 221's provision, addressing the knowledge of the age requirement for those who engage in the sex trafficking of minors, is a great tool that will advance the field.

Other recommendations in my written testimony focus on the benefits of increased training, resources for task forces and coalitions, the need for increased research in the field to identify best practices and to share them, and the need for the increased coordination between DOJ's two types of anti-trafficking task forces—the BJA-funded human trafficking task forces and also the Innocence Lost task forces that work with the sex trafficking of minors.

The Polaris Project is honored to testify before you all today. As a member of the anti-trafficking field, as a voice for the victims we serve, as a leading member of the Washington, DC human trafficking task force, as HHS' national training and technical assistance grantee, as a member of numerous policy-related coalitions, including the action group to end human trafficking and modern day slavery, and in solidarity with survivors and with our partners in the field—both the NGO and Federal partners—thank you for the opportunity to contribute to this hearing today.

[The prepared statement of Mr. Myles follows:]

PREPARED STATEMENT OF BRADLEY W. MYLES

Chairman Conyers, Ranking Member Smith, and Committee Members,

Thank you for convening this hearing on the 2007 Reauthorization of Federal anti-trafficking legislation and for inviting representatives of our field to participate

in this hearing and contribute to what I hope will be the passage of a historic anti-trafficking bill this year.

My name is Bradley Myles, and I am the National Program Director of a non-governmental organization called Polaris Project headquartered here in Washington, DC. Our organization is dedicated exclusively to combating human trafficking and modern-day slavery, and my comments are based on our everyday experiences working on-the-ground identifying victims, operating hotlines, serving victims, participating on task forces with law enforcement, offering training and technical assistance on counter-trafficking strategies, fighting for stronger anti-trafficking policies, and working in collaboration with Federal government agencies and our NGO partners in the field.

In my testimony today, I will relay information about our direct experiences from the field in the hopes of providing this committee with concrete information from which to form important policy decisions that will make a difference in the lives of survivors of human trafficking. All of the information provided below is categorized by in the following areas:

Human Trafficking Task Force Sustainability

From Fall 2004 through the end of September 2007, the DC metropolitan area benefited from one of the 42 Department of Justice (DOJ) Human Trafficking Task Force grants. I played an active leadership role in the task force and can testify to the momentum and infrastructure that has been built to fight human trafficking in the nation's Capitol over the past three years. The task force grew to include participation from 20 government agencies and over 35 NGOs, and our results included providing services to over 70 victims and prosecuting approximately 30 traffickers thus far. Since the end of our grant on 9/30/07 and without renewal funding, our task force is now focused on struggling for sustainability in the face of competing organizational priorities. I know of a number of other task forces throughout the field that are experiencing similar struggles. I strongly believe in the effectiveness of the task force model in fighting trafficking, and I encourage continued investment to ensure that the organizational knowledge, infrastructure, and capacity that the field has built over three years is maintained.

Technical Assistance, Training, and Coordination Efforts for the Task Forces

After the launch of the 42 BJA-funded Human Trafficking Task Forces, it became immediately evident that the task forces demonstrated a desire for increased communication and peer-to-peer cross-learning between and among each other. Through my role on the DC Task Force, I worked with others in the field to reach out to all 42 task forces across the nation and invite everyone's participation in an informal national listserv to provide a vehicle for communication among the task force leadership in each major city. In my opinion, the enthusiastic participation that has occurred on the listserv is our clue that the task forces can benefit greatly from strategic interventions and increased support in the areas of training and technical assistance. It has been uplifting to see linkages being made and to see so many parts of the field all benefit from the value of peer to peer learning. With increased resources in these areas, we can raise the field to a whole new level of maturity by exploring ideas such as regional multi-jurisdictional task forces, new prosecutorial strategies, an array of topical roundtables addressing cutting edge challenges, and field visits between task forces.

Increased Coordination Between Inter-Related Types of DOJ-Initiated Task Forces

Coming out of the Civil Rights Division of the DOJ, and in close collaboration with the Human Trafficking Prosecution Unit (HTPU), the Bureau of Justice Assistance (BJA), and the Office for Victims of Crime (OVC), the field has benefited from the launch of 42 Human Trafficking Task Forces, which I've just described above. In addition, coming out of the Criminal Division of the DOJ, and in close collaboration with the FBI Crimes Against Children (CAC) squad, and the Child Exploitation and Obscenity Section (CEOS), the Innocence Lost Task Force Initiative has yielded important success in focusing on the sex trafficking of minors. Both of these types of task forces are working on different parts of the issue of human trafficking, and DC has been a city where the BJA-funded Human Trafficking Task Force has merged with the Innocence Lost task force to function as a seamless whole. However, in my experience working in other parts of the country, I've seen cities and States where the two types of task forces are not in close communication, are not coordinating efforts, and are not

connecting the dots to identify areas of overlap. Both types of task forces have important strengths, and stronger centralized coordination of all anti-trafficking efforts within DOJ should help to increase collaboration levels.

Prosecution Strategies Related to Sex Trafficking

In the Washington, DC area, the DC Human Trafficking Task Force/FBI Innocence Lost Task Force has placed a particular emphasis on the sex trafficking of U.S. citizens. In our efforts, we have encountered significant numbers of sex traffickers who are inducing minors into commercial sex acts and inducing women ages 18 or over into commercial sex acts using violence, deception, lies, and threats. Based on the Federal definition outlined in the TVPA of 2000, all of these U.S. citizen sex traffickers have committed acts that meet the definition of severe forms of trafficking in persons. However, of the more than 30 sex traffickers that our Task Force has prosecuted, only a small minority of them have involved Federal cases using U.S.C 1591, the Federal severe forms of sex trafficking statute created in the TVPA of 2000. Instead, the majority of the cases have involved the use of local DC statutes related to pandering and pimping a minor. These cases have involved less Federal resources, have tended to occur quickly, and have generally been less taxing on the limited resources of the task force. Our task force is currently exploring other ways to use similar local statutes to give prosecutors more tools to crack down on sex traffickers while still avoiding resource intensive Federal cases that often require victims to take the stand to prove that elements of force, fraud, or coercion were present. The overall goal is to foster increased numbers of prosecutions of sex traffickers in the most efficient and least resource-intensive ways that place minimal risks of retraumatization on the victims. Based on the experience of our task force, we encourage the exploration and replication of these strategies for use in other cities and for consideration in model statutes related to prosecution of sex trafficking.

Persistent Myths and Misconceptions about Definitions of Human Trafficking

In my experience discussing the issue of human trafficking with a wide variety of audiences over the past five years, it is quite apparent that the prevailing image of human trafficking in most people's minds involves border crossing and the movement of people into a country. Trafficking victims are conceptualized as a group very similar to refugees, and the structures, systems, statistics, counting mechanisms, and dialogue about victims tends to mirror discussions about refugees. In actuality, based on the Federal definition outlined in the Trafficking Victims Protection Act (TVPA) of 2000, victims of human trafficking do not have to be from other countries and do not have to cross national borders. "Domestic" or "internal" trafficking that happens to citizens of a country, within their own country, warrants increased attention, research, and understanding. Moreover, our national response to the issue of human trafficking must take domestic or internal trafficking into account at all levels. What are the estimates of total numbers of U.S. citizen victims of trafficking? How are U.S. citizen victims targeted by traffickers, and what types of exploitation do they experience? Do training and awareness materials about human trafficking adequately address U.S. citizen victims? What government systems and services are U.S. citizen trafficking victims encountering, and how are those systems meeting their unique needs? It is these types of questions that I encourage the field to ask and answer to more adequately understand the full spectrum of ways that the issue of human trafficking affects our country. We need to engage in dialogues that are inclusive of all victims, that do not pit types of victims against each other, and that do not divide the field based on the nationality of victims.

Estimating the Full Scope and Prevalence of Human Trafficking in the U.S.

As an NGO working on the ground on this issue, I can testify to our recent experience of having the scope and prevalence of this issue being increasingly questioned by skeptics who draw their conclusions about low victim numbers based largely on the number of "certified" victims. As reflected in the Attorney General's Annual Report to Congress on US Government Activities to Combat Trafficking in Persons Fiscal Year 2006, 1076 total certification letters have been issued to victims of trafficking in the first six fiscal years in which the certification program has operated. Whether or not it was originally intended to be viewed as such, it seems the "certification" process is now being used by various sources as an indication of an "official count" of trafficking victims in the U.S. Those of us in the field who have a more detailed understanding of

the certification process know that it does not include victims who are unwilling to be known to or cooperate with law enforcement, it does not include victims for whom Federal law enforcement agents were not willing to sign a Law Enforcement Authorization (LEA) form, it does not include pools of victims who are seeking other immigration remedies outside of the T-visa, and it does not include any U.S. citizen victims because as currently designed, certification is a process reserved only for foreign national victims. Therefore, judging the prevalence of the issue of human trafficking based on the certification process is clearly not the most inclusive indicator of the total numbers of individuals experiencing the crime of human trafficking in the U.S. each year. We need better, more accurate, and more exhaustive counting mechanisms for all victims to help provide a more true picture of the full scope of human trafficking occurring within the United States that includes transnational trafficking of foreign nationals into the U.S., as well as the internal trafficking of U.S. citizens within the U.S. If the certification process will continue to be viewed as the national official "count" of victims, revisions to the process should be considered such as including US citizen victims, and enabling more sources beyond Federal law enforcement to initiate the certification process so that a victim's cooperation with Federal law enforcement is not so strongly linked to the victim's ability to be counted and provided with services.

The Need for Specialized Services for U.S. Citizen Victims of Human Trafficking

As stated in the aforementioned May 2007 Attorney General's Annual Report to Congress, the section on benefits and services for victims clearly states that "the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not currently be used to assist U.S. citizen victims;". Because Polaris Project is a service provider for victims of trafficking working with both populations of U.S. citizen victims and foreign national victims, we are very well aware of the service landscape for both types of victims, not only in Washington, DC, but also on a national scale. OVC grants to NGOs for case management services to victims of trafficking have been restricted exclusively to foreign national victims, and HHS anti-trafficking services and benefits have also been restricted to non-citizen victims because of HHS' statutory authority that is linked to certification, which again is a process reserved only for foreign national victims. The result of these two Federal funding streams is that while all trafficking victims need specialized case management services, U.S. citizen trafficking victims have been particularly underserved with Federal anti-trafficking dollars over the past seven years. To date, little to no Federal anti-trafficking funds for specialized services to victims through the TVPA or its reauthorizations have been made available to work with victims who are U.S. citizens, thereby making nationality, not the nature of victimization, the determining variable of whether a trafficking victims receives specialized case management services or not. Moreover, although both foreign national and U.S. citizen trafficking victims are encountering other government service systems and government-funded programs in various ways, both populations demonstrate an array of comprehensive and specialized service needs that are best met by comprehensive and specialized anti-trafficking service providers. In my opinion, it is important for Federal anti-trafficking policies and funding streams to enable specialized providers in the field to work with all types of trafficking victims, not to restrict them to one population or another, and to provide a sustainable continuum of care that will benefit all victims, regardless of nationality.

The Role of Demand Reduction in Fighting Sex Trafficking

With specific regard to sex trafficking, through our local knowledge of trafficking networks and trends, we're seeing sex traffickers responding directly to spikes and dips in demand for commercial sex. As a market-based issue that operates on principles of supply and demand, this direct correlation is a natural and predictable phenomenon. As an example, we're seeing domestic sex traffickers raising nightly quotas on the women under their control when they know demand for commercial sex is high and more money can be made. These clear linkages help us to realize the importance of associating demand for commercial sex with the growth and proliferation of sex trafficking. Sex traffickers are in the business of making profits, and the demand-based presence of cash flows provides the incentive to operate. Moreover, because of the direct correlation, we know that demand reduction strategies are an in important part of the fight against sex trafficking. These may include both law enforcement strate-

gies, as well as community-based, faith-based, and other social strategies. Based on our experiences in the communities where we work, we can testify to the importance of many of the provisions in Title II of the Trafficking Victims Protection Reauthorization Act of 2005 that relate to demand reduction.

The Need for Increased Coordination of Federal Training Initiatives on Trafficking

Through a FY07 contract and a recently awarded additional grant, Polaris Project has functioned as a specialized training and technical assistance (T&TA) provider for the field, funded by the U.S. Department of Health and Human Services (HHS) Anti-Trafficking in Persons (ATIP) program. Moreover, being in the space of providing training and technical assistance to others has helped us to more fully understand and experience the proliferation of disparate and uncoordinated T&TA efforts occurring in the anti-trafficking field that is reflective of the silos and stove-pipes that sometimes occur within and between government departments. While all of these initiatives are important for advancing the field, a lack of coordination among providers hinders the overall effectiveness and continuity of these multi-pronged efforts. Proactive steps and concrete venues to bring these providers together will, in my opinion, help to bring the anti-trafficking field to a new level of capacity-building, coordination, and sophistication.

The Critical Role of Increased Research

Being on the ground and learning how to make the most of scarce resources, NGOs in the field are constantly vigilant of the tools we have and the tools we wish for that could help make our jobs more effective. I've experienced countless examples of meetings, presentations, and trainings where audience members asked important questions that I simply didn't have the tools to fully answer. Continually refined estimates of the total numbers of victims nationwide, the size of certain economies, the estimated profits of certain trafficking networks, or the total revenue of the unlawful commercial sex trade in the U.S. could all be useful tools that would boost the effectiveness of practitioners in the field. In addition, descriptions of known slave-made goods, new trends in the behavior of traffickers, or largely unknown niches of victims, such as the scope of US citizen victims of labor trafficking, could also be incredibly useful for on the ground advocacy. Combined with the ever-present need to identify and share best and promising practices for law enforcement, victim care, and victim identification, research clearly plays an important role in helping to validate, explore, highlight, and describe different parts of the anti-trafficking field.

Understanding How Trafficking Victims Encounter Other Government Programs

Beyond various anecdotal accounts and informal research efforts, very little is currently known on a formal basis about how victims of human trafficking encounter other government programs such as welfare offices, the child welfare system, victim compensation funds, or government-run shelters. Moreover, our field also does not have a complete understanding, based on formal research, of how many trafficking victims are being served by other types of service programs such as domestic violence shelters, rape crisis centers, and runaway and homeless youth shelters, and what types of positive and negative experiences they are having within these other systems. The commencement of a study to determine the extent to which victims of trafficking are being served by other systems and programs on both a local and national scale could be quite useful for the field to more fully understand the experiences of victims as they access services from different agencies.

The Benefits of Inter-Disciplinary Dialogue with Other Fields and Sectors

On the ground service organizations for victims of trafficking frequently operate in a local environment where they collaborate and form linkages with a vast array of other types of service providers, such as domestic violence shelters, legal services organizations, rape crisis centers, runaway and homeless youth programs, and health clinics. Throughout the process of collaboration, it is likely that linkages, commonalities, and points of overlap will be identified and explored. Given these inter-disciplinary linkages between fields, we feel that there is great room for rich dialogue and cross-learning to occur that will increase the cohesion of the systems of care that work with victims of crime. The creation of more formal mechanisms, vehicles, and venues for these types of inter-dis-

ciplinary dialogues to occur will, in my opinion, enhance the efforts of the anti-trafficking field as a whole.

Polaris Project implements its programs and strategies using a comprehensive approach that matches top-down system-based change and institutionalization with bottom-up community-based implementation and grassroots advocacy. We strongly believe in the importance of policy advocacy, at the Federal, State, and local levels, as an essential component of a comprehensive counter-trafficking response. As a result, we are members of numerous coalitions that participate in policy advocacy, including the Action Group to End Human Trafficking and Modern-day Slavery.

The movement to end human trafficking and modern-day slavery in the United States and around the world gains momentum and sophistication each year, and I am continually hopeful to see our field grow and improve. I am confident that the Trafficking Victims Protection Reauthorization Act of 2007 will represent a bold and historic step towards these aims, and I hope the recommendations provided in this testimony have offered policy-makers concrete tools for improving the field and services to victims.

Thank you again for this opportunity to speak before you all today.

Chairman CONYERS. Thank you very much, Mr. Myles.

The Committee will stand in recess. There are two votes of 15 minutes each, so you can gauge your time accordingly, and we will resume immediately after the conclusion of those votes.

Thank you very much.

[Recess.]

Chairman CONYERS. The Committee will come to order.

We are now pleased to recognize Dr. Amy Farrell of the Institute on Race and Justice of Northeastern University's College of Criminal Justice. Building from their groundbreaking work on hate crimes in the 1990's, Dr. Farrell and her team have recently completed the first large-scale, peer-reviewed study of anti-trafficking task forces nationwide.

We welcome you to the Committee and look forward to your comments.

TESTIMONY OF AMY FARRELL, Ph.D., ASSOCIATE DIRECTOR, INSTITUTE ON RACE AND JUSTICE, PRINCIPAL RESEARCH SCIENTIST, NORTHEASTERN UNIVERSITY

Ms. FARRELL. I would like to thank the Chairman and the leadership of the House Judiciary Committee for convening this important hearing.

I am very proud to appear today in support of the William Wilberforce Trafficking Victim s Protection Reauthorization Act of 2007.

I am joined at this hearing by my colleague and research partner, Jack McDevitt, the director of the Institute on Race and Justice and the Associate Dean in the College of Criminal Justice at Northeastern University.

Over the past 4 years, we have conducted extensive research on local law enforcement's ability to identify, investigate and respond to human trafficking in communities throughout the United States. I will use my time today to discuss the role of local law enforcement in fighting human trafficking and highlight some of the important ways that this legislation can improve law enforcement responses to the problem.

It is from my background as a police researcher that I approach questions about human trafficking. During my career, I conducted extensive research in the field of policing, with a focus on under-

standing how police respond to new or newly recognized crimes. My research with Jack McDevitt on hate crime identification, for example, has added significantly to our understanding of the challenges police face in identifying, investigating and reporting information about newly defined crime.

We recently completed a study for the National Institute of Justice examining the experiences of thousands of county, State and local law enforcement agencies in identifying and responding to human trafficking. And I am currently leading a project for the Bureau of Justice Statistics to develop the first national standardized data collection procedure for human-trafficking investigations that originate from local law enforcement agencies. I will discuss some preliminary findings from these studies which are pertinent to today's hearing.

Local law enforcement agencies can often be in the best position to identify human-trafficking victims or perpetrators who may be hidden in the communities they serve. These agencies are involved in routine activities that bring them into contact with the criminal elements where trafficking may be occurring.

While some have criticized the present response by local law enforcement to human-trafficking crime, I believe law enforcement must play a central role in the eradication of human trafficking. Local law enforcement has, in the past, demonstrated the capacity and willingness to understand and respond to complex and challenging newly recognized crimes similar to those we are discussing here.

As an illustration, in 1990, no more than a handful of hate crimes were investigated by local law enforcement. In fact, few officers even recognized the term "hate crime." Today, we have over 7,000 hate crimes that are investigated annually by local law enforcement across the country.

This kind of success is possible for human-trafficking victims, but there are a number of challenges that we must overcome. As a starting point, law enforcement must have a shared definition of "human trafficking." And an essential part of this definition is developing an understanding of how to operationalize the elements of force, fraud and coercion in their own communities.

Once law enforcement understands what human trafficking is, they will be more likely to recognize all forms of trafficking that exist in their community, including both labor and sex trafficking. The results of our national study indicate that when local law enforcement agencies understand what human trafficking is and perceive it as a problem in their community, they are more likely to prepare their officers to respond to these cases, and subsequently they identify victims.

Despite these efforts, victims of human trafficking remain difficult to identify and serve, for a number of reasons. They are often hidden from the public with little or no ability to contact the police. And even when they have the ability to seek help, they are often afraid of the police. Perpetrators of human trafficking depend on victim fear of law enforcement as a means of coercion.

These characteristics are endemic to human trafficking. And as a result, it is now imperative for us to develop innovative strategies

to identify and prosecute offenders, even with limited victim cooperation.

Investigation of human trafficking often involves a number of Federal, State and local law enforcement agencies. These groups have different mandates and conflicting goals. Sometimes they impede the efforts to support victims and arrest perpetrators. Despite these challenges, our study shows that agencies working in federally funded task forces have a better understanding of human trafficking, identify more cases of human trafficking, and are much more likely to bring the cases that they identify to prosecution.

So, improved coordination, training and technical assistance across all levels of law enforcement are essential to the fight against human trafficking. The TVPA and this reauthorization provide a powerful framework through which this goal can be accomplished.

Modern slavery, which is what human trafficking is, is an affront to American values. Every day, men, women and children are forced to engage in labor and sex against their will across this country. It is a crime that cannot be tolerated in this great Nation. Through strong Federal leadership and legislation, such as the William Wilberforce Trafficking Victims Protection Reauthorization Act, local communities can enhance their efforts to identify and assist victims of this horrendous crime and bring its perpetrators to justice.

[The prepared statement of Ms. Farrell follows:]

PREPARED STATEMENT OF AMY FARRELL

Testimony of

Amy Farrell, Ph.D.
Associate Director, Institute on Race and Justice
Principal Research Scientist
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Northeastern University
Boston, MA 02115

Before

Committee on Judiciary
U.S. House of Representatives
Room 2141
Rayburn House Office Building

October 31, 2007

Human trafficking is an abominable crime. It deprives victims of the most fundamental of rights – the right to be free. Human trafficking affects individuals and communities around the globe, including those here in the United States. I am very proud to appear today in support of H.R 3887, the *William Wilberforce Trafficking Victims Protection Re-authorization Act of 2007*. I am joined today by my colleague and research partner Jack McDevitt, the Director of the Institute on Race and Justice and Associate Dean of the College of Criminal Justice at Northeastern University. Over the past four years we have conducted research on law enforcement's ability to identify, investigate, and respond to human trafficking in local communities throughout the United States. I will use my time today to address the problem of human trafficking in the United States and discuss the ways this important legislation can help improve our responses to this crime.

Background

During my career I have conducted extensive research in the field of policing with a particular focus on understanding how police respond to new or newly-recognized crimes. For example, my research with Jack McDevitt on hate crime identification includes two major studies conducted for the Bureau of Justice Statistics - *Improving the Quality and Accuracy of Bias Crime Statistics Nationally* (2000) and *Bridging the Information Disconnect in National Bias Crime Reporting* (2002) - which have added significantly to our understanding of the challenges local law enforcement face identifying, investigating, and reporting information about newly defined crimes such as hate crimes. My research in policing has covered such topics as hate crime

reporting, police integrity, and racial disparities in traffic enforcement. In addition to research on police practices, I have conducted a number of studies focused on the treatment of women in the criminal justice system. I am currently the co-recipient of the 2006 W.E.B. DuBois Research Fellowship from the National Institute of Justice. Dean Jack McDevitt, who joins me today, has three decades of experience conducting research on and working with law enforcement, including directing the New England Regional Community Policing Institute, providing domestic and international police training to thousands of officers and conducting analysis of crime trends, and most recently examining hate crime and racial profiling issues. It is from a background in police research that I approach questions about human trafficking today.

Earlier this year, Dean McDevitt and I completed a two-year study for the National Institute of Justice (NIJ) entitled *Understanding and Improving Local Law Enforcement Responses to Human Trafficking* (2007). This study, which is undergoing peer review at NIJ, provided the first comprehensive assessment of the current state of U.S. local, state, and county law enforcement responses to human trafficking. Utilizing a random survey of over 3,000 law enforcement agencies, this study measures how often and under what conditions different law enforcement agencies identify human trafficking cases and evaluates whether such recognition leads to investigations, interventions, and/or prosecution. The study provides detailed information about the characteristics of human trafficking victims and perpetrators as well as the nature of those cases that have been identified by law enforcement. Additionally, the study examines the experiences of multi-agency human trafficking task forces funded in 42 local communities by the Department of Justice, Bureau of Justice Assistance. My expertise on law enforcement responses to human trafficking is also informed by a current project undertaken with Dean McDevitt and researchers from the Urban Institute to develop the first national human trafficking reporting system for the Bureau of Justice Statistics. This system will provide standardized data collection and reporting on human trafficking investigations originating from local and state law enforcement agencies working with federal human trafficking task forces.

The Problem of Human Trafficking

Modern day human trafficking takes many forms. Individuals may be held against their will as domestic workers, working for little or no pay, and prevented from finding other employment. Others may be forced into prostitution and isolated from people who could provide a means of escape. Victims can be from distant foreign countries or our own local communities. At present, we have few reliable measures of the extent of human trafficking in the U.S. or internationally. While a number of researchers have attempted to develop estimates of the prevalence of human trafficking (Belser et al., 2005; Clawson et al., 2006a; Miko, 2004), there are a number of inherent challenges to identifying incidents of human trafficking and problems coordinating information systematically across data systems for those cases which are identified (Laczko et al., 2005). There are, however, a number of useful accounts of specific types of human trafficking victimization (Hughes et al., 2001), the characteristics of trafficking in specific geographic regions (U.N. Office of Drugs and Crime, 2006), and the challenges of providing services to human trafficking victims (Clawson et al., 2003). It is important to recognize that scholarship on human trafficking is relatively new. While we are still some way from developing accurate estimates of human trafficking victimization, we have important

information about how often and under what circumstances law enforcement agencies in the U.S. identify cases of human trafficking.

The Victims of Trafficking and Violence Protection Act 2000 (TVPA) was the first comprehensive federal law to protect victims of trafficking and prosecute offenders. Reauthorized in 2003 and 2005, the TVPA increased the investigative powers of law enforcement and provided additional funding to combat trafficking involving U.S. citizens. In addition to federal efforts to combat trafficking, 30 states have passed legislation criminalizing human trafficking and directing law enforcement agencies to adopt training programs to enhance identification and interdiction efforts (Farrell, 2006). The TVPA has proven to be an incredibly important piece of legislation to help victims of human trafficking in the U.S. and I urge the passage of this pending reauthorization.

Law Enforcement Responses to Human Trafficking in the United States

The enforcement of the law in the United States is predominately carried out by the approximately 18,000 local, county, and state law enforcement agencies representing diverse environments and dealing with different local crime problems. Successful national responses to the crime of human trafficking depend, in some part, upon local law enforcement to understand and respond to these crimes. Previous research on law enforcement responses to human trafficking in the U.S. has generally been confined to the experiences of a small number of police agencies serving major metropolitan areas (Clawson et al., 2006b; Wilson et al., 2006). These more limited studies suggested local law enforcement agencies can be well positioned to identify human trafficking victims who may be hidden within the jurisdictions. This is the case because these agencies know their own communities and are involved in routine activities which bring them into contact with local criminal elements where human trafficking may be occurring.

To better understand the experiences of a large number of diverse law enforcement agencies operating throughout the U.S. a nationally representative sample of approximately 3,000 state, county, and municipal law enforcement agencies in the U.S. were surveyed to measure the current perceptions of local law enforcement about human trafficking and measure the frequency in which they investigate such cases (Farrell et al., 2007).[1] The survey addressed four main areas: 1) the perceptions of trafficking held by law enforcement and the preparation agencies have taken to address the problem; 2) the frequency in which law enforcement identifies and investigates cases of human trafficking and 3) the characteristics of those cases investigated by law enforcement, and 4) the investigation and prosecution of human trafficking cases. Some of the preliminary results are presented below. These findings reflect our

[1] Since law enforcement agencies serving larger populations may encounter human trafficking more frequently than agencies in smaller communities, the original random sample was supplemented with all remaining agencies (not included in the random sample) serving populations over 75,000 and all law enforcement agencies working in partnership with existing federally funded Bureau of Justice Assistance (BJA) human trafficking task forces who were not originally included in either the random or large city samples.

interpretation of the data and we hope may inform future efforts to enhance responses to human trafficking, such as those contained in H.R. 3887.[2]

Perceptions and Preparation

Existing perceptions of local law enforcement strongly affect how new crime laws such as trafficking laws are interpreted and implemented. As with many crime control initiatives that included the federalization of crime and/or incentives to state and local law enforcement agencies to prioritize particular types of crime investigations (e.g., drugs, guns, and homeland security), it is critical to understand how these initiatives are adopted and integrated into the culture of local agencies and how patrol officers put these priorities into practice on the street. The results from the national human trafficking survey suggest most local law enforcement officials across the U.S. today perceive human trafficking as rare or non-existent in their own communities. Agencies serving larger communities (over 75,000 in population), however, were more likely to identify human trafficking, particularly sex trafficking, as a more pervasive problem in their local community.

Due in part to the attitudes about human trafficking cited above, preparation to identify and investigate human trafficking has been minimal by local law enforcement agencies across the U.S. Approximately 21 percent of agencies nationwide have had some type of human trafficking training, 10 percent have a protocol or policy on human trafficking, and only 6 percent have designated specialized units or personnel to investigate these cases. Medium to large agencies serving populations over 75,000 have made more preparations to identify and investigate cases of human trafficking. Approximately 40 percent of these agencies have adopted training, yet only 13 percent have a policy or protocol and only 16 percent have designated specialized units or personnel to investigate human trafficking. Thus, despite widespread efforts to increase awareness of human trafficking in the U.S., a majority of law enforcement agencies remain unprepared to identify and investigate such cases. The education and training provided for by section 213 of the William Wilberforce Trafficking Victim Re-authorization Act of 2007 will provide support and incentives to further educate local law enforcement about the best ways to identify and investigate these crimes.

Identifying Cases of Human Trafficking

Though law enforcement agencies are often unprepared to identify and respond to human trafficking, significantly more cases of human trafficking were identified by local law enforcement agencies in the national survey than may have come to the attention of federal officials. Approximately 7 percent of the law enforcement agencies in the random sample reported having investigated a case of human trafficking. The proportion of agencies identifying cases of human trafficking ranged from 3 percent of the smallest agencies (serving

[2] This project was supported by Award No. 2005-IJ-CX-0045 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the authors and do not necessarily reflect the views of the Department of Justice

populations under 5,000) to 59 percent of the largest agencies (serving populations over 250,000). Cases were identified by law enforcement agencies serving all sizes of communities and 43 states indicate having at least one law enforcement agency that has investigated a case of human trafficking.

Extrapolating from the findings from the random sample, we estimate that approximately 907 law enforcement agencies in the U.S. would have investigated at least one case of human trafficking between 2000 and 2006. Of those agencies that identified investigating cases of human trafficking between 2000 and 2006[3], the number of human trafficking investigations per agency rose dramatically each year. From an average number of cases investigated by each agency more than doubled from 3 cases in 2000 to 8 cases in 2006.

The study provides some information that may help us understand why some agencies identify human trafficking incidents and others do not. Law enforcement agencies that identified cases of human trafficking most often learned about the incidents during the course of other investigations (e.g., drug raids, calls for domestic violence). Additionally, 92 percent of those agencies who identified cases of human trafficking reported a connection between trafficking and other existing criminal networks such as those involving drug distribution or prostitution in their local community. A strong relationship was found between perceptions of the problem of human trafficking in the local community and level of preparation adopted by local law enforcement. Such preparations subsequently appear to improve the likelihood that law enforcement agencies identify cases of human trafficking. For example, agencies with a special unit, protocols, or training were 2 to 3 times more likely to identify cases of human trafficking than those without such preparations, even after controlling for other relevant characteristics of the community and agency.

Additionally, agencies associated with Bureau of Justice Assistance human trafficking task forces had a deeper understanding of the crime of human trafficking, had made more preparations for their officers to be able to identify these cases, and as a result had identified and prosecuted more human trafficking cases than similar agencies that were not associated with such task forces.

Characteristics of Human Trafficking Incidents

On average, the human trafficking victims identified by law enforcement are young. Approximately 62 percent of all trafficking victims identified by law enforcement were younger than 25, including 16 percent that were under 18 years old. Victims of sex trafficking are proportionately younger than other trafficking victims with 31 percent of the identified sex trafficking victims being under 18 years old. Overall, the majority of human trafficking victims identified were female (70.8 percent). However, agencies who only investigated cases of labor trafficking reported proportionately more of the victims they encountered were male (62

[3] If an agency reported investigating a case of human trafficking between 2000 and 2006 they were subsequently asked to complete a more detailed follow up survey that collected information on the characteristics of these cases and the processing of these cases through Federal or state systems. Sixty six percent of the agencies that indicated they investigated a case of human trafficking in the national survey completed the detailed follow-up survey.

percent). Conversely, perpetrators of trafficking tend to be older than their victims (28.9 percent were in their thirties) and were much more likely to be male (70 percent).

A majority of law enforcement agencies reported that trafficking victims they encountered came from Mexico (60 agencies) followed by the United States (37 agencies) and China (26 agencies). The high number of agencies reporting victims from the United States indicates a continued need to recognize the existence of domestic as well as transnational human trafficking cases. Interestingly, the majority of law enforcement agencies report that perpetrators and victims originate from the same countries. In fact the top 10 "countries of origin" are the same for both victims and perpetrators.

Law enforcement agencies seem to specialize in one type of human trafficking investigation. Thirty six percent of the agencies who investigated at least one case only investigated cases of sex trafficking, 34 percent only investigated cases of labor trafficking and only 30 percent investigated both labor and sex trafficking cases. There are at least two potential explanations for this phenomenon: first, it may be the case that individual jurisdictions have only one type of human trafficking occurring in their jurisdiction or second, that there is a certain amount of specialization in agencies that have investigated human trafficking cases and that agencies focus on the problem in which they have experience.

Outcomes of Human Trafficking Investigations

Since 2000, a little more than half of agencies who investigated cases of human trafficking have brought formal charges against individuals involved in human trafficking. Of those agencies that brought any formal charges, 32 percent reported filing federal charges, and of those filing federal charges, 61 percent prosecuted cases under federal TVPA statutes. Agencies associated with federally funded human trafficking task forces were more than twice as likely to file federal charges when compared to other non-task force agencies (55 percent compared to 25 percent). Law enforcement agencies reported that a large number of investigations do not result in arrests, but if an arrest is made, is the case is highly likely to lead to a conviction.

Challenges to Law Enforcement Identification and Response to Human Trafficking

Victim Identification

Victims of human trafficking are difficult to identify. Perpetrators of human trafficking depend in large part on victim fears of attracting attention from law enforcement. This fear is fueled by the fact that victims often change statuses over time – shifting from individuals engaged in illegal or deviant behavior (e.g. smuggled aliens, prostitutes) to crime victims. As a result, victims may fear reprisal if they identify themselves to law enforcement. There is some evidence from the national survey of law enforcement to indicate that victim fears may be justified. When asked about outcomes for foreign victims of human trafficking, law enforcement agencies responding to the survey indicated that about one-quarter of the victims received T-visas and about an equal proportion were deported. Identifying victims of human trafficking will always be complicated by definitional ambiguities and the shifting statuses of victims, but H.R. 3887 takes a number of important steps to help alleviate this tension, such as

allowing the Secretary of Homeland Security to stay the removal of an individual who has made a *prima facie* case of human trafficking.

Victim Cooperation

The most frequent challenge faced by law enforcement agencies investigating cases of human trafficking was a lack of victim cooperation (reported by 70 percent of those agencies who have investigated cases). Paradoxically, non-cooperation and fearfulness on the part of the victim is also one of the most important indicators that alerts law enforcement to the possibility of human trafficking. The majority of law enforcement agencies responding to the national survey believe that victims do not cooperate with law enforcement due to fear of retaliation to themselves or their family, as well as a lack of trust in the criminal justice system. H.R. 3887 includes a number of important provisions to support victims and to enhance their sense of security, such as permitting the lawful entry of parents and siblings of the victims who may be in danger of retaliation and creating provisions for persons who are not able to participate in law enforcement interviews due to the physical or psychological trauma of trafficking experience to receive visas. Additionally, section 214 of H.R. 3887 authorizes the establishment of programs to provide assistance to U.S. citizen victims of trafficking (in addition to foreign victims) and suggests the services should be coordinated across providers. The act also provides some accountability for these programs by mandating a study of U.S. citizen and foreign victim service delivery gaps – a critically important step to improving and overcoming the challenge inherent in working with human trafficking victims.

Despite many changes included in H.R. 3887 to improve victim cooperation with law enforcement, efforts to eradicate human trafficking through the criminal justice system may ultimately require innovative investigative and prosecutorial strategies. This legislation takes an important step in this direction by suggesting the annual human trafficking conferences include discussion of using existing federal and state laws that do not require force, fraud, or coercion as elements of crime to prosecute traffickers.

Cross Agency Coordination

As recognized by section 234 of this legislation, investigation of human trafficking often involves a number of federal, state and local law enforcement agencies with different legal mandates. Occasionally, these administrative differences can impede efforts to support victims and to arrest perpetrators. Examination of multi-agency human trafficking task forces has identified a number of inter-agency coordination challenges that exist in such partnerships. The Department of Justice and Department of Labor Coordinators provided for in this legislation will go a long way toward enhancing cooperation at the operational level between agencies within and across each Department. Another example of coordination challenges is the need to record and share information across agencies working on human trafficking cases. Such information is critical for understanding the characteristics of human trafficking cases nationally. The national human trafficking data reporting system that we are currently designing for the Bureau of Justice Statistics will greatly enhance law enforcement's ability to share information and learn from each other's experiences. This system is anticipated to provide much need information about the human trafficking cases encountered by local law

enforcement which will ultimately help improve law enforcement's ability to support victims and bring perpetrators to justice.

Contextualizing Efforts to Combat Human Trafficking and Moving Forward

Identifying and responding to the crime of human trafficking is a complex and difficult task. While some have criticized law enforcement's ability to address this problem, it is instructive to place responses to human trafficking within the context of police responses to other "new crimes" (e.g. domestic violence, rape, hate crime). For example, there are many parallels between the hate crime enforcement efforts of the early 1990s and human trafficking enforcement efforts today. In 1990, most local law enforcement had never heard of the term "hate crime," though many had dealt with these crimes under different labels for years. After the Federal government led an effort to educate local law enforcement about best practices to identify and investigate hate crimes, today we have nearly 8,000 hate crimes identified and investigated by local law enforcement each year. While more needs to be done to bring additional hate crime victims forward, we have a system place today that supports hate crime victims, holds hate crime offenders accountable through a mix of state and federal legislation, and collects systematic information on hate crime identification and investigations.

A number of lessons from these past experiences can inform our efforts to prepare law enforcement to combat human trafficking in local communities. First, in the area of hate crime enforcement, there was an initial need for definitional clarity about the criminal behavior in question before we could construct effective law enforcement and victim service responses. This same challenge appears to be true of human trafficking today. Human trafficking is a complex crime that can take many forms. Proving clear and consistent information about the elements of force, fraud, and coercion will be necessary to improve law enforcement's understanding of the crime. Second, the Federal Bureau of Investigation (FBI) recognized that hate crimes were relatively rare events in most communities, demanding some level of specialization within each police agency. Specifically, the FBI recommended a two-tier response strategy where patrol officers would receive general training on the elements of hate crime and then refer potential cases to a trained local hate crime officer who would then lead the investigations. Employing such a strategy for human trafficking would require officers in an agency to be trained to recognize the basic indicators of human trafficking, while a specially trained officer, who understands the specific requirements of force fraud or coercion for example, would lead the investigations. Early indications from the national law enforcement survey reflect the power of such models, suggesting that law enforcement agencies with specialized personnel are more likely to successfully identify and investigate cases of human trafficking. These past experiences show us that with the appropriate training, tools, and development of routines, local law enforcement can and will understand and respond to the problem of human trafficking in local communities.

Modern slavery, in all forms, represents an affront to core American values. Though such offenses are not new, the TVPA and its subsequent reauthorizations provide a powerful framework through which law enforcement, service providers, and governmental officials can develop focused and coordinated responses. In order to support efforts to assist victims and prosecute traffickers, we need to develop a much better understanding of the dynamics of this

crime. More work should be done to understand how criminals and criminal networks become involved in human trafficking, how human trafficking affects local communities, the most effective strategies to restore victims, and the best ways to coordinate those agencies involved in preventing and combating trafficking.

Human trafficking is a challenging crime to address. Victims are reluctant to come forward, many law enforcement agencies do not perceive this crime to be occurring in their community, and offenders are difficult to interdict and convict. Law enforcement agencies have faced and overcome similar challenges in the past. Through strong Federal leadership and legislation such as the William Wilberforce Trafficking Victims Protection Re-Authorization Act, local communities can enhance their efforts to identify and assist victims of this horrendous crime and bring its perpetrators to justice.

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Chairman CONYERS. Thank you so much.

The Director of Refugee Programs of the United States Conference of Catholic Bishops is Anastasia Brown, who supervises services to refugees, victims of trafficking and unaccompanied alien minors resettled through the Catholic network in the United States.

We welcome you to this hearing.

TESTIMONY OF ANASTASIA K. BROWN, DIRECTOR, REFUGEE PROGRAMS, MIGRATION AND REFUGEE SERVICES, U.S. CONFERENCE OF BISHOPS

Ms. BROWN. I am Anastasia Brown, Director of Refugee Programs for the U.S. Conference of Catholic Bishops. I would like to thank you, Mr. Chairman and Ranking Member Representative Smith, for holding this important hearing and inviting USCCB to testify.

I will have my testimony today in support of H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

Mr. Chairman, my written remarks more completely address our concerns for victims of trafficking. I will focus the oral testimony today on how the U.S. Government responds to the plight of children who are subject to the horrific crime of human trafficking.

Children are perhaps the most vulnerable group of victims of trafficking. While efforts to find and assist victims have been pursued with commendable commitment over the last several years, I fear that children, as a group, have fallen through the cracks of these enforcement efforts. Of the close to 17,500 persons trafficked into the United States each year, an estimated one-third are children. But unfortunately, there have been few referrals of children for services since 2000. Special attention needs to be given to identifying child victims.

Immediate safety and long-term stability are the overwhelming need of child victims, regardless of age, background, type of enslavement or any other characteristic. For some of the children to date, the referral and service system has worked well. However, a continuum of care in which the child experiences the most stability should become the norm for all child victims.

The care of children, particularly extremely vulnerable children, should be governed by a set of principles to ensure positive outcomes. These principles include the use of best interest of the child's standards in all cases; the provision of immediate safe haven with a systematic plan for assessing a child's needs; the exploration of family reunification as a priority; the placement of children in the least restrictive stetting; the provision of legal assistance to children; and the development of a long-term plan for self-sufficiency of children.

Unfortunately, these principles have not always governed how the United States has treated vulnerable children. I would like to point to several provisions in H.R. 3887 and explain how they would improve the protection regime for child trafficking victims and other vulnerable children who come into the Government's care.

Mr. Chairman, we strongly support provisions in Section 213, which provide interim emergency assistance for potential trafficking victims prior to their final determination as victims. This is a critical need, as often children can languish in detention or without any appropriate care, often relying on good Samaritans, while their eligibility or legal custody is determined.

We also support the sense-of-Congress language which urges ORR to determine eligibility for services without approval of another agency. We urge you to add provisions which would give the Secretary of HHS discretion to continue care for children beyond the standard for adult victims. We consider unaccompanied refugee minor programs to be the most appropriate placement for child victims of trafficking with no family.

Mr. Chairman, we have also found that child trafficking victims are often not immediately identified as such. Federal authorities, including the Border Patrol agents as well as State and local authorities, are not always well-trained in identifying trafficking victims and often are unaware of the care available to these victims. We support in Section 213 the requirement that law enforcement notify HHS of possible child victims of trafficking.

We ask you to encourage or to accept referrals for services from other entities, including faith groups and nonprofit organizations trained in identifying trafficking victims. This is particularly of concern for children.

Mr. Chairman, USCCB strongly supports Section 236, which ensures the safe and protective placement of vulnerable children who may be subject to human traffickers. These provisions are needed to ensure that vulnerable children are protected.

Specifically, we support language that directs the Secretary of HHS to place vulnerable children in the least restrictive setting possible, determined by the best interest of the child. Foster care and family reunification placements provide the most protective setting for children. We agree that home studies should be conducted before the placement of a child with a sponsor, and this should be required in all potentially at-risk situations.

We are generally supportive of the concept of providing guardian ad litem for each child in order to protect the child, but that guardian must have a voice in the court rendering a decision on the child. And we believe that such a guardian must be a child-welfare expert who understands the emotional and physical needs of the child.

Mr. Chairman, H.R. 3887 makes strides in strengthening the protection regime for vulnerable children, especially child trafficking victims. We strongly support its enactment.

Thank you for your consideration.

[The prepared statement of Ms. Brown follows:]

PREPARED STATEMENT OF ANATASIA K. BROWN

Testimony of

Anastasia K. Brown

Director, Refugee Programs

Migration and Refugee Services/U.S. Conference of Catholic Bishops

Before

The Committee on the Judiciary
U.S. House of Representatives

On

Combating Modern Slavery: Re-authorization of Anti-Trafficking Programs

October 31, 2007

I am Anastasia Brown, director of refugee programs of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). I am pleased to be here today before the subcommittee to testify on trafficking in human persons and H.R. 3887, the Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

I would like to thank you, Mr. Chairman, for inviting us to testify today. I also want to thank you, Ms. Lofgren, Mr. Berman, and other members of the Committee for your leadership over the years on this important and vital humanitarian issue.

Our purpose in testifying today is to provide the perspective of the U.S. Conference of Catholic Bishops (USCCB) on the U.S. government response to human trafficking and to relay our support for H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, which has been reported by the House Committee on Foreign Affairs.

In my testimony, I will focus mainly on child trafficking victims, who are particularly vulnerable to traffickers. I also will address advances in the treatment of trafficking victims that have been made as a result of the Trafficking Victims Protection Act of 2000 and its 2003 and 2005 reauthorizations; set forth a number of changes in law and practice that the Bishops recommend be made in order to more fully protect such victims; and assess H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

At this point in my testimony, I will briefly summarize our support of provisions in H.R. 3887. I explore each of them more fully later in my testimony.

1. **Services to trafficking victims should be made available from the point they are rescued to the point they are self-sufficient and in good health. H.R. 3887 addresses some of these concerns in Section 213.**

2. **Because current methods of referral are unrealistically restrictive, giving exclusive authority to law enforcement, more avenues should be created for the referral of trafficking victims for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.**

3. **The federal government should provide more education and guidance to federal, state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services. H.R. 3887 addresses some of these concerns in Section 213.**

4. **Congress should enact into law H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007" including its important reforms relating to vulnerable children, including child trafficking victims.**

The Bishops' Interest in Human Trafficking

The movement of people across boundaries around the world is part of the collective human experience, but towards the end of the 20th century a new and disturbing issue related to the international migration of humans began to emerge: the trafficking of humans through the use of fraud, force, or coercion.

Now, in the twenty-first century, this practice reaches every corner of the globe, from Asia and Africa to Europe and the Americas. The purveyors of this new international scourge—international traffickers and their accomplices—gain power and reap profits from their abuse and exploitation of those they traffic.

This is not a problem which exists merely on far away shores and in less developed lands. It exists right here in the United States, where thousands of persons are trafficked each year for purposes of forced prostitution or forced labor.

The Catholic bishops of the United States and the church community throughout the nation have placed combating human trafficking as a top priority in their public advocacy, educational outreach, and in providing service to trafficking victims. From the Catholic perspective, human trafficking represents a scourge on the earth which must be eradicated. It is indeed troubling that in the twenty-first century human beings are being sold into bondage as prostitutes, domestic workers, child laborers, and child soldiers.

His Holiness Pope John Paul II, in a letter on the occasion of the International Conference on "21st Century Slavery—the Human Rights Dimension to Trafficking in Human Beings," stated that human trafficking "constitutes a shocking offense against human dignity and a grave violation of fundamental human rights. In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and human rights." [1]

The Catholic bishops of the United States and Mexico have also spoken out on the issue, calling upon the governments of the United States and Mexico to work together to apprehend traffickers and destroy trafficking networks: "Both governments must vigilantly seek to end trafficking in human persons. Together, both governments should more effectively share information on trafficking operations and should engage in joint action to apprehend and prosecute traffickers."[2]

In a recent statement, the U.S. Catholic Bishops' Committee on Migration reaffirmed the commitment of the U.S. Catholic Bishops to end this humanitarian crisis: "The Catholic

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[1] Pope John Paul II, *Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference on 21st Century Slavery—the Human Rights Dimension in Trafficking in Human Beings*, May 15, 2002.

[2] U.S. and Mexican Catholic Bishops, *Strangers No Longer: Together on the Journey of Hope*, January, 2003, n. 191.

Church…in the United States stands ready to work with our government to end this scourge. We cannot rest until trafficking in human persons is eliminated from the globe."[3]

The Scourge of Human Trafficking

At least 700,000 persons annually are trafficked within or across international boundaries. They are forced mainly from less-developed countries and regions, such as India, the former Soviet Union, Central and South America, and throughout Africa. They traverse the globe, ending in Germany, Italy, the Netherlands, Israel, Australia, Japan, Canada, and the United States.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. They are also connected by their desperation and urge to escape the double trap of privation and their perception of migration as an accessible escape route. Often they seek to escape life in a dreary village or oppressive slum, with the hope of finding opportunity and a brighter future in a more developed land.

It is in these environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel to a foreign land, at no immediate expense, for employment and housing. At the end of the journey, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, an illicit factory, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse in the roles of prostitutes, domestic servants, or manual laborers. Many become ill with disease or become infected with HIV. Some lose their lives.

The Church Response to Human Trafficking

As I mentioned, Mr. Chairman, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We are working to raise awareness within the Catholic community about the problem, including trainings to help diocesan staff identify and assist victims of trafficking. We have sponsored roundtables and conferences on the

[3] Statement of Bishop Thomas Wenski, Press Conference on Launching of Anti-Trafficking Initiative in Central Florida, June 9, 2004.

subject and held public meetings on several occasions to educate the Catholic faithful and others on human trafficking. It is important to note, Mr. Chairman, that all of our training and education is directed toward one end: the best interest of the victims. Our education and training are intended to help people to identify victims when they see them, and to empower them to act on what they see.

Part of this effort is driven by the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach. The coalition was instrumental in influencing provisions of the Trafficking Victims Protection Act of 2000 and its successors, the Trafficking Victims Protection Reauthorization Act of 2005.

The Church and its service organizations, particularly Catholic Charities, also provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs. Through our networks, we also provide case management services, social service assistance, and legal assistance, where appropriate. In the past year and a half, we have served 612 adult and 80 child trafficking victims and their family members. We also have consulted on over 45 potential child trafficking cases, representing as many as 140 victims. In our experience, Mr. Chairman, victims of trafficking need access to a continuum of services in order to attain self-sufficiency and restored mental and physical health.

Trafficking victims also need, first and foremost, safety and security. Many are terrified of the traffickers who brought them to the United States and show signs of post traumatic stress disorder syndrome, among other mental health problems. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. In this vein, USCCB has developed a system for short-term emergency housing where victims can be safe until they are assigned to a non-governmental organization to provide them with the services they are entitled to as victims of trafficking. Our system of safe houses involves the commitment of individuals and communities, including religious communities, who open their doors when there is an emergency in their area or who network to ensure that victims receive housing and are protected.

Mr. Chairman, let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking. First, faith-based organizations act from a theological and philosophical perspective. For example, the themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have national and international networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies, both domestic and international, which offer expertise and geography that expand the possibilities for outreach and service, an asset not to be underestimated. For example, the Catholic Church is present overseas, in the form of Catholic Relief Services and the universal Church, as well as domestically, in the form of Catholic Charities, local dioceses, and parishes. We also have access to other networks, such as religious congregations around the world.

Finally, faith-based organizations have resources, in the form of human resources, in-kind donations, and other assets, which provide an important infrastructure which can assist in the fight against human trafficking. While we see the effort as a partnership with the U.S. government and other governments around the world, we would be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

U.S. Government Response to the Plague of Human Trafficking

Mr. Chairman, in 2000 the U.S. Congress passed landmark legislation entitled the Trafficking Victims Protection Act of 2000 (TVPA), which provided the U.S. government the framework to respond to the plague of human trafficking in the United States. In 2003 and 2005, Congress reauthorized funding for original legislation and made major improvements to it, giving law enforcement authorities more tools to apprehend traffickers and giving trafficking victims, especially children, easier access to immigration benefits and services.

Specifically, TVPA revamped U.S. law by making human trafficking a crime against an individual, allowing the U.S. government to focus on victims of trafficking. The government now provides funding to assist victims and issues a T-visa, created under the law, to provide protection and permanence to victims. Reauthorization of TVPA allowed for minors to access the T-visa without being forced to testify in open court against their persecutors and allowed for siblings of victims to come with their parents to the United States. We believe the T-visa and its protection is a major feature of U.S. law which permits victims to remain in the United States and not be sent back to traffickers in their home country.

Since the enactment of TVPA in 2000, the Departments of State, Justice, and Health and Human Services have made great strides in implementing the law. Because of their joint and individual efforts, general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services, and more traffickers have been brought to justice. Your committee's leadership, Mr. Chairman, and that of Congress will help improve these efforts even further in the years ahead.

Despite the advancements made in the past several years, Mr. Chairman, improvements can continue to be made in providing a continuum of services to victims and in identifying and referring victims for care.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007

Mr. Chairman, I would like to take this opportunity to comment on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, which has been introduced in this Congress. While my comments do not represent the totality of our interests on this legislation, we would like to highlight several provisions which will help fill the gaps in the continuum of care for victims.

The Office of Refugee Resettlement (ORR) of Health and Human Services (HHS) should determine children eligible for benefits without waiting for authorization from the Department of Homeland Security. The TVPA of 2003 permits ORR to determine eligibility for children and provide services without the child being required to cooperate with law enforcement in its investigation. Despite this law, in practice ORR waits for DHS approval prior to certifying a child victim eligible for services and making those services available to them. We are therefore in strong support of Section 213, which authorizes interim assistance for child trafficking victims and reaffirms the intent of Congress that ORR not wait for authorization from other federal agencies prior to providing services or determining eligibility for services for children.

Funding for services should be made more available once a child victim is identified but before certification by HHS. This is a critical time in the care of a trafficking victim, who is usually traumatized, physically and mentally abused, and insecure. The funding which is available for pre-certification is inadequate to address the needs of an individual when the period between his or her identification and certification lasts many months. Care and placement should begin immediately upon the rescue of a child victim. While both the Department of Justice's Office of Victims of Crime and HHS recognize this principle, the funding does not match the long-term care that the investigation mandates.

More funding should be made available to victims of human trafficking. As human trafficking becomes more public and more victims are identified, more funding is needed to provide services to trafficking victims. Due to competing interests and limited funds, ORR/HHS is compelled to set limitations on the length of time foreign national victims are in care, leaving them vulnerable to potential exploitation and undocumented status. Trafficking victims, traumatized by their experience, require comprehensive care, not just emergency assistance and help in finding a job. We support that all victims of human trafficking, whether foreign-born or U.S. citizens, receive appropriate care. Section 214 of the legislation authorizes funding for "domestic" (U.S. citizen) victims of human trafficking, and we recommend that their care be placed under appropriate departments within HHS or the Department of Justice (DOJ). We also support additional language which would require ORR/HHS to direct more of their funds to services for victims instead of infrastructure needs.

Efforts to protect vulnerable children should be enhanced. Mr. Chairman, we strongly support Section 236 of the legislation, which takes steps to strengthen the protection

regime for children who are often prey for human traffickers. Specifically, we support efforts to upgrade the care and custody of these children, including the provision of safe and secure placements for children and the conduct of home studies once a child is placed with an individual or family in a least restrictive setting.

We strongly support making children with a special immigrant juvenile visa eligible for services in the unaccompanied refugee minor program. These children fall through the care continuum when states do not accept them into state care and they become ineligible for federal care. Haitian and Cuban children should remain eligible for this program, regardless of whether they obtain SIJ status.

We also support provisions which ensure that home studies are conducted prior to the placement of a child, especially when a potential sponsor has no familial relationship with the child. Such sponsors could have connections to smugglers or traffickers or a history of criminal convictions, domestic violence, or drug abuse. Indeed, we believe this language could be strengthened to ensure that suitability assessments are required under these circumstances.

Mr. Chairman, we generally support the creation of a guardian *ad litem* program in the Office of Refugee Resettlement (ORR) which would give the director of ORR the authority, if the director has a reason to believe that a child is a victim of trafficking, to appoint a guardian *ad litem* to investigate whether a child is a child trafficking victim in need of services. It also would allow the guardian to guide the child during legal proceedings. We support the addition of language to ensure that the guardian can advocate for the child in court and that any guardian be a child welfare professional.

MRS/USCCB also strongly supports Section 236 (4) and 236 (5), which would provide legal orientations for children and encourage the Secretary of Health and Human Services to ensure that all children have competent counsel. Victims of trafficking benefit from counsel because they are involved in legal proceedings to prosecute traffickers, need assistance to obtain a legal visa, and may or may not be involved in deportation proceedings.

Federal, state, and local authorities should be trained in referring child trafficking victims for assistance and should be required to refer them immediately upon identification. Section 213 (1) (B) would require that federal, state, and local authorities refer possible child trafficking victims to ORR/HHS for assistance. We strongly support preservation of this provision in H.R. 3887.

Families should remain together. We strongly support provisions in Section 205 that would permit the parole of family members of adult or child trafficking victims. Many times these family members also can be the target of traffickers or can be retaliated against if a trafficking victim testifies against a trafficker.

In addition to supporting H.R. 3887, we support the following policies:

1. **Services to trafficking victims should be made available to victims from the point they are rescued to the point they are self-sufficient and in good health.**

While the Congress has appropriated funds for services to trafficking victims through the Office of Refugee Resettlement of the Department of Health and Human Services (ORR/HHS) and the Department of Justice, there exist gaps in funding and services for victims which should be addressed.

As mentioned, H.R. 3887 provides interim assistance to trafficking victims prior to certification. Consideration also should be given for the care of victims post-certification, at least until they have achieved self-sufficiency and good health. Currently, funding provides for initial health screening, health-care, employment referral, and other services, but does not follow the victim beyond the initial stages of assistance. Since trafficking victims are a newly served population, our infrastructures have yet to adapt sufficiently to their needs. This leaves these victims susceptible to traffickers and to desperation on the streets.

We recommend that the subcommittee examine the continuum of care given to trafficking victims and work to fill the gaps which undermine the potential success of victims to lead self-sufficient lives.

2. **Because current methods of referral are unrealistically restrictive, giving exclusive authority to law enforcement, more avenues should be created for the referral of victims, especially child victims, for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.**

Although as many as 17,500 persons are trafficked into the United States each year, approximately 1,500 have been identified and certified since 2000. This is primarily because of the lack of awareness among the general public, community organizations and groups, and local law enforcement authorities, which should improve in the months and years ahead. It is also because there exist only certain avenues for referral, mainly by federal authorities who apprehend and prosecute traffickers and who rescue victims.

We strongly believe that more avenues for referral should be available. Non-profit organizations in the community, such as child welfare agencies or social service providers, possess experience in identifying potential trafficking victims and should be allowed to refer victims to ORR for appropriate services, where possible.

3. **Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.**

The creation of a State Department office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. Among the initiatives undertaken by the office include an interagency

task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed.

4. **The federal government should provide more education and guidance to state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services.**

The reauthorization of the TVPA in 2003 includes a provision which allows referrals by state and local law enforcement authorities of trafficking victims for certification. However, federal guidance on this provision has not been forthcoming. We are pleased that H.R. 3887 requires law enforcement to refer child trafficking victims for care.

However, we have found that many federal, including Border Patrol agents, state and local officials are unaware of the certification process and services available to trafficking victims. Many are not trained in recognizing a trafficking victim. Since state and local authorities as well as U.S. Custom and Border Protection often encounter trafficking rings and victims without recognizing them as such, more education should be provided to federal authorities and by the federal government to state and local governments for this purpose.

Principles to Govern the Care of Vulnerable Children

Mr. Chairman, MRS/USCCB has a special interest in the situation of children who are trafficking victims. As you know, children are particularly vulnerable to traffickers and are susceptible to their abuses. We must pay particular attention to child trafficking victims and ensure that they are protected and provided special care.

Mr. Chairman, children are perhaps the most vulnerable group of victims of trafficking. While efforts to find and assist victims of trafficking have been pursued with commendable commitment over the last several years, I fear that children, as a group, have fallen through the cracks of these enforcement efforts. However, knowledge of the nature of trafficking, the sexual exploitation of children, and statistics gathered by the State Department on worldwide numbers of trafficked kids leads one to conclude that many more children are being held involuntarily in trafficking situations in the United

States than we have so far identified. Special attention needs to be given to identifying child victims of trafficking crimes.

Of the close to 17,500 persons trafficked into the United States each year, an estimated one-third are children. Unfortunately, there have been few referrals of children for services since 2000.

The children identified and "determined eligible" for services in the United States to date are largely being served in specialized foster care programs which have long experience caring for refugee, asylee, and other vulnerable foreign-born children. We support the use of the Unaccompanied Refugee Minor program for these vulnerable children.

Immediate safety and *long-term stability* are the overwhelming needs of child trafficking victims, regardless of age, background, type of enslavement or any other characteristic. For some of the children to date, the referral and service system has worked well. However, a continuum of care in which the child experiences the most stability should become the norm for child referral victims.

The care of children, particularly extremely vulnerable children such as child trafficking victims, should be governed by a set of principles to ensure positive outcomes. These principles include use of the "best interest of the child' standard in all cases; the provision of immediate safe haven with a systematic plan for assessing a child's needs; the exploration of family reunification as a priority; the placement of children in the least restrictive setting; the provision of legal assistance to children; and the development of a long-term plan for self-sufficiency for children.

Despite best efforts, there exist gaps in the continuum of care for child trafficking victims, including initial identification by law enforcement of trafficked persons as children and victims, referral to ORR/HHS to be determined eligible for services, and assessments of "family reunification" placements to ensure children are not given back to traffickers.

These gaps can have major consequences for child trafficking victims. For example, when children are not identified as trafficking victims, they may be mistakenly identified as adults, detained and deported through the Department of Homeland Security detention system, placed in overburdened local child welfare systems with little security and planning, or released back to traffickers or their associates. When children are identified as trafficking victims but not referred to unaccompanied refugee minor program for care, they can be placed in short-term shelters or state foster care where they experience frequent moves, receive no orderly system of assessment and treatment, and have no long-term safety and security.

In order to avoid these devastating consequences for children, we offer the following recommendations:

- Procedures should be developed for all federal, state, and local law enforcement personnel to *refer immediately* children in for assessment and age determination with benefit of the doubt going to the child;

- A system of *immediate safe haven* should be developed where a child is safe while being determined eligible, which includes immediate care and assessment of needs and a strategy to assess family for possible safe reunification;

- Determination of eligibility for child victims should be expedited, with the assistance of a guardian *ad litem*, if necessary; and

- *Long-term care in a least restrictive setting* should be arranged, with capacity for therapeutic intervention; assistance with legal obligations; plan for family reunification; or eventual self-sufficiency.

- *A child welfare specialist or licensed agency* should be appointed to oversee the child from rescue to self-sufficiency. Such an expert can act as a decision-maker for a traumatized child in a complex legal and child welfare system.

The Catholic Church recognizes the special vulnerability of trafficked victims who are children and are ready to work with the federal government to develop and implement programs which address their needs.

Conclusion

Mr. Chairman, the issue of trafficking in human persons is perhaps one of the most important human rights issue facing the world community today. The United States, and Congress, has taken significant steps in the past several years to address this problem. The historic passage of trafficking legislation in 2000 established the framework for the U.S. response and places the United States as a moral leader in the effort to eradicate the scourge of trafficking from the face of the earth. Reauthorization of the legislation in 2007 would represent another positive step.

However, Mr. Chairman, in order to effectively implement TVPA, federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims. The creation of a State Department office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. Among the initiatives undertaken by the office include an interagency task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad and encouraging cooperation among nations to end this scourge.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed.

I am confident that, with better coordination and cooperation between all branches of government, we can, as a nation, punish traffickers and provide appropriate care to victims. We also will, as a nation, influence other nations to step up their efforts to end this practice, so that vulnerable men, women, and children everywhere will not become victims of the worse side of humanity.

Thank you for considering our views today.

Chairman CONYERS. Thank you, Ms. Brown.

Lamar Smith has gone to the White House for a bill signing. He has been replaced by Steve King of Iowa as the Ranking Member for the Committee.

And in Iowa, the Northern District, the U.S. Attorney's Office has established for the first time a task force on human trafficking and modern slavery. And I wanted to commend that activity that is now going on in your State.

The director of the Sanctuary for Families' Center for Battered Women's Legal Services is Ms. Dorchen Leidholt. And she is a founding member of the Coalition Against Trafficking in Women. Ms. Leidholt has worked on the problem of sex trafficking for nearly 2 decades and is an internationally recognized expert in this field.

We welcome you to the hearing.

TESTIMONY OF DORCHEN A. LEIDHOLDT, DIRECTOR, SANCTUARY FOR FAMILIES' CENTER FOR BATTERED WOMEN'S LEGAL SERVICES, FOUNDING BOARD MEMBER, COALITION AGAINST TRAFFICKING IN WOMEN

Ms. LEIDHOLT. Thank you very much. Chairman Conyers, Members of the House Judiciary Committee, Ranking Member King, fellow anti-trafficking advocates, I am grateful for this opportunity to address the subject of how the TVPA can become a more effective vehicle to prosecute traffickers engaging in the sexual slavery of women and girls.

Both Sanctuary for Families and the Coalition Against Trafficking in Women understands sex trafficking to be an acute form of violence against women that often overlaps with and sometimes is coextensive with other practices of gender-based violence, in particular, domestic violence and sexual assault.

We have seen that sex traffickers and their agents lure vulnerable women and girls into situations of sex slavery by establishing relationships with them, holding themselves out as boyfriends and protectors. The modus operandi of domestic sex traffickers, popularly known as pimps, is to enslave vulnerable girls and women through tactics that combine seduction with brainwashing and terrorism.

Rarely are these victims recognized for what they are: severely battered women. Almost all sex trafficking victims are victims of serial sexual assault. They typically suffer from rape trauma, post-traumatic stress disorder, severe depression, acute feelings of worthlessness and shame, memory loss, and sometimes even suicidal ideations and acts. In short, victims of sex trafficking experience all of the trauma battered women and rape victims sustain, often at significantly higher levels.

These realities, Mr. Chairman, have profound implications not only for how we can best assist sex-trafficking victims but also for how we can most effectively prosecute their exploiters.

The TVPA defines "sex trafficking" as the recruitment, harboring, transportation, provision or obtaining of a person for a commercial sex act. To prosecute a sex trafficker under the TVPA, however, the Government must prove not only that sex trafficking took place, but also that the trafficking was carried out through force,

fraud or coercion. Too often, Mr. Chairman, these proof requirements create insurmountable obstacles to the successful and effective prosecution of sex traffickers.

Mr. Chairman, Sanctuary represents two Korean immigrant sex-trafficking victims whose traffickers are currently on trial in Federal court in the Southern District of New York. These traffickers preyed on their victims' poverty and undocumented status, made them endure 14- to 16-hour days of sexual servitude, deprived them of sleep and food, and demanded that they endure sexual intercourse with as many as 10 customers a shift. The tactics these traffickers used precisely fit Amnesty International's definition of torture.

Although both victims are physically and psychologically devastated by their brutal exploitation, these traffickers are not being prosecuted under the TVPA. Why not? Because the U.S. attorneys prosecuting the case, hard-working and resourceful though they are, are unable to make out the TVPA's proof requirements of force, fraud or coercion.

In other cases, traffickers use force, fraud or coercion, but their victims are too terrified to testify about it, often because the traffickers threaten to harm family members abroad.

The need to prove force, fraud or coercion makes it all but impossible for any sex-trafficking prosecution to go forward without a victim willing and able to take the stand to testify at length about her abuse and sexual exploitation and undergo brutal and humiliating cross-examination. When victims facing such an ordeal refuse to testify, as they often do, prosecutorial strategies to force them to testify often only serve to deepen their trauma and may even result in testimony that is beneficial to traffickers.

Requiring prosecutors to prove force, fraud or coercion places victims and their families abroad in greater danger. The smartest and most ruthless traffickers realize that using violence and threats of violence brutal enough to terrorize their victims into silence is a good business practice. As long as force, fraud and coercion are elements of the offense, the worse traffickers are, the more unreachable they remain.

The TVPA's unnecessarily onerous proof requirements have not only hobbled trafficking prosecutions in the United States. Other countries, most recently Mexico, have adopted Federal anti-trafficking laws modeled after ours that require proof of force, fraud or coercion in sex-trafficking cases. With some of the most ruthless and brutal trafficking rings in the world—and, correspondingly, some of the most terrified victims—Mexico needs a law that takes the onus off of victims, not one that puts them squarely in the traffickers' cross-hairs.

So what is the solution? The force, fraud or coercion requirement of the TVPA is not present in other Federal laws that have been used successfully to prosecute sex traffickers, most notably the Mann Act. Unfortunately, the TVPA has all but effectively supplanted these older laws.

While Federal prosecutors should be encouraged to begin to use older laws to prosecute sex traffickers, this country's most recent and best-recognized anti-trafficking initiative, the law that has become the model for anti-trafficking legislation domestically and

internationally, must be a more effective deterrent to sex traffickers.

As Congresswoman Maloney recommends in her statement, the TVPA must be amended to eliminate its unnecessary and onerous proof requirements for Federal sex-trafficking prosecutions which only serve to intensify the danger and humiliation of cooperation for victims. This can be done by revising the Mann Act, as Congresswoman Maloney suggests, and moving it into the TVPA.

Mr. Chairman, an important postscript: The force, fraud or coercion requirements that have stymied sex-trafficking prosecutions at the Federal level have also sabotaged State anti-trafficking efforts. How did this happen? A few years after the passage of the TVPA, the Department of Justice unveiled a, quote, "model anti-trafficking law" for States. That law made proof of force, fraud or coercion a requirement for prosecuting sex traffickers. Well over half of the States then passed State anti-trafficking laws, most borrowing heavily from the Justice Department's, quote/unquote, "model law." Just as the TVPA came to supplant the Mann Act, new State anti-trafficking laws with this burdensome proof requirement began to supplant existing laws against pimping.

Again, as Congresswoman Maloney urges, the Department of Justice must withdraw this model statute and replace it with one that makes force, fraud or coercion not an element of the crime of sex trafficking, undermining successful prosecutions and placing victims in needless danger, but must use force, fraud or coercion as the basis of enhanced penalties.

Thank you very much, Mr. Chairman, for permitting this contribution.

[The prepared statement of Ms. Leidholdt follows:]

PREPARED STATEMENT OF DORCHEN A. LEIDHOLDT

Chairman Conyers, Members of the House Judiciary Committee, fellow anti-trafficking advocates: I am grateful for this opportunity to address the subject of how the Trafficking Victims Protection Act can become a more effective vehicle to prosecute traffickers engaging in the sexual slavery of women and girls. I speak as the Director of Sanctuary for Families' Center for Battered Women's Legal Services. Founded in 1988, the Center is the largest legal services program for domestic violence victims in the United States and, and since the mid 1990's, has been providing legal services to a growing number of victims of sex trafficking. Since 2005, Sanctuary for Families has been one of the lead organizations of the New York State Anti-Trafficking Coalition, which successfully fought for the passage of a strong and comprehensive anti-trafficking law in New York State. That law goes into effect today.

I am also speaking as the Founding Board Member of the Coalition Against Trafficking in Women, a non-governmental organization working since 1988 to end all forms of trafficking in women and girls into prostitution and related forms of commercial sexual exploitation. The Coalition is made up of networks in Asia, Latin America, Africa, Europe, North America, and Australia that work to prevent the sex industry's exploitation and abuse of women and girls, to protect its victims, and to prosecute and punish all those involved in this brutal trade.

The Coalition has conducted pioneering research into the trafficking of women, including the first comprehensive study of sex trafficking into the United States, funded by the National Institute of Justice. The Coalition has funded and assisted trafficking prevention programs in Venezuela, the Philippines, Mexico, the Republic of Georgia and supported services for Nigerian and Albanian sex trafficking victims in Italy. The Coalition took a leadership role in drafting the Trafficking Protocol to the United Nations Convention Against Transnational Organized Crime. More recently, the Coalition, together with the European Women's Lobby has spearheaded a project to address gender inequality, the demand for trafficking, and the link be-

tween trafficking and prostitution in twelve Central and Eastern European countries contending with escalating rates of sex trafficking.

Both Sanctuary and the Coalition understand sex trafficking to be an acute form of violence against women that often overlaps with and sometimes is coextensive with other practices of gender-based violence, in particular domestic violence and sexual assault. In the cases we have handled, we have seen that sex traffickers and their agents often lure vulnerable women and girls into situations of sex slavery by establishing relationships with them, holding themselves out as boyfriends and protectors. Sometimes, as in U.S. v. Caretto, the successful prosecution of a family of sex traffickers from Mexico, traffickers even marry their victims. The modus operandi of domestic sex traffickers, popularly known as pimps, is to enslave vulnerable girls and women through tactics that combine seduction with brainwashing and terrorism. Rarely are these victims recognized for what they are: severely battered women.

Almost all sex trafficking victims are victims of serial sexual assault. For many, sexual assault precedes their entry into sex trafficking; the trauma they have sustained renders them vulnerable to their traffickers, facilitates their traffickers' control, and is exacerbated by the trafficking. For all sex trafficking victims, the sexual exploitation they are subjected to an integral part of the trafficking leaves profound psychic injuries. Sex trafficking victims typically suffer from rape trauma, post traumatic stress disorder, severe depression, acute feelings of worthlessness and shame, memory loss, and/or suicidal ideations and acts. Victims of sex trafficking experience all of the trauma battered women and rape victims sustain, often at significantly higher levels.

These realities have profound implications not only for how we can best assist sex trafficking victims but also for how can we most effectively prosecute their exploiters. The TVPA defines sex trafficking as "the recruitment, harboring, transportation, provision, or obtaining of a person for a commercial sex act." To prosecute a sex trafficker using the TVPA's criminal penalties, however, the government must prove not only that sex trafficking took place but also that the trafficking was carried out through "force, fraud, or coercion." Too often these proof requirements create insurmountable obstacles to the successful prosecution of sex traffickers. In some cases, brutal and exploitive sex traffickers need not resort to force, fraud, or coercion because their victims are so vulnerable, terrified, or traumatized that such conduct isn't necessary to obtain their victims' submission.

Sanctuary represents two Korean immigrant sex trafficking victims whose traffickers are currently on trial in federal court in the Southern District of New York. These traffickers preyed on their victims' poverty and undocumented status, made them endure 14 to 16 hour days of sexual servitude, deprived them of sleep and food, and demanded that they endure sexual intercourse with as many as ten customers a shift. The tactics these traffickers used precisely fit Amnesty International's definition of psychological torture. Although both victims are physically and psychologically devastated by their brutal exploitation, their traffickers are not being prosecuted under the TVPA. Why not? Because the U.S. attorneys prosecuting the case, hardworking and resourceful though they are, are unable to make out the TVPA's proof requirements of force, fraud, or coercion. As a result the traffickers are only facing charges of conspiring to violate the Mann Act and a sentence of a mere three-to-five years in prison.

In another case, Sanctuary represents a sex trafficking victim from Russia. Her trafficking scenario was classic: she answered an ad in a Moscow paper for a babysitting job in New York City, was greeted at JFK airport by traffickers who confiscated her passport and put her into debt bondage, and was then forced into prostitution, where she was passed from trafficker to trafficker. Katerina was so psychologically broken by her abuse at the hands of the first group of traffickers that its successors didn't need to resort to force, fraud, or coercion. When Immigration Customs Enforcement finally busted the brothel in which Katerina was being bought and sold, the only federal crime they could charge her traffickers with was prostitution. Although these traffickers had prostituted Katerina and many others like her, reaped huge profits from their exploitation, and left Katerina drug addicted and suicidal, their sentence was a single year in prison.

In other cases, traffickers use force, fraud, or coercion but their victims are too terrified to testify about it, often because the traffickers threatened to harm family members abroad. The need to prove force, fraud, or coercion makes it all but impossible for any sex trafficking prosecution to go forward without a victim willing and able to take the stand, to testify at length about her abuse and sexual exploitation, and to undergo brutal and humiliating cross-examination. When victims facing such an ordeal refuse to testify, as they often do, prosecutorial strategies to force them

to testify often only serve to deepen their trauma and may even result in testimony that is beneficial to the traffickers.

Sex trafficking victims are often put into situations in which their very survival is contingent on their outward compliance with their traffickers' demands. Victims not infrequently have to pose smilingly for pornographic pictures, dance with customers, sign prostitution contracts, and even marry their traffickers, all of which is later used by defense counsel to prove that the victims were "willing prostitutes," not trafficking victims. If all that was required was to show proof of sex trafficking itself, not force, fraud, or coercion, such evidence would either be stricken as irrelevant or deemed probative of sex trafficking.

Requiring prosecutors to prove force, fraud or coercion wrongly puts the onus on victims, who must be proved "innocent" of willingly having engaged in prostitution, rather than on traffickers, whose criminal actions should be the focus of prosecutions. Much as prosecutors once had to prove "earnest resistance" in rape cases to show the victim was worthy, prosecutors in sex trafficking cases have to prove force, fraud and coercion to demonstrate the bona fides of the trafficking victims.

Even worse, requiring prosecutors to prove force, fraud or coercion places victims and their families abroad in greater danger. The smartest and most ruthless traffickers realize that using violence and threats of violence brutal enough to terrorize victims into silence is a good business practice. As long as force, fraud and coercion are elements of the offense, the worse traffickers are the more unreachable they remain.

The TVPA's unnecessarily onerous proof requirements have not only hobbled trafficking prosecutions in the United States. Other countries, most recently Mexico, have adopted federal anti-trafficking laws, modeled after ours, that require proof of force, fraud, or coercion in sex trafficking cases. With some of the most ruthless and brutal trafficking rings in the world, and correspondingly some of the most terrified victims, Mexico needs a law that takes the onus off victims, not one that puts them squarely in the traffickers' crosshairs.

What is the solution? The force, fraud or coercion requirement of the TVPA is not present in other federal laws that have been used successfully to prosecute sex traffickers. The Mann Act criminalizes anyone who "knowingly persuades, induces, [or] entices . . . an individual to travel in interstate or foreign commerce . . . to engage in prostitution." Similarly, Title 8 USC Section 1328 of the Immigration Code penalizes "importing and harboring aliens for purposes of prostitution." Unfortunately the TVPA has all but effectively supplanted these older laws. And even if they were used more frequently, the criminal penalties of these earlier anti-trafficking statutes are not adequate to deter the crime of sex trafficking or give its victims the satisfaction of knowing that justice was served.

While federal prosecutors should be encouraged to dust off and begin to use older laws to prosecute sex traffickers, this country's most recent and best recognized anti-trafficking initiative—the law that has become the model for anti-trafficking legislation domestically and internationally—must be a more effective deterrent to sex traffickers. The TVPA must be amended to eliminate its unnecessary and onerous proof requirements for federal sex trafficking prosecutions, which only serve to intensify the danger and humiliation of cooperation for victims.

An important postscript: the force, fraud, or coercion requirements that have stymied sex trafficking prosecution at the federal level have also sabotaged state anti-trafficking efforts. How did this happen? A few years after the passage of the TVPA, the Department of Justice held a conference in Tampa, Florida that unveiled a model anti-trafficking law for states. That law made proof of force, fraud, or coercion a requirement for prosecuting sex traffickers. Well over half the states then passed state anti-trafficking, most borrowing heavily from the Justice Department model law. Just as the TVPA came to supplant the Mann Act, new state anti-trafficking laws began to supplant existing laws against pimping. The predictable upshot: a dearth of successful prosecutions under the new state anti-trafficking laws.

Chairman CONYERS. Thank you. And you have joined an issue here that we will be discussing with you and Mr. Rothenberg very soon.

I ask unanimous consent to put *The Washington Post* article entitled, "Slavery Did Not End with the Civil War."

[The information referred to follows:]

The Washington Post

June 16, 1996, Sunday, Final Edition

The DAMNED; Slavery Did Not End With The Civil War. One Man's Odyssey Into a Nation's Secret Shame.

Len Cooper, Special to The Washington Post

SECTION: STYLE; Pg. F01

LENGTH: 4864 words

I was hot, I was tuckered, I was angry. I was a little boy, picking cotton for my grandfather on his 360-acre farm in Alabama, and I was feeling like a slave. Lincoln freed the slaves a hundred years ago, I informed my grandfather sourly.

"Mister Lincoln ain't freed no slaves," he said. Slavery lasted well into the 20th century, he said, to his personal knowledge.

My brothers and I were on break, sitting in the shade of towering oaks, stupid with exhaustion, sipping sweet lemonade from dented tin cups. Daddy-Yo, which is what we called our grandfather, had us transfixed and terrified as he sat and stroked his old gold pocket watch and told us how white folks stole black children off the streets of Alabama and took them to plantations as far away as the Mississippi Delta. How this was done entire generations after the Emancipation Proclamation. How black people were held in bondage. Daddy-Yo had seen it happen, he told us.

I wondered if those white men might someday come for me. I was 10.

By and by I grew bigger and stronger, and Daddy-Yo grew smaller and feebler, but the tale he told never got less vivid or more benign. As a bent old man, he wept with each word as if ghosts had returned from the past to feast on his soul.

Those summers on his farm were the cruelest and the kindest of my life. The spiny points on the cotton buds ripped our cuticles, making our fingers bleed. Once the skin toughened, the pain would leave, replaced by something dark and gnarled and protective.

The scars on my hands have faded. The demons of the past revisit me as they did my father and grandfather. Daddy-Yo is dead and his gold pocket watch belongs to me now. Today I find myself stroking it, and telling my own children my grandfather's story, pretty much the way he told it:

It was 1918, and he was near 7 years old. Daddy-Yo and his friend Cleveland and two other boys were playing along a dirt road in Sumter County. They were big kids, and strong looking. Suddenly, up pulled a brand-new automobile. Lot of dust hanging behind. Two fancy-dressed

white men settin' in the front.

Hey y'all nigra boys, have y'all ever seen the likens of such a beautiful machine?

"I can't reckon we have, suh," my grandfather replied, removing his cap and lowering his eyes. It was considered a sign of disrespect for Negroes to meet the stare of a white person. In some parts, Negroes were thrown in jail and fined $ 25 for "reckless eyeballing," which meant they made eye contact with a white woman.

I'll tell you boys what. How about hoppin' in for a ride down to York? We'll be back before you know it.

Poor Negro boys riding in such elegance was unheard of. They were more accustomed to traveling on splintery cross boards on the back of mule-drawn wagons. My grandfather was wary:

"We sho' do appreciate it, suh', but I reckon we'd better be headed on back to the house now," he said. "We're much obliged, though."

Suddenly the driver jumped from the car, cursing and swearing.

The four boys broke toward the wooded area along the roadside. My grandfather didn't stop running until he was on the front porch of his house. He waited for a few minutes, praying the others would soon join him. They never did.

My grandfather told his father what had happened. Within minutes, a dozen men on mules and wobbly old field wagons were on the roads, searching for the three stolen Negro children. But the boys were gone. Authorities were notified. Authorities said nothing could be done, if anything at all had happened. Negro boys sometimes get ideas into their heads, and just plumb run away.

The story didn't end there. It ended 20 years later. My grandfather was sitting on his front porch, when he saw a family of derelicts emerging from the back of a delivery truck.

He blinked and stared, then slowly rose to his feet. The oldest derelict, with the grizzled face and the watery eyes, was his old friend Cleveland, who had been by his side that day 20 years before but was not as fast on his feet.

"When Cleveland saw us, it took more than an hour to settle him down," said Daddy-Yo. "We had to try to get him pacified from that. There were two or three children standing out there not far from him. When he learned his father had passed on, Cleveland cried."

Cleveland told Daddy-Yo he had been taken to the Mississippi delta, sold into slavery and held for 20 years on a plantation surrounded by two rivers and protected by armed guards, barbed wire and dogs. He said he eventually escaped with the help of a white laborer, who drove him off with the woman who had become Cleveland's wife on the plantation. There were other plantations, all over the South, Cleveland said. Men kept under lock and key. Men whipped for

insubordination, men killed on a whim.

Anyway, that was Daddy-Yo's story.

Story like that stays in your head.

In high school during Negro History Week, I took issue with students and instructors who considered President Lincoln the ultimate emancipator of the Negro people. I objected when slavery was presented as an atrocity lost in the distant past. When challenged for an explanation, I stammered that my grandpa knew, and my grandpa wouldn't lie.

This would result in an indulgent silence.

Back to Sumter

What I remember of rural Alabama are lush fields of swaying emerald-green corn and endless rows of linen-white cotton. What I am looking at right now are overgrown mud fields. Loggers are at work, stripping the remaining timberland for pulp wood.

I've come back, carrying my grandfather's tales in my head, to see what I can find.

Sumter County is nestled in the flatland of west-central Alabama; its lushness has been ruined, but its people have not. Civility abounds. White children show great respect to black elders and racial tension seems to be an aberration of the past.

The past, it was very different.

At Livingston University, social science professor Louis Smith tells me that after the Civil War and well into the 20th century, more black people were lynched in Sumter County than anywhere else in the state of Alabama, more than most anywhere in the South. Smith says that when blacks returned here from World War I, some were hauled from the trains and hanged in their military uniforms; it was payback for what black soldiers had been known to do in France. This is what they had been known to do in France: talk to French women.

But what about modern-day slavery?

Smith doesn't know. He says there were some egregious cases of what he called "debt labor," blacks working in plantation-like conditions to pay off debts. And there was, of course, sharecropping, in which blacks toiled endlessly in other men's fields in the usually futile hope of one day owning land of their own. Smith urges me to seek historical records under slavery at Ole Miss, at various local historical libraries and at the county probate court. I do. The records are riveting but irrelevant; there are ancient property conveyances, births and deaths, and there are chilling oral histories, the testimony of former slaves. Black men in Alabama were chained and whipped and many were worked to death. But these are stories from the 1830s through the early 1860s. After that, nothing.

Kate Nicholson is a splendidly ornery woman who lives with her blind husband in a small house

on a rural road outside of York. She is my great-aunt. She is 83. Sews quilts in her living room and raises chickens in her back yard, sells them both for profit, takes guff from no man. I ask her about slaves during her lifetime, and she says she doesn't know what I am talking about. I tell her what my grandfather -- her brother -- told me, and she says she heard the same story from him, but she doesn't remember it herself, and can't speak to its truth. She is so dismissive I do not pursue it.

I returned to Washington, wondering whether my grandfather's story was nothing but talk, a campfire tale embellished by bitterness and marinated in superstition, a myth that became real over time and retelling. I began to visit the Library of Congress manuscript division, asking for files on servitude in America after the Civil War. I spent weeks in the stacks inspecting records on black economic privation, on sharecropping, on the decades of economic inequality that went unchallenged until the civil rights movement of the 1950s. Sad stuff, but nothing I hadn't known. Finally, a librarian brought me another cart of yellowed documents. It was labeled "peonage." I hadn't seen that word before.

The first sheet was unlike the others I had been reading. There was nothing official about it. It wasn't typed. It had no letterhead. It was in laborious longhand, so unschooled as to be nearly unintelligible. Beneath it was a pile of 20 more just like it.

Beneath that were a dozen more piles.

Hours passed. Twice, the librarian returned to ask me if I was okay.

I suspect the Library of Congress research room doesn't get many large black men who sit there, crying.

Omaha, Neb., Oct. 8, 1923

Gentlemen as I can not read or write I got a friend to write this I never in school in my life. I worked on this man's farm all my life I didn't get a cent for my labor until I run away. I am 35 years old, all we Negroes got to eat was corn bread and bacon and few clothes and forced to 10-12 lived in rooms. His over seers carried sticks and whip and gun. They whipped children and women and men. They would make men and women strip their clothes down and get on their knees and some time tie them to place and whip them from 25 to 100 lashes at time. You dare not to ask for money or any thing else . . . The over seers suduced any young girls they wanted and parents could not help them. I would send my name but I don't want to go back to this farm. I did never commit a crime.

Coffee, Ga., Aug. 10, 1919

. . . I am in slavery. What I want to do now is leave this place. I am here at this place and my husband are working turpentine and the poor men here are only getting something to eat, and not very much of that, and when a man gets ready to leave he are not allowed to go. We got to show what these wicked men and women do, but the boss man will not allow no officer to come in here. I saw with my own eyes this past week a colored woman packed her clothes and sold her chickens to get money to pay a man to let her go home and when she got to the depot the boss

man taken her luggage and brought it back to the quarters and she had to stay.

Danville, Va., June 12, 1933

God knows there are some out in West Va. now that needs help they have been writing such pittiful letters to theire wives and mothers. . . . A man came here over two weeks ago and said he wanted men to work in a mine at a place called Oiminar but he took them on to a place called Shirrat West Va. where they found to thire horror and dismay they were surround by guards and forced to go in the new mine they are opening up and some have been out there two months and have not been paid one cent. Most of them never saw a mine before and that they have to brace up the mine and they are being killed five and six at the time and they have to stay in there all the time the white man that owns the place is named Jones and he told them men out there were making three four and eight dollars a day and he just lied to them and I am afraid they will all be killed be fore they can get away. . . . They are five hundred and eighty miles from home and some refused to go in that death trap and they had them put in jail and then they are going to force them back in again . . .

A National Shame

Mississippi. Nebraska. Tennessee. Arkansas. Virginia. Georgia. Florida. South Carolina. West Virginia. The letters were from everywhere, written furtively, smuggled out of cotton plantations and turpentine farms and coal mines. Some were addressed to the U.S. Justice Department, but most were sent in desperation to the New York headquarters of the National Association for the Advancement of Colored People.

The NAACP did what it could, investigated where it could, issued indignant press releases, demanded justice. But the fact is, these files are not filled with follow-up. Mostly, they contain heartbreaking one-way correspondence, in fat folders marked "peonage," held for posterity. Peonage meant holding people against their will to pay off an alleged debt. It was against federal law, but it was only fitfully prosecuted.

The letters are too scattered, and too painfully naive, to be a conspiracy of propaganda. They are what they are: a case-by-case chronicle of incomprehensible inhumanity lasting from the Civil War up to World War II.

For days in the Library of Congress I sifted through the testimony of the damned, men and women of my grandfather's generation who never knew life as free people. Slowly, the broader story took shape, not from any scholarly overview or detailed congressional study -- peonage never really became a hot-button social issue -- but from the slow accretion of detail, one sickening tragedy at a time.

Darien, Ga., March 10, 1922

I a poor widow woman will tell you my trouble and if the Good Lord be willing I am asking you to help me if you can. My name is Nona Harris. I worked for a man in Forest Glen, Ga. a white man, farming on his place. . . . I married in January and left the farm in September and came to Darien and that was 1919, now today my poor boy who worked with this man two years after I

had left and made two crops for him and he never got anything from him but food and lodging and one pair of shoes and $ 10. Now in January my son was here with me in Darien and this white man sent the sheriff for him and they carry my son back to Forest Glen and make him work for this same man til a debt of $ 329.50 is paid and he say he will send back and get the whole family of us and put us all on the chain gang or back on his farm if I don't pay him the money to him by the first of April.

The Caldron

Fear ruled the South in the years after the Civil War. Blacks feared the wrath of whites, whites feared financial ruin from the sudden dearth of free labor. Blacks were technically emancipated, but they were benumbed by ignorance and cowed by generations of servitude. In this caldron of desperation, the unscrupulous could thrive. By manipulating the ledgers, some swindled the sharecropper into debt so permanent he could never work himself out of it.

But for other Southern whites, creative accountancy was hardly necessary. Protected by sympathetic local law enforcement, many farmers kept their plantations operating much as they had before Lincoln -- with armed overseers, "whipping bosses" for discipline, and stockades to place the insubordinate worker. Sometimes people were born and died on these plantations, never knowing they were legally free. These brutal places seemed to thrive everywhere in the agricultural belt from Florida to Nebraska.

How did these places get their slaves? Any way they could. In Southern city courtrooms, plantation owners were known to place what was called a "watcher," someone who kept an eye out for black men against whom fines were levied for minor crimes. The watcher paid the fine, allegedly in return for the accused working off the debt on his plantation. It was a common ruse: The man arrived and found himself a prisoner. Others were recruited in bus stations and train depots and other public places to which the indigent gravitate. Coerced by the promise of work, they were then given a sandwich on their way to the plantation. Upon arriving, they were billed for the food -- a bill they would never seem to repay. For years, they tried to work that sandwich off.

The public, by and large, was ignorant of these farms. The files contain the occasional bemused newspaper story about someone arrested for vagrancy in one Northern town or another, who claimed to have escaped from slavery.

From an affidavit by an escaped slave, obtained by the NAACP in Philadelphia, concerning a farm outside Vicksburg, Miss.:

. . . I remained on this farm for a period of about thirty days when I approach Mr. A. F. Hamilton with reference to payment of my wages. At that time Hamilton was sitting on a box on the porch of the comissary. He state that he would give me my pay in a few moments. He was talking to some of the colored foremen at the time and I continued to stand and wait in expectation of receiving my money. Hamilton then ordered four of these colored guards to seize me, which they did, and stripped me of my outer clothing and gave me a severe beating. When they had finished, he stated this was my pay . . .

One undated newspaper clipping reports the curious case of a Georgia farmer named Pascell who wrote to the governor of Honolulu asking for 300 slaves. "If there is no danger of the savages eating me up over here," Pascell wrote, "I will come and pick my choice from the drove you have on the market and pay you good money . . . "

The governor answered indignantly, saying that although Hawaii was only a territory it was a civilized place, and dryly noted that Honolulu does not lynch people the way Georgia does. There is no indication that any authorities ever investigated what use the good farmer Pascell had for slaves.

"This peonage system was the dying gasp of that reign of terror called slavery and the people didn't want to let go of it," Elizabeth Clark-Lewis, professor of history at Howard University, told me. "Southerners were committed to the subjugation of the African American," she said. "The social reformers in Washington and throughout the country weren't necessarily writing and keeping records on African Americans in the peonage system. Who cared about African Americans?"

In fact, some people of conscience did, and eventually, they would help bring this system down. The files at the Library of Congress contain the occasional letter from free people, white and black, appalled at what was going on in the countryside.

Peace, Ark., Feb. 6, 1922

Gentlemen:

I live in the county of Cleveland. We have no law to protect us. The system of debt slavery rules in this county. If a Negro is arrested he is taken to jail, kept there a while then he is taken to a big man's farm and put to work with out any trial whatever. When ever a white man kills a Negro he is taken and (the Negro) buried and that is all there is to it. . . . I am writing what I know, not what I think.

I am willing to testify to these things any where if it cost my life for I know the miserable conditions of my people here.

Yours truly, Rev. W. H. Booker

And this, from a white woman to the NAACP:

On last Thursday, June 21, 1923, I was on my way to Harwell, Ga. I had to wait over about three and one half hours in order to make the proper connection, at a very small place called Calhoun Falls, S.C. While sitting there an old grandmother came up to me and she was terribly distressed. She had a daughter in New York who had sent for her but she had two very dear grandchildren that she was so anxious to see before leaving the place.

The mother of the children is dead and they are kept as slaves under a man by the name of John McCollie (White). He is located ten miles from the little town, running a big farm. He has an over seer by the name of Peach Alexander with one eye, who is indeed cruel. There are more

than one hundred Negroes in absolute slavery. They are half clothed, half fed, and have no money. . . . If they show at any time the least resentment, they are whipped severely, very often shot and at times killed and thrown into the river. They are well guarded at all times so that no one will know of their whereabouts. . . .

When ever the mother and father of a family become too old to work, the children have to be given over and they remain there until they become too old. They are perfectly ignorant.

There was a girl quite young an unmarried who became a mother. When the baby was between four and five months old, she was forced to go to the field at the dawn of a day and work till night with her baby in a box. She was so far from the baby at one time that it fell out of the box and the ants ate little holes in the sides of its nostrils, gnawed its ears and around its mouth . . . This is only one case. . . .

What can be done? Please see after this matter at once and if it is investigated, be very careful on entering the place for it is well guarded at all times.

These are true facts.

Official Inaction

During the early part of the century, the Justice Department aggressively prosecuted a number of cases of debt peonage, but its prosecutions soon flagged. In some of the worst cases, where the allegations were of simple slavery -- where debt was not at issue, and federal peonage law did not apply -- the federal government often referred the case back to the states, where wealthy landowners were protected by corrupt or coerced law enforcement officers.

From time to time, largely through lobbying efforts of the NAACP, charges of slavery were filed. Often they went nowhere. In Southern towns, it was next to impossible to convict a white man solely on the testimony of blacks, particularly poor blacks.

If there was one case that summarized the pervasive horror of peonage and slavery, it was the one that came to light in Jasper County, Ga., in 1921. Federal agents entered the farm owned by respected local landowner John S. Williams and began questioning him about the allegedly inhumane conditions of the workers there. The agents informed Williams that it was illegal to "work a nigger against his will."

Williams was dumbfounded. If that is the case, he told the agents, "I and most all of the farmers in this county must be guilty of peonage."

The extent of Williams's brutality became evident in the next year, when he was tried for running a "Murder Farm." The newspapers called him Simon Legree.

Williams's overseer, a 27-year-old black man named Clyde Manning, expressionlessly testified to having killed as many as 11 black workers on Williams's orders, shortly after the visit of the federal agents. He said he had drowned several, after binding their hands, weighing them down with rocks and dropping them off a bridge into the Alcovy River as they begged for their lives.

Others Manning beat to death with an ax. The motive: self-protection. Williams was concerned that if he had been tried for peonage, those men might testify against him.

Indeed, some of the slaves from the plantation testified that they spent their adult lives on the Williams farm, never having left even for a day, not knowing the name or the location of the nearest store, five miles away.

Williams was convicted and sentenced to a long prison term.

It was the start of a series of public trials that began to get significant attention in the press.

Peonage Farm

"Didn't Use Force,"

Merely Whipped Negroes.

June 10, 1922

New York, June 10: Although Dr. W.R. King, proprietor of an alleged peonage farm in Oglethorpe County, Ga. admitted he struck and whipped Negroes, he denied having used force to keep them on his plantation and was acquitted of the peonage charge by a federal court jury in Athens, Ga. . . .

Flogged to Work,

Negroes Testify

Pensacola, Fla., 1925

DeWitt Stoner admitted that he was forced at the point of revolvers in the hands of the defendants to beat Henry Sanders, Galvester Jackson and George Diamond with large, rough oak sticks or 'black jacks' after the Negroes had been intercepted in the attempt to leave the county.

He testified the white men looked on as he whipped the three other Negroes, one at a time, after they had been stripped of their clothing and made to lie on their stomachs in the road.

The two accused white turpentine farm operators were convicted. Things were moving forward, but at a glacial pace. This was, after all, the American South in 1925. For the crime of having ordered the flogging of workers who had dared to try to escape their farm, the two men received sentences of 60 and 90 days in prison, respectively.

The Shadow of Slavery

After three weeks, I walked out of the Library of Congress, and left the peonage files for the next man. I had not read them all, but I had read enough.

Mine were not the first set of eyes on these documents. They had been pored through a quarter century ago, by a young Tennessee professor named Pete Daniel, working on his doctoral dissertation. Daniel's research resulted in a powerful, elegant, heart-wrenching book, "The Shadow of Slavery: Peonage in the South, 1901-1969" published by the University of Illinois Press. I found it shortly before finishing this article.

It is all in there, all the Library of Congress and Justice Department files, dispassionately analyzed in all their bleakness. In his introduction, Daniel calls his book "the record of an American failure." He is talking about a system of institutional apathy, and casual racism, that permitted peonage to exist unchecked for so long.

According to the publisher, over the past 25 years Pete Daniel's book has sold 8,200 copies. That is about what Danielle Steel moves on a slow Thursday.

Pete Daniel is now the curator of the Smithsonian's National Museum of American History. I phoned him, asked how he felt when he first read those letters.

"Outraged," he said. "It was amazing material. Day after day I read these things, many of which were not followed up on. I was outraged that this could have happened in the 20th century. A lot of people didn't believe me when I told them about it. At an interview once for a teaching job, a prospective employer, an academic, told me this couldn't have happened. He called everything I had fraudulent." Daniel laughed. "I didn't get the job."

Back to Sumter

I had one more question, and it involved something a haunted old man had told me a long time ago.

The story my grandfather had told me now rang true. It must have been true. But what I could not understand was how it could have been forgotten. How could children have been stolen off the road of Sumter County, Ala., and no one remembered? Or did no one want to remember?

I went back to visit my feisty great-aunt Kate, and I told her what I had learned from my research. She listened intently, sat back in her chair and smiled sadly. I don't know if she suddenly recalled something, or if she suddenly decided that, through my labors, I had earned her trust. Daddy-Yo and his sister Kate always did have a fierce work ethic.

Ever hear of the Dial family? she asked me.

I guess I had. They are a prominent family in the area, to this day. They are neighbors.

Well, the Dials had been slave owners, Kate said. Right up to the 1950s. In the little sleepy Sumter County town of Boyd. They whupped black people.

I raced to the local library. It was there, in old newspaper clips.

Two Guilty of Slavery

Birmingham, Ala. -- Two prosperous Alabama brothers were found guilty tonight of holding Negroes in slavery. Fred N. Dial, 25 years old, and Oscar Edwin Dial, 34, were . . . convicted of conspiracy to hold Coy Lee Tanksly, 25, of Klindike, Miss., and Hubert Thompson, in voluntary servitude by acts of violence.

Fred Dial also was convicted on a peonage count involving Mr. Thompson. The jury held that Dial forced him to work in payment of an alleged debt.

The government charged that Mr. Thompson died three days after he was beaten when he attempted to escape from the brothers' farm in West Alabama last year.

. . . Witnesses said Thompson was tied by the neck, feet and waist with ropes to a bale of hay and beaten by eight men with ropes.

The date was May 14, 1954. It was one of the last slavery convictions in the United States. The brothers Dial, of Sumter Co., Ala., received prison sentences. Eighteen months apiece.

One of the most prominent families in town. Still respected.

I began to understand something about the silence of my great-aunt Kate, the silence of Sumter County, the specter of slavery. I am writing this on a day in 1996 when yet another black Southern church was burned to the ground.

Daddy-Yo's old friend Cleveland is still alive, still living in rural Alabama. I spoke to an old friend of his, Booker T. Larkin, who told me that in the years he has known him, Cleveland never talked about his time in the Delta. Never said a word. Never confirmed its truth. Larkin explained that old black people in those parts still have a fear of the plantation, and it mutes them.

Sure enough, when I phoned Cleveland and told him what I wanted to talk about, he hung up on me.

Then his wife took the phone, and said he would have nothing to say about this. Nothing. Ever.

I wanted to pursue it, to go to his door, to explain what I was doing, to urge him to say how he had suffered so we could all understand and benefit. To demand that he tell his story. That is what I wanted to do, as a writer.

But as a black man, I decided to let him be.

Chairman CONYERS. And I want to ask our first witness who went to the Immigration and Customs Enforcement for help even though she was obviously disturbed, upset, afraid, and I just want her to tell us what kind of help she got.

What services were made available to you? And were there things that you would want to tell us about that may need to be changed as a result of your experiences?

KATYA. I want to say that ICE was really good to me. I received great help, great benefits, medical attention, a place to stay, shelter, and money for food. Everything was really good.

But the only one issue was a week that was given us $20, food stamps, which was not enough. And I couldn't survive with that amount of money. Everything else was perfect.

Chairman CONYERS. Anything else you want to tell us about how you were treated?

Because what we are doing is developing the law, and we want—you are the only one that brings the unique experience of what has happened in a very subjective way to us. So if you think of anything else you would like to add, feel free to intervene and let us know about it.

KATYA. Okay.

Chairman CONYERS. Mr. Rothenberg, I wanted to engage you and Ms. Leidholt in just a discussion about the differences of the positions that have been brought forward, in terms of the model legislation that we are examining.

Mr. ROTHENBERG. Well, it is, of course, the case that the Federal anti-trafficking law relies on force, fraud or coercion or anything involving a minor for sex trafficking, because a minor is presumed not to be able to consent.

The reason we focus on that is, of course, that is the 13th amendment against slavery. Force, fraud or coercion is our hook into our constitutional authority to prosecute for that basis.

I am not sure I really agree with some of the premises of the testimony we just heard, that we are losing cases because of that. And I also don't believe that there are any shortcuts to a prosecution. Any prosecution requires proving elements of a crime. And I don't believe that one can say, because we eliminate force, fraud or coercion, we will get more prosecutions.

Also, I should add, we do bring a lot of Mann Act cases. We use the statute. In fact, I can send you some figures on this. But the figures that we have are that, prior to the focus on anti-trafficking in the early part of the 2000's, there were very few Mann Act cases brought, but in the last few years, we have used the Mann Act in many, many cases.

We often bring it as a charge in other trafficking instances. So, just for those purposes where if we have some trouble proving force, fraud or coercion but we still think that there was still sex trafficking going on, we use the Mann Act charge.

Chairman CONYERS. Thank you.

Ms. Leidholt, how would you add to our conversation this afternoon?

Ms. LEIDHOLT. Certainly we commend the Justice Department for using the Mann Act for sex-trafficking prosecutions. The Mann Act has its own proof hurdles which can stymie sex-trafficking

prosecutions—a requirement that the victims be transported across State borders, for example, as opposed to a broader requirement that simply the trafficking affected interstate commerce.

But there is no question but that these proof requirements stymie sex-trafficking prosecutions around the country. And while the Justice Department points to many sex-trafficking prosecutions and labor-trafficking prosecutions as well, many of which are successful, many are not, in fact, being prosecuted under the TVPA because of the burdensome nature of these proof requirements, which are especially onerous in sex-trafficking cases.

It essentially requires the victim to take the stand and go into great detail about the abuse that she has suffered, and much of it involves a great deal of humiliation. It makes any proof that defense counsel can put together—and often there is this kind of proof in these cases. For example, a photograph of a victim dancing with a customer, a photograph of a victim smiling in a pornographic picture. And we know the kind of coercion that, of course, was behind that, but that of course is going to be used by the defense counsel to say she was complicit; there was no force, fraud or coercion. Victims shouldn't be put in this kind of dilemma.

And if we removed the force, fraud or coercion requirement, as Congresswoman Maloney suggests, by importing revised Mann Act provisions into the crime of sex trafficking, we wouldn't be having this problem. Don't we want to be able to get at these traffickers?

Just one other scenario that we are seeing is that victims who have been subjected to force, fraud or coercion by sex traffickers in the most classic ways are then passed from trafficker to trafficker to trafficker. The subsequent traffickers may not need to use the force, fraud and coercion, because the victims are so devastated. We can't get after those traffickers, go after those traffickers under the TVPA.

So we urge the Judiciary Committee to really look at these proof requirements and think about how we can resolve this situation so we can go after sex traffickers and not subject victims to humiliation and continued abuse, this time by our legal system.

Chairman CONYERS. Thank you so much.

Let me bring Ms. Farrell into this, because we are trying to find out where you come in on this.

I would like to hear from everyone here today.

But do police lack the statutory tools needed in their State criminal codes to address this question of prostitution and pimping? Are many of the police officers involved in task forces already also involved in vice squads? Does a human-trafficking case differ from a pandering or a pimping case, in the experiences of your research subjects?

Ms. FARRELL. Thank you for the question.

In terms of looking at the trafficking task forces and the responses of local law enforcement, one of the things that we have seen is that on these task forces, local law enforcement knowledgeable about existing laws—existing State statutory laws around pimping, pandering, enticement—tend to be affiliated with these task forces. And if the cases can't be made under Federal human-trafficking violation, there is often a movement to try to make those cases under statutory law.

Now, clearly the crimes that we are talking about today are horrific. And one of the solutions to that would be to change the evidentiary standards necessary to prosecute those crimes. But I could suggest that this could cause some tremendous problems for local law enforcement. It confuses the definition of what human trafficking is. It causes people to move away from focusing on force, fraud or coercion. Local law enforcement may be very confused by the fact that something that they for years categorized as prostitution or pimping or pandering is now conflated with definitions around human trafficking.

I would suggest that we have had an experience with this, with the hate crime legislation, that might be instructive here, which is in the 1990's, in the late 1990's, there were efforts by some States to include rape and offenses of rape in hate crimes, on the basis that they were forms of gender discrimination, and there was a movement to get these included in the elements. And what ended up happening is that regularly those were not included in State statutes. And the suggestion by the hate crimes movement was that laws should be changed around rape to make those penalties more severe and punishment more certain.

If the problem is how another law is being applied, the solution is not necessarily to change a law like human trafficking to remedy those problems. So I would suggest that there are some definition problems that would be challenging to local law enforcement if such a change were made.

Mr. ROTHENBERG. May I add something?

Particularly with regard to States, as you have heard, we have 42 human-trafficking task forces which involve State and local and Federal, range of service providers, law enforcement, DHS, ICE; FBI is involved, along with State and locals. And what we do in these task forces is we attack the problem. All right? We don't go out and say, "We are going to go enforce Section 15." We attack the problem. We look for victims; we find victims in the situation. And then, based on what situation we find, we start figuring out, okay, do we have a trafficking case here, are we going to prosecute it federally, are we going to have the States take care of it, and those sorts of things.

We currently now have a great relationship with the State and local law enforcement and prosecutors. And we are able to deal with a lot of these cases. That kind of relates to the model State law that was brought up. What we were finding is that, prior to the focus on human trafficking, many State law enforcement agencies and local vice cops did not recognize, when they came across a prostitution situation, that it was actually human trafficking. So, by sort of pushing out to the States and locals this model law, we were putting them on notice, that, "What you might think is prostitution is actually human trafficking. Here is the way that you need to attack it. Because there is force, fraud or coercion. This isn't prostitution that you are familiar with, where you lock up the prostitutes. This is human trafficking. You have to provide the victims with benefits. You have to get them out of that situation. Don't throw them in jail."

So I would say that, far from causing a problem at the State level, we have highlighted the issue. We have provided them an ex-

ample of more effective tools to attack the problem, with far more penalties provided for in the law against the people who commit these crimes.

Chairman CONYERS. That is very interesting.

I see we are going to have to try to separate this out. And so I will call on Howard Coble, the gentleman from North Carolina, senior Member of the Committee.

Mr. COBLE. Thank you. Thank you, Mr. Chairman.

Good to have you all with us.

And, Katya, we particularly appreciate your testimony.

Folks, we only have 5 minutes, so if you could keep your answers tersely, we can cover more ground.

Ms. Burke, do you believe that trafficking victims are more likely to testify if they know their captors will be confined to longer prison terms?

Ms. BURKE. I think that definitely victims are more willing to testify if they know that they are captors are incarcerated.

As to the length of prison terms, I think that, in reviewing in my head victims I have talked to, there is always great concern and sometimes anger when they hear about sentences that they think are too short. So I think that that makes it incumbent for the prosecution team and the service providers to always be in touch with the victim about the length of sentence.

Mr. COBLE. Okay, that is good. Thank you.

Mr. Rothenberg, let me put a two-part question to you. Has the Trafficking Victims Protection Act assisted the Justice Department in its battle against human trafficking, A? And, B, what are the greatest hurdles facing prosecutors in human-trafficking cases?

Mr. ROTHENBERG. Yes, the TVPA has been a tremendous assistance to us.

And I think, looking back at the history, as some people have mentioned here today, before the Act was passed in 2000, people did not recognize human trafficking for what it was. And since it has been passed, we have been focusing not just on finding victims, rescuing them, making the prosecutions, making the cases, but also raising awareness of the problem. And having one statute that we can focus on, one statute that provides us all of the tools necessary to go after these people, put them in jail for a long time, provide benefits to victims, has been tremendous.

Mr. COBLE. All right. How about the hurdles?

Mr. ROTHENBERG. Well, I am limited in what I can say about funding, but——

Mr. COBLE. Well, maybe we can talk about that at another time.

Mr. ROTHENBERG. I would say that—I am informed that, in fact, I am allowed to say that we need more prosecutors and resources for our investigative——

Mr. COBLE. All right.

Ms. Forman, two-part question to you. Has the use of T visas been successful, A? And, B, I presume that the recipients are, in fact, eligible for some form of public assistance?

Ms. FORMAN. The first part of the question, in terms of T visas, have certainly been helpful, in terms of granting a benefit to a victim. Certainly, ICE doesn't authorize those T visas. I mean, certainly, there has to be a certification of a victim. And working with

the NGOs and the individual, I mean, they certainly have to agree to cooperate, in terms of pursuing the investigation and going after the organizations.

Mr. COBLE. Dr. Farrell, you may have responded to the Chairman's question, but let me ask you this. What legal requirements would you adjust to ease the burden of prosecuting human-trafficking cases?

Ms. FARRELL. I don't know that I would necessarily suggest changing the legal requirements.

I mean, one of the things that we certainly have seen in the prosecution of these cases is that new strategies may need to be developed to figure out how you can bring cases forward without relying as heavily on the victim testimony. And there are things in this act that I think help improve victim testimony, and there is some interesting language at looking at ways to use innovative strategies to prosecute cases under non-force, fraud or coercion that would be discussed at national conferences where these task forces come together. And I think those strategies would definitely be useful in those cases where you identify a harm but can't necessarily use the TVPA.

Mr. COBLE. I thank you.

Finally, Mr. Rothenberg, is human trafficking and organized prostitution in the United States increasing or decreasing?

Mr. ROTHENBERG. Well, it is very difficult to get a handle on the problem. We are trying. We are funding numerous studies to do that.

As you are aware, there are a lot of estimates out there, but it is a hidden crime and we just don't know what the extent it of is, because so many of these victims are deliberately kept hidden by the traffickers.

So that is part of the reason that we have made such an effort to reach out to State and locals. As one of the witnesses said, it is the States and locals who are on the ground, the vice cops, the cop on the beat. And what we need to do is educate them to look for the signs of trafficking so that they can bring these victims out of the shadows and we can rescue them.

Mr. COBLE. Mr. Chairman, the witnesses were terse in their response, and I almost beat the red light. I yield back.

Mr. SCOTT. I thank the gentleman from North Carolina.

I recognize myself for 5 minutes.

Mr. Rothenberg, in the 2005 reauthorization, Congress authorized a biennial survey of the commercial sex industry in the United States. Could you tell me the status of that study?

Mr. ROTHENBERG. We are working on that study. It is difficult to design a scientifically valid study that would be useful for us and gather all the data in a short period of time. So we are working on that study.

Mr. SCOTT. You mean you are designing the study now?

Mr. ROTHENBERG. We are not designing the study now. I mean the reason it hasn't been completed yet is we have been working on it. And we do have funding for it. And the Bureau of Justice Statistics is working on it.

Mr. SCOTT. And when can we expect some information as a result of the study?

Mr. ROTHENBERG. I don't have that with me, but I can get back to you on that.

Mr. SCOTT. Thank you.

Ms. Burke, in your testimony you discuss the fact that the TVPA, including the reauthorizations in 2003 and 2005, provided for funding for immigrant victims while failing to do so for United States victims. Can you comment on that and state whether we should remedy that situation?

Ms. BURKE. I think that the point I really would like to make is that there is a lot of expertise among service providers working in the field of human trafficking, and some of the funding restricts those programs to provide services only to foreign-born victims of trafficking. And I think we need to eliminate those restrictions, so that programs who have expertise in service provision can also provide services to U.S. citizens.

And I think that those organizations that are skilled in working with exploited children and other programs need to join forces to attack this program on a broader view.

Mr. SCOTT. Thank you.

Mr. ROTHENBERG. Mr. Chairman?

Mr. SCOTT. Mr. Rothenberg?

Mr. ROTHENBERG. Sorry. If I can say, that study will be completed by mid-2008, mid next year.

Mr. SCOTT. Mid-2008. Okay. Thank you.

Ms. Leidholt indicated the problems with requiring force, fraud and coercion. Mr. Rothenberg, would there be any problem in eliminating that in the Federal statute?

Mr. ROTHENBERG. Well, it raises a lot of questions. As I said earlier, I would stand by our prosecutions now. But there are a lot of questions that will come up with that. For example, as I did mention, what would it do to the relationship between us and the States? And one of the other witnesses also mentioned that——

Mr. SCOTT. Well, you would have to have a Federal nexus either in or affecting interstate or foreign commerce or crossing State lines?

Mr. ROTHENBERG. Yeah. Of course, there would have to be a Federal nexus in order for us to have constitutional authority to do it. But even if we had that Federal nexus, I think it could raise a lot of issues. It would raise resource issues, in terms of where we would prioritize our prosecutions. At the moment, we prosecute force, fraud or coercion. If we were to expand that, it could bring a lot of new cases before us that we simply don't have the——

Mr. SCOTT. If the problem with that is the interaction between State and Federal prosecutions, why would we insist on having that in the model State statute?

Mr. ROTHENBERG. I am sorry, I meant to say that eliminating force, fraud or coercion, as one of the other witnesses testified, and using that as the basis for Federal prosecutions could harm the balance that we have between Federal and State prosecutions that we currently have going on.

Mr. SCOTT. Right. But you, in your model State statute, you include force, fraud and coercion. Why would you do that?

Mr. ROTHENBERG. Because, as I said before, our purpose in doing the model State statute was to highlight for the State and locals

that what they previously had thought of as prostitution was actually human trafficking. And, as we know, the——

Mr. SCOTT. Well suppose, for the reasons that have been articulated, that the proof of force, fraud and coercion might even be counterproductive, because that only encourages the perpetrators to intimidate the witness even more.

If you can prove the case without having to prove force, fraud and coercion—I mean, can't you almost presume some kind of coercion? I mean, people just don't decide this on their own.

Mr. ROTHENBERG. Well, I——

Mr. SCOTT. Do you have a problem eliminating that from your model guidelines?

Mr. ROTHENBERG. It would raise a lot of questions for us. We don't have a position on that. I know that is in the bill, and we have been discussing it. But as we have been reviewing this, as I say, it raises a lot of issues for us.

Mr. SCOTT. Like what?

Mr. ROTHENBERG. Well, for example, if we eliminated that, as I said, what effect would that have on our relationships with the States?

Mr. SCOTT. It would be a State issue.

Mr. ROTHENBERG. Do you mean eliminating it from——

Mr. SCOTT. Model guidelines.

Mr. ROTHENBERG. I am sorry. I thought you meant in terms of the Federal statute.

Mr. SCOTT. What is the problem with eliminating the requirement of force, fraud and coercion from the model guidelines?

Mr. ROTHENBERG. Well, I just don't think that that is what the model State statute's purpose was. I mean, the model State statute does not in any way eliminate existing statutes on——

Mr. SCOTT. But it encourages them to put force, fraud and coercion as an essential element in their prosecutions.

Mr. ROTHENBERG. For human trafficking. But, as we have said, these sorts of cases can be brought under lots of different statutes.

Mr. SCOTT. Not if you stick force, fraud and coercion in the other statutes, because that is the model recommendation.

Mr. ROTHENBERG. Well, this was a model anti-trafficking law. It doesn't in any way displace existing laws against prostitution and pimping.

Mr. SCOTT. And so, for those, whatever you want to call it, you would not expect force, fraud and coercion to be in those statutes?

Mr. ROTHENBERG. Well, it depends upon the State, but a State can prosecute a pimp under lots of different statutes that are currently on the books. What we were doing, as I say, was trying to highlight for people what you think is prostitution can actually be punished as human trafficking.

Mr. SCOTT. Remind me of the difference between pimping and trafficking.

Mr. ROTHENBERG. Well, in our conception, the difference is force, fraud or coercion. I mean, I understand that pimps often use violence and subject people to lots of different forms of coercion and so forth. But at least in the way that TVPA was originally conceived and the way that we focused on two sets of victims—the victims of force, fraud or coercion and children—those are necessary

elements to make it human trafficking and the depravation of liberty.

Mr. SCOTT. And you are suggesting that there can be pimping without force, fraud or coercion?

Mr. ROTHENBERG. Well, I think there are certainly situations in which people are driven to become prostitutes by——

Mr. SCOTT. Coercion.

Mr. ROTHENBERG. Well, coercion can be read very broadly. I mean——

Mr. SCOTT. Fraud.

Mr. ROTHENBERG. Yes, and if fraud, force or coercion were used, we would prosecute it as human trafficking. But I don't think that every prostitute is necessarily a victim of human trafficking.

Mr. SCOTT. No, that is prostitution. I said pimping.

Mr. ROTHENBERG. Well, again, if the pimping involves force, fraud or coercion, then that would be human trafficking, and it would be prosecuted as such.

Mr. SCOTT. And you think this activity is done without force, fraud or coercion. If you can just prove the transactions, that is not enough for you to consider it trafficking?

Mr. ROTHENBERG. Well——

Mr. SCOTT. If someone is living off the earnings of this activity and you can prove that, do you think you need to prove some more to consider it trafficking?

Mr. ROTHENBERG. Yes. By law, we need to prove force, fraud or coercion. That is the way that we conceived of it.

Mr. SCOTT. That is because you put it in the law.

My time has expired.

The gentleman from Iowa.

Mr. KING. Thank you, Mr. Chairman.

I want to thank the witnesses, all, for your testimony.

I direct my first question to Ms. Forman, and ask you, in the bill, it defines that the presentation of multiple forms of evidence, including nonexclusive use of radiographs, determine age. Is there another method to determine age that is as reliable or more reliable than radiographs?

Ms. FORMAN. I would have to get back with you on that. It is not my area.

Mr. KING. Is there anyone on the panel that has any expertise on radiographs?

I would be surprised—I would just submit here that my reason for asking that question is that, if documents might be used to supplement radiographs, if they are a nonexclusive use, one should have a judgment as to whether that might be subject to document fraud. So if there is another medical reason or something of hard evidence, then I would want to know about that. But radiographs apparently are the best medical version we have.

I wanted to also ask Katya—and I thank you for coming here. It took a lot of courage. And so, I appreciate your testimony, as well as all of the others'.

I wanted to ask you, the perpetrators—as I understand, there were two in this country. Were they arrested, prosecuted and convicted and sentenced?

KATYA. Yes, there was prosecuting.

Mr. KING. And what were the sentences? Do you know?

KATYA. One, I believe, was sentenced to 7 years. And Alex was sentenced, I believe, to 12 years.

Mr. KING. Were those sentences adequate for the crime they committed? Do you believe that justice was served? Or if you had to choose, would you want that to be more or less sentence for them?

KATYA. Definitely more. But I believe justice—she did what she could to make it longer.

Mr. KING. And I would submit that crime victims almost always take that position, and I recognize and appreciate that.

I would point out that this bill actually reduces existing penalties, in some cases, and that is something I hope we look at as a Committee, in light of the testimony that you have given. And I thank you, Katya, for that.

And I watched—Dr. Burke, I do have a question for you. And I believe that you testified as to, I'll call it, family reunification, the need to keep families together so that they are not vulnerable to threats in foreign countries.

And my question to you—and I think also to Ms. Brown, who also spoke to the issue—is, how far would you go with that? Would you draw the limits to parents; parents and siblings; parents, siblings, half-brothers, half-sisters, cousins? Where would you draw that line? Because we have to ask those tough questions here.

Ms. BURKE. I appreciate those are tough questions. And I think that, in replying, I can only say that it depends on a case-by-case basis.

Katya testified that things would have been much easier if her mother had been here with her during this ordeal.

You know, I can't give a blanket answer to that, but I think that those family members most close to the victim and who the victim needs to have there during the time of support—and, also, I think it is linked to whether or not these family members are being threatened with retaliation.

Mr. KING. And, of course, we have to define this in law, which gets significantly more difficult. But I appreciate your approach on that.

Ms. Brown?

Ms. BROWN. Yes, I would also support that. In many of these instances, the closest remaining relative may not be an immediate relative in the definition of the law. So, as an example, a grandmother may be the last surviving member of the family that would be supportive to the child.

In addition, who the child, in this instance, feels is the most in danger of the traffickers coming after them. For instance, they may have said to this child, we are going to take your sister, we are going to take some other member of the family.

Mr. KING. Would you limit that to a number of people, then? Would you ask the victim to list close family members and limit that to a number? How would you define that?

Ms. BROWN. I would not necessarily limit it to a number. I think that it is something that we need to look at with each child. As you say, it needs to be defined in law. But, for instance, if the child was related to six other sisters who were all under the age of a certain frame, that may be something that needed to be considered.

Mr. KING. Thank you, Ms. Brown.

I ask Ms. Forman, can you tell me how someone might, either individually or as an organized group, game this system?

Ms. FORMAN. Certainly. I mean, first, there is individuals—I mean, you have to do a case-by-case assessment, because there are many individuals who want to come into this country. And we have certainly seen every day, on a daily basis, fraud being used, fraudulent documents and lies, and people who come into this country legally and overstay their visas.

I will add that we do have something called significant benefit parole. And during these human-trafficking cases, we offer that to the victim and to the victim's relatives, as well. And ICE can help facilitate that.

Mr. KING. Thank you.

It is Dr. Farrell, isn't it?

I might have missed a couple of other doctors up there. You are all designated as not necessarily your professions.

But I am interested in—first of all, I appreciate your intensity. And I have an idea about how hard you must work in the work that you have chosen for your life's profession.

And I would ask you, if you can inform this Committee, what were some of the first examples of the implementation of hate crime statutes, anywhere in the world, where it originated, where it originated from?

Because, as I look back into the cradle of civilization, I am trying to find out when we first came up with this idea that we could punish the intent of the criminal rather than the actual act of the criminal.

And how did this evolve and get to this point, where we are passing judgment and punishing people for what we think they thought or what we believe they thought or maybe even what you believe we prove they thought.

Ms. FARRELL. While I don't want to not answer your question, because it is an extremely important one, I do want to say that I don't want to take us away from our discussion about human trafficking today.

I mean, there are many origins of hate crime across Europe and the United States that came out of a variety of different people coming together around a common idea. And I would be happy to talk to you more afterward about the specific issues——

Mr. KING. Just give me the first case, the first year, the first time and which civilization.

Ms. FARRELL. I don't actually have that at the top of my head.

Mr. KING. I would appreciate that and a supplemental report on that. I am a little bit surprised, as much as you know about hate crimes and as long as you have worked there, that that wouldn't be the beginnings of your education and your learning and the foundation for your judgment on that today. But I am looking forward to that response.

I thank you and I thank all the witnesses, especially Katya, for being here today.

And I yield back to the Chairman.

Mr. SCOTT. Thank you.

The gentlelady from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

I am a cosponsor of this bill and think it is a good measure. Obviously this hearing is important, to see if there are improvements that can be made. But sometimes it is not just what is in the law, but how it is administered.

And one of the questions that I have, I had the same question for the Secretary of State—the Chairman and I and the Ranking Members of the full Committee and Immigration Subcommittee met with Secretary of State Rice last month—which is the situation of child trafficking victims.

The State Department estimates that there are 5,000 a year, yet we have only identified about 20 a year. And I guess I know the U.S. Conference of Catholic Bishops has been very active in this arena.

I am wondering, you know, the Office of Refugee Resettlement, you have suggested in your testimony, has been slow in certifying child trafficking victims, even though they have the authority. Is that the problem? I am trying to sort through why this isn't working better, even though it seems like we have the legal tools available.

Do you have an opinion on that?

Ms. BROWN. Thank you.

Yes, one of the issues truly is that the victim who is a child must be, not certified, but determined to be eligible by HHS ORR. However, in practice, they rely on a recommendation from law enforcement agencies, DHS, in order to actually make that recommendation.

What then happens is that the child is either languishing and not actually being cared for at all by anybody or in a system which is a removal system so that the child may, in fact, be removed in an expeditious manner.

Additionally, children have a very difficult time, sometimes, speaking correctly on the issue of the fact that they have been forced, coerced, and don't even want to believe that that has happened to them. And so, we find that the child who is in care with people with child welfare expertise who is able to speak to that child, we have had much more success with those children.

Ms. LOFGREN. So do you think the new custody provisions in here are going to help on that?

Ms. BROWN. I do.

Ms. LOFGREN. That is very interesting. It is something I have wanted to do for a long time. And I think that, you know, there are humanitarian reasons, but there is also a very strong law enforcement reason, which we have heard both from U.S. attorneys and the like who have this responsibility. It is good to hear your views.

Mr. Myles, did you have something to add on that?

Mr. MYLES. I just wanted to add something briefly, sort of in light of the testimony that I gave and others gave. I think it is very important, again, when we do talk about the face of trafficking, that we always include the face of those trafficked into the U.S. who are from other countries, but also those trafficked within the U.S. who are U.S. Citizens.

And if we are talking about the face of child trafficking in the U.S. and we were not restricting it to foreign nationals or U.S. citizens, we are talking about a lot more children than 5,000 children. Because I think that that statistic is reflective only of the foreign nationals.

Ms. LOFGREN. Right. I didn't mean to suggest that. I was thinking of—the State Department, obviously, is looking at the foreign trafficking victims. I didn't mean to include every victim in their figure. That is not their responsibility to estimate.

I am wondering, Dr. Burke, whether you had also identified a deficiency in identifying child victims. Are there additional things that we should do in this bill to assist that, do you think?

Ms. BURKE. Most of my work has been with adult victims.

Ms. LOFGREN. Okay.

Ms. BURKE. But in thinking of a child case that we worked on, I know that it was very difficult for this child to provide any concrete information about where he had been trafficked, where he had been forced to work. He was driven around a large geographical area by law enforcement.

But what I would say, as a mental health person, this child came from a country in the Middle East that was undergoing a war. He had seen his home burned and his parents murdered. And then someone trafficked him here and put him to work. Now, doesn't it make sense that he couldn't identify where he worked?

Ms. LOFGREN. Yes. Yes.

Just one final question, Mr. Rothenberg.

Mr. Smith, the Ranking Member of the full Committee, had a number of criticisms this morning—I do not know if you heard his testimony—including concerns about some of the immigration provisions in the Act. Certainly, we want to have a system that works well.

Do you think it is important to have a visa component if we are going to do these prosecutions in this bill?

Mr. ROTHENBERG. A visa component?

Ms. LOFGREN. Right.

Mr. ROTHENBERG. Well, we do currently have the T visas, and that is a very important victim protection part of the law. That is part of our victim-centered approach is to give people T visas. These are people who have been taken from their homes or even left willing, but then found themselves in a trafficking situation in a country where they might not know the language. We have to provide some way for them to stay here and to recuperate from that while we build the case against the people who did that to them, so we are very supportive of that.

I do want to add, with regard to the treatment of victims, the Department and the FBI and, I am sure, our partners at ICE take very seriously the provision of services to victims, especially child victims. We do feel, however, that law enforcement has a very important role to play in the certification of victims and the provision of letters of eligibility, mainly from the perspective of protecting the victims' safety, especially for children, but for all victims. It is really crucial, and there have been many cases where the victims have been—or rather, I should say, the traffickers have sought out the victims after the victims have been rescued. We have to provide

not just shelter; we have to provide safe shelter for them, and if law enforcement is not there, who is going to do that even for the NGOs and for the service providers themselves? Because if traffickers come and try to recapture those victims, the NGOs and their workers might be in danger.

Also, a provision of services to victims is very important, but we want to make sure that there are not any future victims. So, if law enforcement is involved right away, we can talk to the children and find out, you know, that maybe that child managed to escape, but there are ten other children who are in that circumstance. If we have that information, we can go rescue those children and shut down the trafficking network.

So it is very important to find more victims and to provide them services, but it is also important to have law enforcement involved right from the beginning to make sure that the victims are safe and to make sure that there are not any future victims.

Ms. LOFGREN. My time has expired, Mr. Chairman.

I would just like to say to Katya how impressed I was by your testimony and your poise and how grateful we are for your courage in coming here today and for sharing your story, which is a very meaningful one for all of us. Thank you.

KATYA. Thank you.

Mr. SCOTT. Thank you.

The gentleman from Florida, Mr. Keller.

Mr. KELLER. Thank you, Mr. Chairman.

I want to begin by also expressing to Katya how impressed I am with your testimony and how much all of us admire your courage in coming forward today and in taking a very horrible tragedy and trying to make a difference in other people's lives, and so your testimony has made a difference and did not go unnoticed. I would like to ask you a question.

Do you feel safer in the United States or in the Ukraine? Tell us why.

KATYA. Definitely, I feel safer in the United States because I still have the father of Alex. He is in the Ukraine, and he is a really big person there, and definitely, I hope to stay here.

Mr. KELLER. He is not confined in prison? He is going around free in the Ukraine?

KATYA. Yes.

Mr. KELLER. Alex and Michael are serving terms in prison, I believe you said, for 7 years and 12 years, correct?

KATYA. I believe so.

Mr. KELLER. Okay.

Next, I am going to turn to some of the other witnesses.

Thank you for your testimony, Mr. Rothenberg and Ms. Forman.

No bill is perfect. No bill that I write is perfect or any other bill, but as I look at this bill, which has a lot of good things, it is my understanding that the bill lowers the criminal penalty for trafficking for the purpose of forced labor from 5 years to 1 year.

If the goal is to punish human traffickers for enslaving victims and to deter others, why should we reduce those penalties? Let me be specific about my analysis here.

I am looking at the current law, which for those lawyers out there, is Section 18, U.S. Code, Section 1592. It says, "Whoever

knowingly engages in forced labor shall be fined or imprisoned not more than 5 years."

Now I am looking at this bill, pages 62 through 64, also with the same title, Section 1592. "whoever knowingly engages in forced labor shall be imprisoned for 1 year unless there were $10,000 or more involved, and then it is 3 years unless there is also bodily injury, and then it is 5 years."

The current law is better. The conduct is so heinous that 5 years, I think, is a much more appropriate penalty, and if there are circumstances that would justify a penalty of less than 5 years under the existing law, the judge, clearly, has discretion to do the 1-year or 3-year, but I am concerned about that watering-down of the provision.

Let me ask you, Mr. Rothenberg, do you believe that higher penalties serve as a deterrent to those who might engage in the trafficking of humans for the purpose of forced labor?

Mr. ROTHENBERG. We are studying the bill at this moment. We have not produced an official administrative position on it, but I think, from a prosecutor's standpoint—I cannot say specifically on the bill, but I think you can probably imagine what prosecutors think about long sentences.

Mr. KELLER. You are not allowed to officially state, because it has not had certain clearance, that 5 years is better than 1 year but that I can imagine what many prosecutors might say to that?

Mr. ROTHENBERG. Yes.

Mr. KELLER. Okay.

Mr. ROTHENBERG. Let me just add that I do appreciate your focus on labor trafficking. We have talked a lot about sex trafficking, which is, obviously, a horrible crime, and we have heard testimony about it, but we should not forget about labor trafficking, which is also horrible, and we see a lot of it—migrant workers, domestic servants, people forced to cook and clean, who are not allowed out of their homes. We have prosecuted many of those cases, so——

Mr. KELLER. Some might wonder, since I told you the existing law is 5 years, how it is that Katya's abusers ended up getting 7 years and 12 years. They abused a whole host of criminal laws, I mean, false imprisonment and various other crimes that justified the higher sentences.

Ms. Forman, let me ask you—do you have a view about whether a 5-year penalty for those who engage in human trafficking for the purpose of forced labor is better than 1 year?

Ms. FORMAN. All I can say is, based on the experience of ICE and their investigations in human trafficking, it certainly has served to be a much better deterrent in terms of higher sentences.

Mr. KELLER. Thank you. I am sensitive to the fact that there are certain limits and that it is not your fault that you are not allowed to testify fully.

I would just point out with my remaining time, Mr. Chairman, that one of the key reasons we heard from Katya as to why she feels safer in the United States is because the bad guys have been put away in prison for a long time, and that is not the case in the Ukraine. So, as we go toward the markup, I hope we will be sen-

sitive to this testimony and will put the penalty back where it belongs, at 5 years, as it exists under existing law.

I will yield back the balance of my time.

Mr. SCOTT. Thank you.

I would say to the gentleman that we need to read this closely because it is my understanding that the lower sentences apply to lesser-included offenses, which might actually expand the prosecutions, but we will look at that, and during markup, we will make sure that we are not making things worse. Thank you for your questions.

The gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the witnesses very much.

I understand my good friend, Congresswoman Maloney, was here and had a poster board that really evidenced the mental violence as well as the physical violence and the deteriorating look of women. I hope that, one, the Department of Justice will look at that set of pictures—I believe that is from PRISM Magazine—and have that as they begin their discussions.

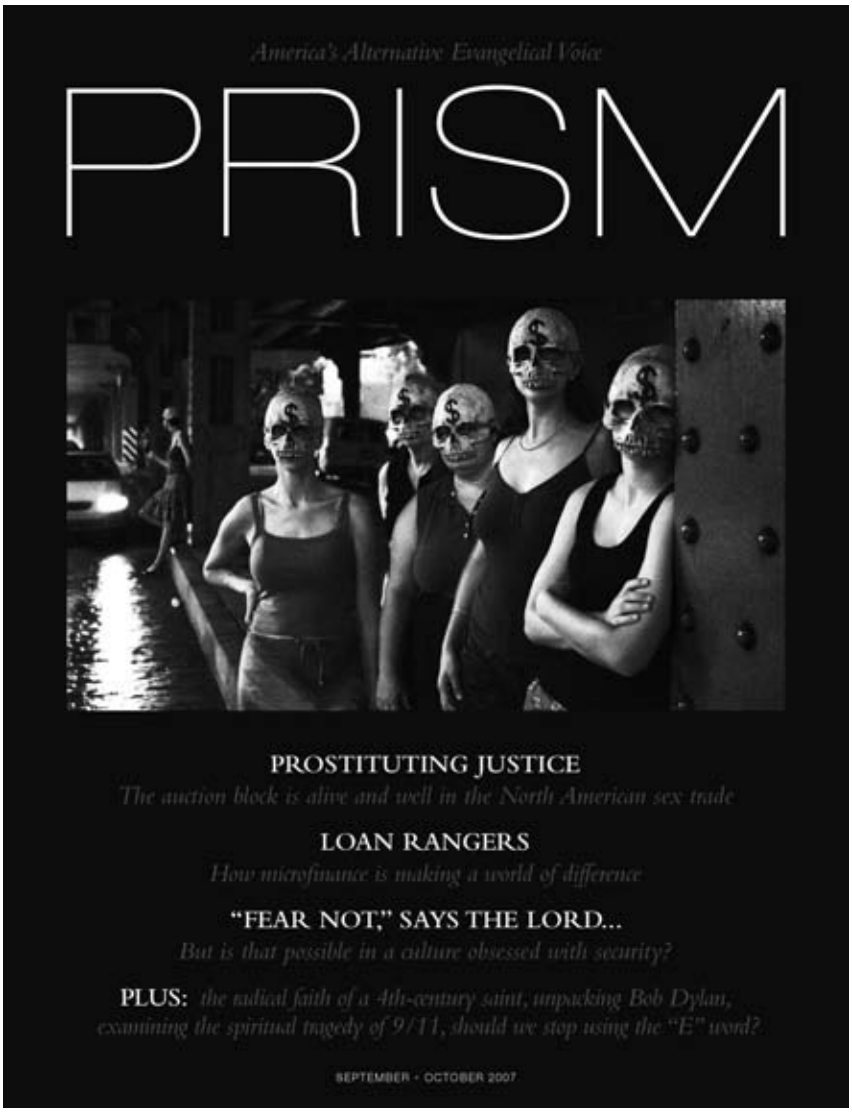
I am delayed in another hearing, but I tried to use my marathon shoes to be here to make a point of, first, thanking all of the witnesses for your presence here and to support the legislation that my Chairman and others, along with myself, are supporting, along with the Foreign Affairs Committee, of which I am a Member as well. So let me just try to be pointed in my questions.

Let me formally ask unanimous consent to have the *PRISM* article submitted into the record.

Unanimous consent?

Mr. SCOTT. Without objection, so ordered.

[The information referred to follows:]


America's Alternative Evangelical Voice
PRISM
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LOAN RANGERS
How microfinance is making a world of difference
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SEPTEMBER • OCTOBER 2007

PRISM

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Rise up, O Lord; O God, lift up your hand; do not forget the oppressed. Why do the wicked renounce God, and say in their hearts, "You will not call us to account"? But you do see! Indeed you note trouble and grief, that you may take it into your hands; the helpless commit themselves to you; you have been the helper of the orphan. Break the arm of the wicked and evildoer; seek out their wickedness until you find none. The Lord is king forever and ever; the nations shall perish from his land. O Lord, you will hear the desire of the meek; you will strengthen their heart, you will incline your ear to do justice for the orphan and the oppressed, so that these from earth may strike terror no more.

PSALM 10:12-18

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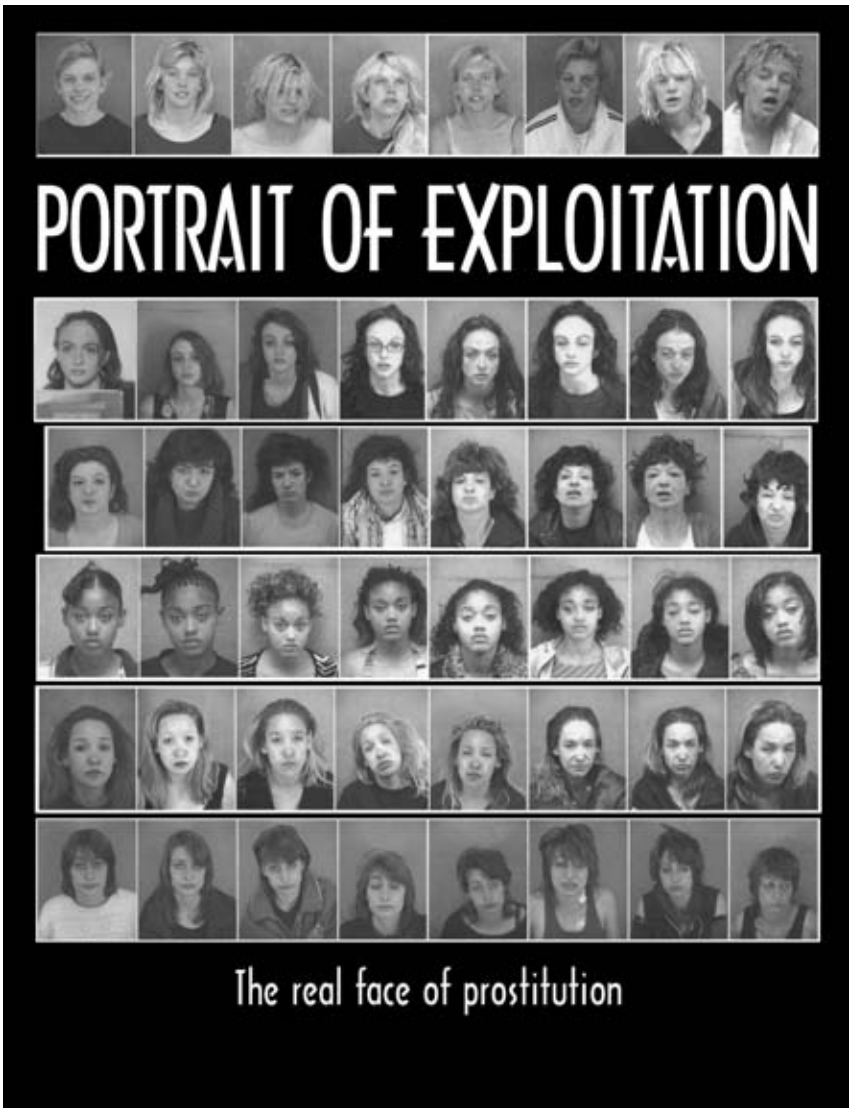
PORTRAIT OF EXPLOITATION
The real face of prostitution

BY LAURA COULTER

Kathleen Mitchell still wonders what happened to Carrie.

Carrie (not her real name) was only 18 years old when she appeared at the shelter where Mitchell worked. Her two children, fathered by the pimp who had put her on the street when she was only 12, had been taken by the pimp's sister. While other girls her age were attending their senior prom and planning for college, Carrie was just trying to survive.

When the other women at the shelter learned of Carrie's history—that her pimp targeted 12- and 13-year-old girls, dropping them when they got "too old" at 16 or 17—they began to withdraw from her. Concerned that Carrie might attempt to draw their own daughters into prostitution, the women tried to keep their children from coming into contact with her.

One night Kathleen Mitchell arrived at work to discover that Carrie was gone. The girl had, however, left a note for Mitchell, one of the few who had shown her kindness. She wrote about her reasons for leaving and then concluded, "I don't think anyone here understands what it feels like to be a disposable person."

A former prostitute herself, Mitchell has been working in Arizona with women and girls victimized by prostitution since 1989. While in jail in the late 1980s, she began to organize a support group for women looking for a way out of prostitution, because, she says, she needed that support. After her release, she was able to make a complete break with her past and ultimately went back to school to earn certificates in chemical dependency studies.

The product of her labors, a ministry called DIGNITY that operates under the auspices of Catholic Charities, offers long-term and transitional housing to formerly prostituted women, providing them with the support, education, and tools they need to move out of the miasma of their life in prostitution. DIGNITY touches the lives of more than 900 women and children each year.

Like Mitchell, women from all over the world who were once caught up in the commercial sex industry are reaching out to give a hand up to people most of society views as worthless—victimized pawns in a global web of sexual servitude. Armed only with the weapons of hope and love as they fight an enemy of legionary magnitude, these women on the front lines are offering a new future to those whose lives have been shattered by prostitution.

The real face of prostitution

Stereotypes about prostitutes and the world of prostitution are both abundant and contradictory—prostitutes are human trash, and they deserve what happens to them, for example, or prostitutes are canny businesswomen who bring in good money by providing a service that men are all too willing to pay for. Each of these distinct portrayals serves to accomplish the same purpose: They hold prostituted persons at arm's length, proving primarily that they are "not us." Movies like *Pretty Woman* show the proverbial prostitute "with a heart of gold," a lovely outsider with a pure heart who can be saved by Richard Gere or some other knight in shining armor.

The reality, however, is much more complex—and ugly. The vast majority of prostituted women (and men) have serious problems with substance abuse, mental illness, or both. A growing number of prostituted persons are recruited at increasingly younger ages, brainwashed and psychologically broken down in order to coerce them to conform to the will of a pimp.

According to Joe Parker at the Lola Greene Baldwin Foundation, a nonprofit dedicated to working with survivors of prostitution, war, and domestic violence, "The sex industry is ultimately about power. This is best demonstrated by the care which the industry takes to ensure that those it

uses are powerless. The predators are neither irrational nor stupid. They watch carefully for a kind of "victim profile,' and avoid anyone who may be uncontrollable or dangerous. They focus on young people coming out of families that are abusive, disorganized, or non-existent" (as quoted on the Prostitution Research and Education website at prostitutionresearch.com).

Linda Burkle, who works with Wellspring, a Salvation Army ministry targeted toward women and girls coming out of prostitution in Omaha, Neb., estimates that 99 percent of the women she works with have a substance abuse issue which then fuels the continuation of prostitution in order to buy drugs. It's a self-perpetuating cycle, says Burkle. "Often women get involved in prostitution because of being seduced or enticed into it by a smooth-talking pimp who gets them hooked on drugs. Once they're addicted, they have to keep prostituting to feed the addiction. We also see a very high occurrence of serious and persistent mental health issues. The mental health and substance abuse issues together—these are a recipe for disaster."

Moreover, DIGNITY's Mitchell insists that the average age of prostitutes is lowering each year. The average age is now around 15, and Mitchell says she's seen prostituted children as young as 10. In their 1996 report *Prostitution of Children*, the U.S. Department of Labor estimated that over 100,000 children are currently involved in prostitution in the United States.

Although nationwide statistics indicate that 85 percent of those involved in prostitution were sexually abused as children, in Mitchell's experience the numbers are even higher: around 96 percent. The abuse they suffered as children makes them exceedingly vulnerable to predatory pimps, who feed on the abuse victim's sense of guilt and worthlessness in order to coerce and manipulate her.

Social norms are an unwitting aid in subjugating those trapped in prostitution. Joe Parker writes, "The larger society provides pimps with a very powerful weapon. It makes prostitution an identity, not an occupation. Once you have taken money for sex, you are a prostitute. Society does not allow an expiration date on that identity, nor a way to be publicly accepted as something else…Many people prefer to view prostitution as a 'lifestyle choice' or even an 'addiction' to a lifestyle. They think most people in the sex industry are there to support their drug habits, when actually the drugs are used to cope with what is happening to their lives. Society assumes that nothing can be done to help them, so there is no need to try. The pimps count on it."

As for prostitution's harvest, Parker says, "The health effects of prostitution are devastating. Prostitution, especially in childhood, is at least as effective as war in producing post-traumatic stress disorder. Survivors usually have some combination of depression, anxiety, and dissociative disorders. Brain damage, psychosis, and suicide are common. Long-term psychiatric disability, serious medical illness, and the effects of accumulating injuries shorten lives."

> "For the vast majority of the world's prostituted women, prostitution is the experience of being hunted, dominated, harassed, assaulted, and battered…In prostitution, demand creates supply. Because men want to buy sex, prostitution is assumed to be inevitable, therefore 'normal.' … Prostitution must be exposed for what it really is: a particularly lethal form of male violence against women. The focus on research, prevention, and law enforcement in the next decade must be on the demand side of prostitution."
>
> From "Prostitution: A critical review of the medical and social sciences literature" by Melissa Farley and Vanessa Kelly in *Women & Criminal Justice* (2000, Vol. 11), available at ProstitutionResearch.com.

Loving the whole person: A comprehensive approach

Because there are so many ways in which prostitution conspires to ensnare people and consume lives, no single approach will succeed in combating its existence or minimizing its toll. Certainly laws which strengthen the penalties against sex traffickers, pimps, and those who solicit prostitutes are a necessary part of the equation—but just a small part. Incarcerating prostituted children in juvenile detention centers and jails in many cases prevents them from getting the therapy, drug treatment, or education they need in order to have a viable alternative to prostitution.

Wellspring's Linda Burkle emphasizes the need for an approach that takes into account the entire story and circumstance of each person who is a survivor of sexual exploitation. Wellspring has taken this necessity to heart and, instead of waiting for potential clients to come to them, their staff assertively go in search of those who have been involved in prostitution and who need their help. Jails are a primary target. "We do a lot of outreach in the jails," Burkle says, "including

classes in the jails on life coping. We have mental health therapists and dual diagnosis people. We also do case management; we coordinate services for them; we go with them to appointments. We do whatever it takes. It's very difficult to leave the lifestyle, because it's a culture. They're not accustomed to keeping appointments, don't have a social security card, any of the things that you need to function in society. They haven't developed a legitimate entrée into regular societal institutions. That's why Wellspring is a comprehensive program involving advocacy, education, therapy, drug treatment, and whatever else it takes."

Because those emerging from prostitution often have attendant challenges, such as drug addiction, mental illness, post-traumatic stress disorder, or other health problems, trying to help the whole person can be a daunting task. Relapse is likely, Burkle notes, but she's careful to add, "We never say, 'That's it, you've had your three chances, we're done with you'"

Kathleen Mitchell says that upon release from jail a prostituted person's first instinct is to throw herself into involvement with friends and family, to try and "make up"

Gifts of Healing

Educational and outreach resources for making a difference in the lives of prostituted persons

DIGNITY, operating under the auspices of Catholic Charities (catholiccharitiesaz.org), is a comprehensive diversion and rehabilitation program that helps women and girls involved in prostitution gain the skills, support, and education they need to make a successful break from prostitution.

The Salvation Army (salvationarmyusa.org/trafficking) and its Initiative Against Sexual Trafficking (iast.net/) run anti-trafficking programs and deal with issues of sex trafficking and commercial sexual exploitation.

Prostitution Research and Education (prostitutionresearch.com) is a good source of general information about the nature and impact of prostitution.

ECPAT International (ecpat.net), "End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes," is a network of organizations who share the common goal of eliminating the commercial sexual exploitation of children, and provides substantial educational resources.

Emmaus Ministries (streets.org) is a Chicago-based outreach to men caught up in prostitution.

Veronica's Voice (veronicasvoice.org) in Kansas City, named after a woman murdered in prostitution, is funded by Catholic Charities. Their first Annual Walk for the Sexually Exploited of America, with the theme "Prostitution Is Violence Against Women!", will take place on September 22, 2007.

You Are Never Alone (geocities.com/yanahouse/) is a Baltimore-based recovery safe house for women leaving prostitution.

The National Christian Alliance on Prostitution (ncapuk.org), based in the United Kingdom, is a "collaborative network which exists to unite, equip, and empower organizations seeking to offer freedom and change to those involved in prostitution." A treasure trove of information and practical guidelines for churches and Christians aiming to help prostitutes leave that life behind.

for what she's done. This approach is disastrous. Without laying a solid foundation of identity first, failure is almost a foregone conclusion. DIGNITY deals with this by preventing the women and girls who stay at either of their two transitional houses from having any contact with anyone outside the program for the first 30 days. In this way, they are able to concentrate on getting themselves in order, working on their self-image and on the life skills that will prove critical to preventing recidivism.

Children who have been victimized by prostitution may need additional services. Because their sexual victimization occurred during such a key developmental stage, prostituted youths often need to rediscover what it means to be a child. Angela's House, a metro Atlanta haven for young girls who were prostituted, has embraced this premise in their approach to the girls they serve. A group home at a secret location in rural Fulton County, Ga., Angela's House offers not only comfortable housing to these young people for up to six months, but provides education, therapy, and medical care as well.

Additional family services may also be necessary. According to Linda Burkle, prostitution can be an intergenerational problem. She says, "One family with whom we worked had the grandmother, the mother, and the daughter all involved in prostitution."

Service providers also agree that failure to address the demand side of the prostitution equation means long-term failure in the battle against prostitution. DIGNITY provides an 8-hour program for johns (men who pay for sex). The cost of the program is $788 per participant, and it delves into the reality of prostitution: how it destroys families (including their own), communities, and individuals (including themselves); and the ways in which it objectifies and damages women.

Mitchell explains that the cost of the program is high so that the johns take it seriously. "It is a highly concentrated program that hopefully gives them insight into making better choices for themselves. We have mandatory sentencing in Phoenix for prostitution and solicitation, so the alternative to the program could be two weeks flat time in jail for the first offense and 60 days for the second, so $788 is a deal compared to the loss of wages and time away from work." Mitchell adds that completing the class expunges the solicitation charge from the men's record. "The men who have completed the class say it was worth the cost, and they believe this class should be given to young men in schools."

Wellspring also used to offer counseling services to johns, but the program was downsized several years ago due to funding shortfalls. In fact, each of these service providers, from Angela's House to DIGNITY to Wellspring, is fighting an uphill battle. While clients are plentiful, funds and support are sparse. According to the report on Angela's House published on March 11 of this year in the *Atlanta Journal-Constitution*, on any given day at least a dozen girls are on the waiting list to get into the program. Although DIGNITY's diversion program, which educates women and girls convicted of prostitution, has a 74-percent success rate in helping their clients stay out of prostitution, thousands of women and girls will never benefit from this program simply because it's not available to them.

Part of the funding pinch, acknowledges Linda Burkle, has to do with the sort of nonprofit work in which they're involved. "This work is so important," she says, "but people don't want to give money to help prostitutes. They'd rather give money to help poor children. What they don't understand is that when they help prostitutes, they are helping poor children, because the children are deeply impacted by this."

WWJD? The church's role

In his book *What's So Amazing About Grace?* (Zondervan, 1997), Philip Yancey recounts the story of a young woman seeking help from a counselor as she tries to extract herself from a life of prostitution. The counselor gently asks her if she's considered going to a local church for help. The young woman looks at the counselor in amazement. "Church?" she

asked incredulously. "Why would I go there? They'd only make me feel worse about myself."

Yancey's anecdote should act as a cautionary tale to churches in all of their dealings with those on the margins of society, but an even greater impetus to reach out to the sexually exploited is found in the life of Jesus Christ himself. Jesus consistently associated with society's most "visible" and reviled sinners, and prostitutes were among those outcasts with whom he surrounded himself. In fact, the actions of one woman of ill repute in anointing Christ's feet with her tears and costly ointment led Jesus to defend her against the condemnation of Simon the Pharisee, who observed the scene with disgust. God incorporated two prostituted women in the mortal lineage of Christ: Tamar and Rahab, whose faith is praised as being comparable to Abraham's (Hebrews 11).

Condemnation and denigration characterize the lives of those who are trapped in a life of sexual exploitation—condemnation from society, from the pimps who coerce and abuse them, and from their own wounded hearts. To engage in further marginalization of prostituted persons only worsens their situation—as well as our own, as we ignore Christ's admonition to reach out to "the least of these."

If God's attitude toward prostituted persons is one of love, grace, and acceptance, how can the church offer any less? ■

Laura Coulter's dual passion for justice and research makes her an invaluable regular contributor to PRISM *magazine, for which she has written on the issues of Guantanamo Bay detainees, gender equality in the church, the juvenile justice system, water rights, the hazards of the Christian workplace, and the death penalty. She also wrote the May/June 2007 cover story that encouraged us to engage our faith at the movies.*

SOPHIA'S CIRCLE

Healing through friendship, sisterhood, faith

BY AMY DURKEE

Brenda Myers-Powell had been out of prostitution for two months when Edwina Gateley invited her to a retreat for former prostitutes at a convent in Erie, Pa. "We were told we were going to be with the nuns!" she recalls. "I didn't know what to think. But what happened was that we found out they were women just like us. They gave us hope for ourselves. We understood how worthy we were."

Myers-Powell has been attending Gateley's retreats ever since, and while they're not always held in convents, she says the core message is always the same. "Every time I go, my spirit grows," she says. "They're teaching us more about what it means to be a woman. It's not the force-fed religion of my childhood, where the men who were supposed to be my heroes were the ones who molested me. Now I realize God can be Mother God—a part of me!"

For 20 years, Edwina Gateley, a British-born Catholic laywoman, has been offering retreats for formerly prostituted women in recovery, a work that grew out of her experience working with prostituted women on Chicago's North Side. In 1983 she established Genesis House, a place of support for women leaving prostitution. Often, the program's graduates stayed in contact with Gateley, sharing both their triumphs and their struggles. Gateley realized the need for

ongoing, holistic recovery. "There are lots of programs for detox, job training, and life skills," she explains, "but the issue of inner healing isn't really being addressed. Women get into this because of very deep violence in their past, like molestation and incest. That kind of damage isn't healed through a typical recovery program."

It dawned on Gateley that these women never really had vacations—a chance to get away from everything and rest—so she started inviting small groups of women on retreats to the country. Gateley left Genesis House in 2000, and new women are now being brought to the retreats by current members, those who either are employed through official recovery and social service programs or who volunteer as advocates and mentors.

Typically 12-18 women gather on a retreat—some in long-time recovery, some who have been out for five or more years, and a few new recruits who've only recently left prostitution. "Those in long-term recovery become mentors for the new girls," Gateley explains.

Each three-day retreat includes group activities as well as plenty of opportunity for attendees to rest and receive individual counseling. It's a mix of instruction, playtime, pampering, support, and spiritual renewal.

"It's the one place where I can be completely me," explains member Heidi Carlson. "A lot of us are professional women. We have to shoulder a lot of responsibility. This is the place where we can have our needs met, the one time of the year that's just ours."

Myers-Powell says, "At the retreats, we get suggestions and support from each other. We can say to the new sisters, 'You can make it!'"

Gateley says it's difficult for most of us to understand how hard it is for an internally wounded woman with very little self-esteem to handle daily life. The ongoing support helps them stay sober and out of prostitution. Carlson agrees, explaining, "This pain is always with you. It dulls over time, but it gets pricked again throughout the year."

In addition to the retreats, Gateley and her colleague CarolynVogt Groves offer ongoing support—through email, letters, phone calls, and face-to-face meetings—for women in recovery. "What we offer is not a client/staff or clinical relationship, but an older sister/younger sister or mother/daughter relationship."

Carlson says all the women in the network have serious family-of-origin issues, and Groves and Gateley help fill that gap. "They give us the unconditional love we didn't get."

Gateley seems reluctant to call the retreats and year-round support a "program." In fact, the group doesn't even have an official name. Some call it Sophia's Circle, a name which actually refers to the small foundation established by the group of middle-class Christian women who finance the retreats. Gateley refers to the work in which she's involved as a sisterhood network—a group of hundreds of women around the country who support each other throughout the year. Carlson says, "It's like we're family."

This past fall marked a significant step for the sisterhood,

Left: *Women on a Sophia's Circle retreat planting seeds of new life.*

Above: *Enjoying an outdoor concert during a retreat are Brenda Myers-Powell (center, swaying) and Heidi Carlson (right, clapping).*

when the women in recovery held their first retreat for their benefactors. The idea came from the recovering women themselves; they wanted to give back to those who'd made their retreats possible. Gateley describes the donors' retreat as a storytelling weekend, where four women—a former escort girl, an ex-stripper, an ex-massage worker, and a former streetwalker—opened up to a bunch of church ladies from the suburbs. "It was a weekend filled with hugging, crying, holding hands, and simply sitting together. These middle-class women offered a holding place for all their pain and they became sisters." The women who were once anonymous donors and prayer supporters have now been absorbed into the network. They're emailing and calling each other, offering mutual support. "Women who wouldn't otherwise have met have an ongoing connection now!" Gateley exclaims.

"I don't know whether these women would have made it without these retreats. A three- to six-month day program is not enough. Prostitution demands a lifetime of recovery. Women who've been out for 20 years still have flashbacks, acute distress, and grief. They've lost so much. Their wounds continue."

The retreats have helped hundreds of women stay in touch with each other. Because so many of the women have no other functional family, the network becomes family for them. Carlson says this experience of being loved and validated helps the women in the network to help others. "Everybody in the network reaches back," she says. ■

(Learn more about Sophia's Circle at edwinagateley.com.)

Amy Dunker is a freelance writer in Rochester, N.Y.

PROSTITUTION:

PATHWAY TO INCARCERATION FOR AMERICAN FEMALES

BY LISA L. THOMPSON

Approximately 10 miles to the northeast of Philadelphia's city center is Riverside Correctional Facility. The compound of buildings surrounded by high fences topped with barbed wire is the temporary residence of Philadelphia's arrested and detained females. Here women are incarcerated while they wait to have their cases brought to trial or for sentencing proceedings. Riverside opened in 2004 and was originally designed to accommodate 768 inmates. Today, more than 900 women are behind its walls.

The fact that Riverside is overpopulated just three years after its opening is indicative of a troubling trend in America's criminal justice system: A record high 103,000 females are incarcerated in the nation's state and federal prisons. Studies show that female incarceration is growing at more than twice the rate of men (3.4 percent as opposed to 1.3 percent). Moreover, from 1995 to 2005, the number of women behind bars jumped approximately 50 percent.

Researchers attribute much of this increase to the "war on drugs," known also as the "war on women." According to researchers, "In the past decade, arrests of women for drug offenses and other assaults have replaced fraud and disorderly conduct as the most common offenses for which adult women are arrested." Other factors contributing to the rise of female incarceration are mandatory sentencing for specific

[redacted]

kinds of offenses, sentencing guidelines including mandatory minimums that were developed to deal with male offenders but which are also applied to women, as well as re-arrest of women for technical parole violations (such as failing a drug test) but not arrest for new crimes.

The increase of drug-related arrests of women notwithstanding, prostitution is the major gateway crime to women's entry into other forms of illicit activities. For instance, contrary to prevailing opinion, a 2001 study by Maureen Norton-Hawk found that "On the street these young women encounter drug addicts and dealers who encourage and facilitate addiction. They learn the values and behaviors associated with the drug culture. It is in this context that the women are introduced to heroin and crack cocaine and soon become addicted." Moreover, "johns" were found to encourage drug use and value the women based on their ability to locate drug dealers.

Norton-Hawk also noted, "Customers prefer the women to be high because paying prostitutes in drugs for service is less expensive and because the woman is easier to manipulate when she is stoned." This same study reported that in 1997 40,500 females were arrested for prostitution or commercialized vice in the United States and found that in a sample of 50 women arrested for prostitution-related offenses, 64 percent had been arrested five or more times. A Milwaukee study which excluded women arrested only for prostitution, found that almost everyone had at least one arrest for prostitution as well. Such findings suggest that understanding the pathways to prostitution and prostitution's impact on females is necessary to curbing the rise in the female inmate population.

In her book, *Listening to Olivia: Violence, Poverty, and Prostitution* (Northeastern University Press, 2004), Jody Raphael details the significant factors that lead women and girls into prostitution. Chief among them is childhood sexual assault. In 20 recent prostitution studies, the lowest percentage of women sexually abused as children is 33.3 percent with a high of 84 percent. "Using a conservative national figure of 17 percent, the prevalence in prostitution samples is thus three to five times that of the general population," writes Raphael.

In addition, Raphael describes other factors contributing to prostitution, including drug abuse in the home while growing up; early drug usage (marijuana and alcohol at mean ages of 8 and 10, and by age 12 cocaine and heroin); a deceased mother; separation, divorce or death of father; incarcerated parents; domestic violence in the home; mother or close relative in prostitution; coercion into prostitution by family members; incest; and, disruption of economic stability.

The *St. Petersburg Times'* account of Melissa in the article "Girl Next Door" (by Lane DeGregory, October 19, 2003) provides a classic, albeit tragic, illustration of how the risk factors described by Raphael combine to form a magnetic force pulling women and girls into prostitution. In 2003 Melissa was 23 years old and had been arrested for prostitution 17 times since her 18th birthday. Melissa's father died before she started school; her mother remarried, then developed leukemia and later breast cancer. When Melissa was 11 her stepfather began sexually abusing her; her mother divorced him a couple of years later. No longer able to cope with her illness, mounting medical bills, and the care of her three children, Melissa's mother committed suicide. Melissa ended up living with an aunt in New Jersey for a while, but was later thrown out. She was using drugs and in prostitution by age 15. In October 2003 she was the second-most-arrested prostituted woman in St. Petersburg and was facing a 10-year prison sentence because her previous arrests had increased her charges to felonies.

Yet, when one considers the losses and abuses of Melissa's

"Because" by Lisette (formerly incarcerated at Riverside Correctional Facility in Philadelphia)

Just because I have a past doesn't mean I don't deserve a future.
Just because no one says they love me doesn't mean I should love myself any less.
Just because I'm in prison doesn't mean I am not free.
Just because I feel ugly doesn't mean I'm not beautiful.
Just because people talk about me and say bad things doesn't mean you have to believe them.
Just because God won't change my circumstances doesn't mean he hasn't changed me.

[redacted]

formative years, it is difficult to view her as simply a delinquent or criminal nuisance. The brutal toll of prostitution on women who get caught up in the vicious cycle of drug abuse and sex abuse/prostitution becomes readily apparent when one sees their faces. The arrest photos of prostituted women featured throughout these pages challenge popular myths about prostitution: that it is a job like any other; that the women and girls in prostitution enjoy the sex; that there are no victims in prostitution; that the women and girls in prostitution are individuals in control of their sexual identities and destinies.

Through both *Listening to Olivia* and looking at the faces of the women on these pages, the grim realities of prostitution are revealed—realities shared by untold numbers of other women currently incarcerated in American jails. Unless more programs—particularly faith-based outreaches—are developed to help females exit prostitution, America's population of female inmates will likely continue to rise at alarming rates. Ignoring prostitution and its significant role in the entry of women into the criminal justice system will ensure that prostitution will continue not as the world's "oldest profession" but as its oldest exploitation. ■

Lisa L. Thompson is liaison for the Abolition of Sexual Trafficking for the Salvation Army National Headquarters (salvationarmyusa.org/trafficking).

TRAFFIC STOPPER

What does sex trafficking have to do with prostitution?

PRISM asked Lisa L. Thompson, liaison for abolition of sexual trafficking for the Salvation Army's National Headquarters, to talk with Donna M. Hughes, a leading international researcher on sex trafficking who has worked with victims of rape, sex abuse, and prostitution. A professor of women's studies at the University of Rhode Island, Hughes is frequently consulted by government and nongovernmental organizations on policy related to women's human rights and has testified before the U.S. House International Relations Committee and the Senate Foreign Relations Committee.

Lisa Thompson: Would you explain what sex trafficking is and its relationship to prostitution?

Donna Hughes: The definitions we have for sex trafficking only came into existence in 2000, so we've only been using them for seven years. In the U.S. sex trafficking was defined in the Trafficking Victims' Protection Act, and internationally it was defined in the UN protocol against trafficking that accompanies the convention against transnational organized crime. Some people consider all prostitution as a form of sex trafficking, and others think there is a large difference between prostitution and sex trafficking. Those who think we should work very hard to distinguish between prostitution and sex trafficking usually support legalization of prostitution and feel that prostitution can be a legitimate form of work for women, and therefore they are invested in seeing them as very distinct. Other groups view prostitution as harmful de facto, and, looking at what happens to women before they get into prostitution, they consider a large portion of the women in prostitution to also be victims of sex trafficking.

LT: In your efforts to fight sex trafficking, what have you found to be the most discouraging or the biggest obstacles to ending trafficking and assisting the victims?

DH: One thing is the acceptance of treating women as objects that can be used for sexual exploitation. Even in parts of the world such as the U.S. and other Western countries where women and girls have greater rights, there has been an increase in sexual exploitation being considered acceptable as long as the woman/girl "consents" to it. Another thing that

Donna M. Hughes

works strongly against trying to assist victims is corruption. I think that most sex trafficking wouldn't continue to exist if it weren't for the complicity of police or officials or people who have a vested interest in the trafficking continuing.

LT: Have you seen any signs of progress since you started anti-sex trafficking work in the late '80s?

DH: We really are on the cusp of a lot of change in attitudes and understanding about what sex trafficking is and really how much of prostitution is also sex trafficking. A number of movies and news stories have raised people's awareness about trafficking, but a lot of it was focused on trafficking overseas, and it's just been in the last few years that people are realizing that this happens in their towns as well. Many people are horrified that something like modern-day slavery could be happening right around them, how harmful prostitution can be, and how much of prostitution is sex trafficking as well. I still get a lot of calls from people saying they want to do something about sex trafficking, but when I direct them towards places where they might encounter women in prostitution, they say, "Oh no, I want to work on trafficking." It usually takes a while to explain the situation to them, and sometimes I'm not sure how convinced they are that if they want to fight trafficking they need to try to reach out to women in prostitution.

LT: Why do you think people have so much trouble understanding that?

DH: Well, because the media has consistently told us that prostitution is a choice. The film *Pretty Woman* portrayed a woman who was in prostitution voluntarily; she called all the shots and she met a wealthy Prince Charming and married him. The impact this movie has had on women in the U.S. is remarkable. I remember one student in my class telling me, "Oh, I thought that movie was so great...I watched it over and over again and used to walk around just fantasizing about being a prostitute." Clearly she did not understand what being a prostitute meant! That film was also popular in Eastern Europe about the time that a lot of women were starting to move out of the former Soviet Union. They thought it could happen to them—if they could just get to a Western country, even if they had to be in prostitution for a while, they would find a rich, loving husband that way. It really has contributed to so much misinformation about prostitution.

Even a lot of academic writing coming out of the universities proposes that sex work can be empowering. But I think we're slowly starting to break down those myths and expose what is really happening to females in prostitution. We're starting to see more cases brought against traffickers and pimps in the U.S., and when the public reads about these in the local newspaper and hears about the real brutality that women and girls were subjected to, they start changing their attitudes and stop believing all the "specialists" they've seen on TV who have been handpicked by the sex industry to say that prostitution is really all right.

LT: As a feminist, you ventured outside your peer group to work a great deal with faith-based groups, particularly Christian groups and individuals. What have those experiences been like?

DH: It's really been very positive. As I said before, a lot of people in academia have taken the position that sex work can be empowering, that it's liberating and all the things that come with a combination of postmodernism and sexual liberalism. But I have seen the sexual violence and the trauma that is done to victims, and my position has not always been very popular. In fact it's been downright unpopular among a lot of people in the field that I'm in and among a lot of feminists. Therefore it's been really rewarding for me to find out that there are people in faith-based groups who really understand the harm that is being done to women. While we're challenging stereotypes here, I think there are a lot of stereotypes out there of what Christian women and men are like and what it is they support in their organizations.

> *It's been rewarding for me to find out that there are people in faith-based groups who really understand the harm that is being done to women.*

LT: What's one thing you'd like all Christians to know in terms of the work you're doing?

DH: I think that what they're doing is absolutely on the right track and that they should not be convinced to be "nonjudgmental"—which is to say they shouldn't allow themselves to be persuaded to support the women and girls where they find them and not be working to get them out of prostitution. I think that criticism against faith-based groups caused some of them to withdraw, but if you're going to stop harm that's being done you have to fight for the victims. Therefore I would encourage them in lots of ways to return to some of the advocacy they did in previous times. ■

Ms. JACKSON LEE. Thank you. Thank you very much.

I will just hold this for a moment and then pass it back. This was, certainly, a much better portrait, but for anyone to see, you would have to have a microscope here, but you can see the deterioration of women, so I just want to express the horror of it.

Let me go to Mr. Rothenberg and ask about the "force, fraud and coercion" terminology because I am concerned, and maybe we can work together. You indicated you needed that language. I think it is in the model law, and our concern is that sometimes victims are duped. I believe Katya came on a student visa. Now, when she got here, there were indicators that there was coercion and force in it. So I am concerned about those who are duped, those who may be older than Katya of whom one would say, "of course, you knew what you were doing," and those who were thrown into prostitution.

So my question is, very briefly—and I do have a number of questions—is there some movement on this issue of force, fraud and coercion, particularly those who come, maybe, on their own will?

Mr. ROTHENBERG. Well, certainly, the way we conceive of the crime and the way we prosecute the crime is that someone who came over here willingly, even somebody who would otherwise have been smuggled here but then is subject to force, fraud or coercion once they get here, is a victim. The term is "force, fraud or coercion." So someone like Katya, of course, and as we have heard the case——

Ms. JACKSON LEE. But as to someone who is a domestic worker, for example, who may be living the life of Riley but who has not learned the language and who does not know what it means to have days off or to go off and be free to walk around.

Mr. ROTHENBERG. Well, we prosecute those cases, and we have prosecuted a case. We have a case going on right now in New York.

Ms. JACKSON LEE. Well, let me say this.

I, certainly, want the Department of Justice to look at that carefully. I know you are stuck on that language, but I am concerned, and let me raise that on the record as a concern, and let me raise it for my colleagues.

Thank you very much.

Dr. Farrell, let me ask you about the distinction between State laws and, really, moving it to the Federal level and the importance of, in essence, the long arm of the Federal Government. I have always indicated that we have a responsibility to set a national standard.

Could you respond to that?

Ms. FARRELL. Well, I think that is very true, and we have seen this in a variety of other types of crimes where the Federal Government has both provided leadership in the definition of the crime, which I think we see here with the TVPA, and has helped us understand what this crime is and what its elements are so then States might know how to interpret those same elements and create parallel State codes.

In addition to that, the Federal laws oftentimes serve as a strong punishment against those types of crimes that are so severe that additional sentences that can be meted out in the Federal system may serve as some type of deterrent effect. We have seen this in

cases of guns and drugs and gangs and other places where there are corresponding State laws and Federal laws but where cases go into the Federal system because the actual offenses are so egregious that they would apply under the Federal Code, and those strong deterrent punishments might be able to be used. So they can both lead, and then they can also serve as an additional arm of the law.

Ms. JACKSON LEE. I see.

It looks as if you would like to answer. I cannot see your name down there, but I am also asking Ms. Brown to comment. All right. Who is next to—one in from the—yes, you.

Did you have a response to that? Because if you were trying to respond, I am sorry. I cannot read your name there.

Ms. LEIDHOLDT. Yes. Sorry.

I am Dorchen Leidholdt, and I am from Sanctuary for Families' Center for Battered Women's Legal Services and the Coalition against Trafficking and Women.

Ms. JACKSON LEE. Thank you.

Ms. LEIDHOLDT. I just wanted to make the point that in the vast majority of trafficking—and we can look at sex trafficking in particular—force, fraud or coercion is integral. Proving it beyond a reasonable doubt is a different story. That is the enormous, enormous problem, especially given the high levels of trauma that trafficking victims sustain, whether we are talking about a woman who was trafficked from the Ukraine into the United States or whether we are talking about a young woman on the streets of New York City or Washington, D.C. under the control of a brutal pimp. These are some of the most traumatized victims of gender violence around. As we all know, anybody who works with victims of trauma, it is very, very difficult to talk about what you went through, and it is sometimes impossible.

Why do we have to build our successful anti-trafficking prosecutions or our anti-trafficking prosecutions on the backs of these brutalized victims? Why do we have to inject into this a proof hurdle that is going to make it impossible to prosecute traffickers?

I mean, sometimes the Trafficking Victims' Protection Act is a wonderful and a revolutionary piece of legislation. I sometimes wonder if those three words, "force, fraud and coercion," were injected, put into the statute by members of the traffickers' defense bar, because it has hobbled prosecutors, and there is the fact that States are now looking at trafficking in terms of, "If you cannot prove force, fraud or coercion, it is not trafficking." What it means is that police, service providers and prosecutors look for, if they do not see the bruises and if the victim does not show something that they can recognize as fear, they think, well, trafficking has not taken place here.

The result is that some of the most brutal traffickers who have terrorized their victims into silence are at large to continue to prey on some of our most vulnerable women and children.

This is an opportunity to really change this situation, to really shift the paradigm, and I hope that the Members of the House Judiciary Committee will take this opportunity to make a difference for these vulnerable women, children and sometimes men and boys as well.

Ms. JACKSON LEE. Well, I wish you could give us, after the hearing or as we move toward markup, some of those actual case studies that you have suggested because I think you are right, and I will just use this example, the kidnapping of the young boys who were found just a couple of months ago with a perpetrator, a sexual predator, who were living quietly after a while and who really succumbed to a father-son—certainly, we have kidnapping laws. The point is and what I am concerned about is the victim's becoming psychologically dominated so that they look like a complacent, happy individual. That is my concern as to whether or not that language is what really will bring that person to justice. So I thank you for that.

Mr. Chairman, I would ask Ms. Brown—and maybe I am reading the wrong name. Is Ms. Brown here?

Ms. BROWN. Yes.

Ms. JACKSON LEE. Okay. I was trying to ask you about the Federal law versus the State law. I mentioned your name.

Will you be able to comment on the Federal involvement versus the State involvement and the importance of that?

Ms. BROWN. As to Federal involvement versus State involvement with regard to the law, one of the problems that I have seen is that victims—if it is decided to prosecute under State law, it could very well be that the victim is not always provided the same services. So one of the problems that I—we very strongly support State laws, but we should also ask, "has a Federal crime been committed?"

Ms. JACKSON LEE. I thank you. I think you have indicated social services are key.

Let me thank Katya for her testimony and for how courageous she has been to be with us here today.

I yield back.

Mr. SCOTT. Thank you.

I would like to thank all of our witnesses for their testimony. Without objection, Members will have 5 legislative days to submit any additional written questions to you, which we will forward and will ask you to answer as promptly as you can to be made part of the record.

Without objection, the record will remain open for 5 legislative days for the submission of any other, additional materials.

In the 1800s, survivors such as Frederick Douglass and Sojourner Truth bravely spoke out against slavery. They were not passive objects in the struggle for freedom.

Today, Katya did not allow her enslavement or exploitation to silence her. Today, she has a voice not just for herself but for all who have suffered this heinous crime. Our expert panel has shown that survivors, community groups and law enforcement can work together to insist on that living promise of the 13th amendment, and I commend our witnesses for their commitment to fighting for freedom.

With that, the hearing is now adjourned.

[Whereupon, at 4:50 p.m., the Committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, COMMITTEE ON THE JUDICIARY

Thank you, Mr. Chairman for holding this important hearing on H.R. 3887, The Wilberforce Act Trafficking Victims Protection Reauthorization Act of 2000, which would reauthorize Anti-Trafficking Programs in order to provide tools to ensure the safety of victims, including certain changes to the T-visa for trafficking victims.

Mr. Chairman, the purpose of this hearing is to review the implementation of the Trafficking Victims Protection Act of 2000, Pub.L.106–386 ("TVPA"), as reauthorized in 2003 ("TVPRA 2003") and 2005 ("TVPRA 2005"), and assess what if any additional or different provisions are necessary or otherwise indicated for reauthorization this Congress.

Indeed, the issue of trafficking of persons is one of utmost significance from which no nation is exempt. To facilitate our exploration of this issue we are fortunate to have a very impressive panel of witnesses. To each of them let me extend a warm welcome: Laurence E. Rothenberg, Deputy Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice; Katya, from Detroit, Michigan; Anatasia Brown, Director of Refugee Programs, Migration and Refugee Services, U.S. Conference of Catholic Bishops; Bradley Myles, National Program Director, Polaris Project; Marcy Forman, Director, Office of Investigations, U.S. Immigration and Customs Enforcement; Florrie Burke, Safe Horizon, New York, New York; Dr. Amy Farrell, Institute on Race and Justice, Northeastern University; and Dorchen Leidholt, Director, Sanctuary for Families' Center for Battered Women's Legal Services. I look forward to your testimony and hope that it will lend guidance to this Committee on how we can most effectively address and eliminate this very serious human rights tragedy.

Within the United States, we pride ourselves on overcoming the historic stain of slavery, and we are comforted by the thought that while others may persist in this repulsive practice, we do not. This however, is simply not the case. According to the GAO, "as many as 17,500 people are believed to be trafficked into the United States each year." The trafficking of persons is our problem because they are forced through our borders and used by our people. This extreme injustice can no longer go unnoticed.

The United Nations Protocol defines human trafficking as the activities involved in obtaining or maintaining persons in compelled service:

> ". . . the recruitment, transportation, transfer, harboring 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 the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The flow of human trafficking is no surprise; traffic flows from the less industrialized countries to the more industrialized countries. This fact makes the issue of human trafficking a problem for all nations alike on a political, social, and moral level. The U.S. Department of State estimates that 800,000 people are trafficked across national borders every year, in addition to the reported millions of people trafficked within their own countries. The trafficking industry generates billions of dollars annually, and, together with drugs and weapons, is now a leading source of profits for organized crime. According to most analyst, the largest number of victims

trafficked internationally come from Asia, though significant numbers of women and girls trafficked to work in the commercial sex industry come from the former Soviet Union and southeastern Europe.

One subset of trafficking, and one of particular interest to the United States, is trafficking for forced labor, which the International Labor Organization defines as "any situation in which work is carried out involuntarily under the menace of a penalty." The ILO estimates that some 12.3 million people have been the victims of forced labor, with agriculture, construction, domestic service, restaurants, and manufacturing sectors being the most prominent industries into which forced labor is trafficked.

Under HR 3887, victims brought into the country by the government for investigations or as witnesses will be able to receive the T-visa, as opposed to only those who are found here. The bill also allows access to the T-visa for who are unable to participate with law enforcement because of the trauma experienced by the applicant, and eliminates the onerous standard that they demonstrate that they would suffer "unusual and severe harm" if they were returned home. The bill also will allow parents and siblings who are in danger of retaliation to travel to join the trafficking victim.

In March of this year, the Committee on Homeland Security, on which I am a senior Member and I serve as Chairwoman of a subcommittee, held a hearing on the crossing of borders and victims of trafficking which produced a meaningful discourse on horrific implications of the trafficking of persons and sought to address said issues. However, 7 months later, the issue is not resolved. The current policy of the United States, under the Trafficking Victims Prevention Act of 2000, allows the government to support many types of anti-trafficking domestically and overseas. However, much more must be done. The GAO currently reports that, while the government allocated funds to combat trafficking, there was an over-emphasis by the government on sex slavery, which came at a price for the majority of others who are a victim of human trafficking.

Reliable information and independent evaluations of the success of the United States in combating this human atrocity have been hard to come by. While the State Department points to progress by citing the increase of countries with anti-trafficking initiatives and an increase in the number of arrests and convictions for human traffickers, the GAO report cites a less optimistic reality. The U.S. government has yet to develop a coordinated, inter-agency response to combat trafficking overseas or a systematic way to evaluate the effectiveness of its anti-trafficking policies. In addition, a July 2007 GAO report entitled "Monitoring and Evaluation of International Projects are Limited, but Experts Suggest Improvements," found that monitoring mechanisms are lacking in U.S.-funded international projects, and that the U.S. and international organizations have encountered difficulties collaborating with host governments that often lack the resources, capacity, and/or political will to address trafficking.

Given the very real and persistent nature of the crime of human trafficking, it is our responsibility as Members of the Congress of the most powerful nation in the world to address and resolve this atrocity once and for all. Nearly 150 years after our great country abolished slavery at home, it is our job to once again be a beacon of progress and hope and no longer allow one man to profit from the suffering of another.

In the past ten years, we as a nation have made significant strides forward. In 1998, the Civil Rights Division under Attorney General Janet Reno convened the National Worker Exploitation Task Force, which sought to increase prosecutions and update anti-slavery tools to create a victim-centered approach to combating slavery. The Trafficking Victim Protections Act (TVPA) of 2000 modernized the involuntary servitude statutes, provided increased victim protections, and created mechanisms to assist and encourage other nations to join us in combating this serious problem. This legislation's "3 P Approach" of Prevention, Protection, and Prosecution is visible in the United Nations Trafficking Protocol signed in late 2000, and ratified by the United in December 2005.

Under the TVPA, new criminal laws were established, allowing prosecutions in cases involving psychological coercion and document confiscation. These laws undo damage done in 1988 by the Supreme Court case United States v. Kozminski, which rejected psychological coercion, and narrowed the definition of servitude to cases involving force, threats of force, or threats of legal coercion.

Last week, the Committee on Foreign Affairs, of which I am a Member, passed out of committee H.R. 3887, William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, of which I am proud to be a cosponsor. This legislation reauthorizes U.S. anti-trafficking programs for four years, refines the requirements and programs contained in the original TVPA, adds additional protections against

trafficking in the United States, and includes provisions to end the use of child soldiers.

I look forward to the testimony of our distinguished panel and hope to continue to work on this issue until it is finally resolved forever and all of mankind is free and treated with the dignity, respect, and equality they deserve.

Thank you Mr. Chairman, I yield the balance of my time.

PREPARED STATEMENT OF THE HONORABLE DARRELL ISSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND MEMBER, COMMITTEE ON THE JUDICIARY

Thank you, Mr. Chairman. I appreciate your holding this important hearing. I have long been active in fighting the occurrence of human smuggling in Southern California, and the harms caused by the separate and distinct crime of human trafficking are similar and equally egregious.

It is difficult to imagine what victims of human trafficking experience, be it in forced prostitution or other forms of labor. To say such treatment is degrading only touches the surface of the horror human trafficking victims face, as our witnesses have described. We were right to pass the "Trafficking Victims Protection Act" in 2000 in an effort to prevent human trafficking, strongly punish human traffickers, and protect victims of human trafficking.

I commend the Majority for introducing H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007." The programs authorized under the original act are important and should be continued.

What I do not understand is why the Majority weakens many of the criminal provisions enacted by the 2000 act. For example, one provision of H.R. 3887 adds several intent requirements for human trafficking prosecution, and another provision decreases the penalties for trafficking for the purposes of forced labor from 5 years to 1 to 5 years. It seems to me that decreasing penalties does nothing to discourage the underlying crime, but does make it less dangerous to commit the crime.

As this process continues, I look forward to working with my colleagues in addressing these and other issues and ensuring that we are able to support a reauthorization that both protects human trafficking victims and punishes their traffickers.

LETTER FROM THE HONORABLE LAURENCE ROTHENBERG, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, U.S. DEPARTMENT OF JUSTICE, TO THE HONORABLE JOHN CONYERS, JR., CHAIRMAN, COMMITTEE ON THE JUDICIARY

U.S. Department of Justice

Office of Legal Policy

Deputy Assistant Attorney General

Washington, D.C. 20530

January 3, 2007

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to testify on behalf of the Department of Justice at the hearing entitled, "Combating Modern Day Slavery: Reauthorization of Anti-Trafficking Programs" on October 31, 2007. As I noted in my testimony, combating trafficking in persons is an important priority of the Department of Justice, and I appreciate the Committee's attention to the issue.

I would like to clarify my answer to a question from Congressman Bobby Scott regarding the completion date for the studies that Congress directed the Department of Justice to undertake in the 2005 reauthorization of the Trafficking Victims Protection Act. *See* Transcript of Hearing Before the House Committee on the Judiciary, "Combating Modern Day Slavery: Reauthorization of Anti-Trafficking Programs," Oct. 31, 2007, p.72. At the hearing, I stated that the studies would be completed in mid-2008. I recently learned that two of these studies, conducted by the National Institute of Justice, are scheduled to be completed in April 2008. Another study, conducted by the Bureau of Justice Statistics, will have a preliminary study completed by mid-2008, but the report will not be finalized until January 2009.

Thank you for allowing me to clarify the Department of Justice's work in this important area.

Sincerely,

Laurence E. Rothenberg
Deputy Assistant Attorney General

cc: The Honorable Lamar S. Smith
Ranking Minority Member

The Honorable Robert C. "Bobby" Scott
Chairman
Subcommittee on Crime, Terrorism and Homeland Security

The Honorable J. Randy Forbes
Ranking Member
Subcommittee on Crime, Terrorism and Homeland Security

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