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Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking

By

Annie Isabel Fukushima

A Dissertation submitted in partial satisfaction of the

Requirements for the degree of

Doctor of Philosophy

in

Ethnic Studies

and the Designated Emphasis in Women, Gender & Sexuality

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Evelyn Nakano Glenn, Chair

Professor Paola Bacchetta

Professor Catherine Ceniza Choy

Professor Laura E. Perez

Fall 2012

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human
Trafficking

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By

Annie Isabel Fukushima

Abstract

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking

by

Annie Isabel Fukushima

Doctor of Philosophy in Ethnic Studies with a Designated Emphasis in Women, Gender & Sexuality

University of California, Berkeley

Professor Evelyn Nakano Glenn, Chair

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking addresses a critical question: who is seen as trafficked? And who is rendered invisible? How the trafficked person has come to matter in the 21st century is a function of the diversity of discourses that extends beyond the legal definition of human trafficking. In order to make sense of “who” is visible as a trafficked person necessitates a method that is interdisciplinary. Narratives produce who is categorized as the trafficked, the trafficker, and the anti-trafficker. Structural and cultural factors solidify categories of human trafficking, further perpetuating what I refer to as an *invisible / visible paradigm of human trafficking*. I develop an understanding of human trafficking as an *invisible / visible paradigm of human trafficking* in order to enable a nuanced critique of the erasures that currently exist in narratives of exploitation and labor migration. To address who is visible and invisible when trafficked I examine comparatively Asian and Latinas trafficked into the United States.

Asian and Latina Migrants offers an interdisciplinary approach. The methodology is informed by sociological methods of participation and participant observation as a scholar activist (2005 – present). Between 2009 and 2011 I worked with over 70 organizations and advocated for and / or assessed over one hundred human trafficking cases as a caseworker, programs coordinator and technical assistant provider to anti-trafficking organizations. The fieldwork enabled me to examine how victims of human trafficking are constituted. The legal and social imagining of human trafficking manifests in legal systems, in the representation of the policy and legal cases in the media and in campaigns. And human trafficking is continually redefined by discourses of freedom, labor migration, and sexual economies. Therefore, I also employ a cultural studies lens to unpack the discourse of human trafficking. Who this person is inextricably linked to gendered and raced perceptions of illegality and victimhood.

Asian and Latina Migrants examines transnational labor that bridges Asia-Pacific to the Americas. Chapter two maps the scholarly discourse about human trafficking as intertwined with discourses about freedom, labor and migration, and sexual economies. Chapter three describes the method of *Asian and Latina Migrants* as drawing upon sociology, legal analysis, and cultural studies. Chapters four through six offers a qualitative analysis of Asian and Latinas trafficked through homo-social relations (women trafficking women). In particular, I study Koreans, Filipinas, and a Peruvian trafficked into domestic work, servitude, sexual slavery, and massage parlors. Chapters four through six focus on feminized labor (domestic worker and sexual economies) and exploitation. Chapter seven concludes with situating resistance and human trafficking; in spite of the violence as systemic and naturalized, survivors are always resisting.

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Chapter One: An Introduction to Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking

Jane is a Filipina who migrated to the United States in 2005. Her hometown in Olongapo is very poor and, in order to survive, Jane worked in the Karaoke bars. She is the oldest of three children and is required to support her family. In the Philippines she made very little money and work was dangerous; oftentimes she encountered drunk and violent men, and harassment while working was a normalcy. One day at work she met John, an American businessman, who told her she could make more money as a bartender in the United States where the labor laws provide a safer work environment. Jane also dreamed of going to school. She was scared to leave the Philippines, but left for the opportunities she heard of on television and from talking with friends. John coordinated Jane's travel to San Francisco, as a tourist, and she was told she would live with his friend, Bobby. The agreement between Jane and Bobby: Jane would repay the money for her travel to the United States once she was settled and working. Bobby met Jane at the airport and took her to an apartment in the Sunset district of San Francisco. He told her that she owed him \$10,000. She was not allowed to leave her room without an escort and worked to meet a quota. The consequences for Jane not making quota: beatings, threats of being reported to the immigration police, and threats against her family. Jane never told anyone about what she was experiencing until the police raided the house. After law enforcement intervened, Jane was introduced to her caseworker, who put her in a hotel until she could get into a shelter. She also helped Jane find work and apply for a visa for legal stay in the United States.¹

Storytelling is a powerful method in social justice fields to assert the rights of people around the world.² Whether one sees storytelling as entertainment, make believe, or as information, the documentation of such narratives enables a reworking of the collective memory of histories on a national and transnational scale.³ Narratives about human trafficking are delineated in survivor testimonials that are visible in the anti-trafficking movement.⁴ These stories are diverse and include incarcerated survivors such as Maria Suarez⁵ and Sara Kruzan.⁶ Current visible testimonials about human trafficking extend beyond images of the criminalized woman of color, but also, include an upper-middle class Euro-American person, as told by

¹ This is a composite story that is not a real case of human trafficking. It is based on the compilation of real cases that I provided direct services for at the Standing Against Global Exploitation Project, Inc (2009 – 2011). Annie Fukushima and Mollie Ring. "Serving Survivors of Human Trafficking: A SAGE Perspective." San Francisco: Freedom House. June 11, 2010.

² Chin, Kevin and Kristi Rudelius-Palmer. Spring 2010. "Storytelling as a Relational and Instrumental Tool for Addressing Racial Justice." *Race/Ethnicity: Multidisciplinary Global Contexts*. Vol. 3, No. 2: 265.

³ *Ibid* at 189.

⁴ See Appendix A.

⁵ Maria Suarez was sold to a Mexican witch doctor for \$200 at the age of 16 years old from Mexico after arriving to California for a summer visit. After five years of sexual slavery she spent 22 years in prison for hiding the weapon her neighbor had used to kill the man that had sex trafficked her. Her testimonial appears in the documentary by Chelo Alvarez-Stehl, *Sold in America* (2009).

⁶ Sara Kruzan, in 2009 was twenty-nine when her story spurred a movement to "Save Sara Kruzan." At sixteen-years-old she was sentenced to life for killing her pimp. Commercially sexually exploited minors (such as those who have a pimp) are considered by U.S. legal definitions to be sex trafficked. See Appendix B for further definitions. <http://thedailyvoice.com/voice/2009/10/sarah-kruzan-16yearold-sentenc-002362.php>

Theresa Flores, who was trafficked out of her own home and whose abusers were part of a large criminal ring.⁷ The trafficked survivor's testimonial has made it into the national arena through testimonials posted on the National Human Trafficking and Resource Center. The stories include that of Gabriella, who was sex trafficked from Colombia into a brothel⁸ and Sabine, a refugee from Rwanda who was trafficked into domestic servitude in the United States.⁹ From the testimonial to the stories, what is perpetuated is a meta-narrative of human trafficking that illustrates feminized labor and exploitation. A meta-narrative is a "grand governing narrative."¹⁰ Such narratives are not solely defined by survivors of human trafficking, but also non-trafficked individuals whose role – whether they are a "stakeholder,"¹¹ a witness, or an advocate – is central to anti-trafficking efforts define human trafficking.

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking addresses a critical question: who is seen as trafficked? And who is then rendered invisible? How the trafficked person has come to matter in the 21st century is a function of the diversity of discourses that extends beyond the legal definition of human trafficking, as denoted in the Trafficking Victims Protection Act (2000).¹² And those categorized as trafficked are defined by their victimization.¹³ The term "human trafficking" has only appeared in policy debates in the last twenty years, highlighting the relatively recent development of such a phenomenon.¹⁴ Human trafficking impacts real people and, therefore, to make sense of "who" is visible as a trafficked person necessitates a method that is interdisciplinary and grounded in practices that critique not only how oppressive forces create systems that perpetuate human trafficking, but also how these systems solidify how one is categorized as trafficked/not-trafficked. As delineated by sociologist William Julius Wilson, categorization (such as race) must be understood as defined by structural and cultural forces.¹⁵ I interrogate the structural forces that manifest in the social acts that occur in the legal, media, and governmental/non-governmental systems, as well as the machinery of the social processes that are enacted through laws and policies,¹⁶ media production,¹⁷ and culture.¹⁸ Such categorizations enable the production of narratives; therefore an interrogation of the categorization of the trafficked, the trafficker, and the anti-trafficker is much needed. These processes are not arbitrary, nor innocent. The categorization of trafficked people is impacted by ideological

⁷ Flores, Theresa L. 2007. *The Sacred Bath: An American Teen's Story of Modern Day Slavery*. iUniverse, Inc.

⁸ Gabriella: Residential Brothel Sex Trafficking. *The Polaris Project*. <http://www.polarisproject.org/what-we-do/client-services/survivor-stories/350-gabriella-residential-brothel-sex-trafficking>

⁹ Sabine: Domestic Servitude. *The Polaris Project*. <http://www.polarisproject.org/what-we-do/client-services/survivor-stories/351-sabine--domestic-servitude>

¹⁰ Berkhofer, Robert F. Jr. 1995. *Beyond the Great Story: History as Text and Discourse*. Cambridge, Massachusetts: Harvard University Press.

¹¹ See footnote 16 in Chapter Two.

¹² See Appendix B.

¹³ *Ibid*.

¹⁴ Lazcko, Frank and Marco A. Gramegna. 2003. "Developing Better Indicators for Human Trafficking." *The Brown Journal of World Affairs*, Volume X, Issue 1: 190.

¹⁵ Wilson, William Julius. 2009. *More than Just Race: Being Black and Poor in the Inner City*. New York, New York: W. W. Norton & Company.

¹⁶ See Appendix C.

¹⁷ See Appendix D.

¹⁸ See Appendix E.

practices that are raced and gendered. Race is a “salient feature in general process.”¹⁹ A discussion about race and human trafficking in the United States necessitates, as Cornell West frames it, the understanding of race in the U.S. as historical and cultural processes.²⁰ Studies in ethnicity have argued that because constructions of ethnicity are not “stabilized by nature or by some other essential guarantee, then it must be the case that they are constructed historically and politically.”²¹ The social structures cannot be understood without contextualizing the cultural forces – as manifested in the language of media and the performance of the law. The structural and cultural factors that solidify categories of the trafficked, trafficker, and anti-trafficker further perpetuate what I refer to as an *invisible / visible paradigm of human trafficking*.

The first aspect that must be explained is that of invisibility and visibility. The invisibility and visibility of women of color is a major concern for women of color feminists and activists.²² Philosopher and Women’s Studies professor Linda Martin Alcoff refers to identities as interdependent with that which is true and hidden.²³ Rather than use concepts of true²⁴ versus hidden to explain human trafficking, I find it useful locate hidden as something that may be concealed from view. Philosopher Merleau-Ponty’s *The Invisible and the Visible* is useful for framing the invisible / visible: “the sensible world is visible and relatively continuous, and because the universe of thought, which is invisible and contains gaps, constitutes at first sight a whole and has its truth only on condition that it be supported on the canonical structures of the sensible world.”²⁵ That which is rendered visible is due to authoritative structures, and that which is invisible is also due to the same structures. Merleau-Ponty posits that there exists a dialectic between being and nothingness to further his understanding of visible and invisible. I find this relationship between invisible / visible useful for analyzing human trafficking. For example, the dialectic between invisibility and visibility is created in what Sealing Cheng critiques as a site of production; activists that interact with women in laboring and sex economies produce knowledge about them (and, I would add, they also create the absence of knowledge).²⁶ I argue that it is not merely the activists who work with women in sexual economies (whether it is with the goal of eliminating harms or harm reduction) that produce a knowledge of and about human trafficking, but also the multiple systems that those categorized as trafficked interface with: health care, social services, government, law enforcement, community-based organizations, faith-based communities, legal services, and education. As a pro-prostitutionist / “sex worker” discourse locates victimization in the sex industry and laboring industries as caused by the marginalization of people within mainstream society, the other, abolitionist, locates victimized

¹⁹ Gilroy, Paul. 1991. *‘There Ain’t No Black in the Union Jack’: The Cultural Politics of Race and Nation*. (Chicago: University of Chicago Press): 17.

²⁰ West, Cornell. 1993, 2001. *Race Matters*. (New York, New York: Vintage Books): 6.

²¹ Hall, Stuart. “New Ethnicities.” *Stuart Hall: Critical Dialogues in Cultural Studies*. David Morley and Kuan-Hsing Chen, Eds. (London and New York, Routledge): 446.

²² Cherrie Moraga and Gloria Anzaldúa, Eds. 1981. *This Bridge Called My Back: Writings by Radical Women of Color*. New York, New York: Kitchen Table: Women of Color Press.

²³ Alcoff, Linda Martin. 2006. *Visible Identities: Race, Gender and the Self*. (Oxford, New York: Oxford University Press): 7.

²⁴ Truth may be defined by a psychology of perception. Merleau-Ponty, Maurice. 1968. *The Visible and the Invisible: Followed by Working Notes*. Claude Lefort, Ed, and Alphonso Lingis, Translator. Evanston, (Illinois, Northwestern University Press): 65.

²⁵ Merleau-Ponty, Maurice. 1968. *The Visible and the Invisible: Followed by Working Notes*. Claude Lefort, Ed, and Alphonso Lingis, Translator. Evanston, (Illinois, Northwestern University Press): 12.

²⁶ Cheng, Sealing. 2010. *On the Move for Love: Migrant Entertainers and the U.S. Military in South Korea*. Philadelphia, Pennsylvania: University of Pennsylvania Press.

individuals as exploited because of exploitive industries.²⁷ However way one sees it, the polarizations in sexual economies and migration have not produced clarity about who is a trafficked person but, rather, an “othering” of particular experiences and histories.

Central to conceptions of invisibility and visibility in human trafficking requires one to situate it as a paradigm. A paradigm is a pattern. I refer to this pattern in the discourse of human trafficking as dialectical; human trafficking is both visible and invisible. Human trafficking, the human trafficked, the anti-trafficker, and the trafficker are terms that are produced by institutional structures and individual actors, in effect, what is produced are the assumptions about raced, gendered and classed people. These assumptions are sustained by the dialectic of invisibility and visibility that which is patterned after paradigmatic assumptions about those who are raced, gendered, and classed. For example, if the trafficked person in the United States is stereotyped as a heterosexual woman of color migrant, this person carries with them the historical assumptions produced by institutional “knowledge” about sexuality, women, people of color, and migrants. What is rendered invisible and visible about the aforementioned person is based on a historical pattern. This pattern constitutes how they are seen (or not seen) as trafficked.

To frame the invisible / visible paradigm of human trafficking in a discourse of cultural production, I take my cue from historian Catherine Ceniza Choy. Choy historicizes transnational networks of Filipino nurse migrants and finds that what is rendered invisible is a “culture of migration, the ways in which narratives about the promise of immigration to the United States ... shape Filipino nurses’ desire to migrate abroad.”²⁸ Choy brings to the forefront the culture of immigration and institutionalization. I weave a cultural analysis with one that conceptualizes how institutions, social relations, and sets of rules that govern our society, define trafficked migrants, their traffickers, and the anti-trafficker are visible / invisible.

In bearing witness to the multiple locations in which human trafficking is constituted, I offer a reading of the constitution of the human trafficked jumping scale²⁹ from local to national, constituted by a myriad of institutions that are also understood to be Ideological State Apparatuses,³⁰ and defined by individuals and collectives. As a means to understand this complex phenomenon, I unpack human trafficking through an interdisciplinary method that is comparative: I examine Asian and Latinas/os trafficked into the United States, with a particular emphasis on California. The methodology of *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* is interdisciplinary and, in particular, incorporates the discourses produced in the language and visuality of the media, law, non-governmental/governmental, law enforcement, social services, and human trafficking movement.

To know who is the human trafficked person is to know what human trafficking is. As

²⁷ These polarizations are further developed in Chapter 3.

²⁸ Choy, Catherine Ceniza. 2003. *Empire of Care: Nursing and Migration in Filipino American History* (North Carolina: Duke University Press): 4.

²⁹ Neil Smith illustrates through the example of the Homeless Vehicle, a political and artistic response to homelessness, how it enables evicted people to jump scales – “to organize the production and reproduction of daily life and to resist oppression and exploitation at a higher scale – over a wider geographical field.” “Homeless/global: Scaling Places.” *Mapping the Futures: Local Cultures, global Change*. Jon Bird, Barry Curtis, Tim Putnam, George Robertson and Lisa Tickner, Eds. London: Routledge, 1993.

³⁰ Religious, family, legal, political, trade union, communications, and cultural. Althusser, Louis. 2001. *Lenin and Philosophy and other essays* (New York: Monthly Review Press): 85 - 126.

famously asked by the late Ronald Takaki, “how do you know that you know what you know”³¹ may be applied to questions about trafficking. Through an epistemological approach I theorize how it is that a human trafficking person exists as a socio-political and juridical defined category. My goal is not to locate an origin in the narrative of human trafficking, but rather to comprehend how human trafficking is produced through socio-political, cultural, and juridical processes.

Here I offer a brief overview of the human trafficking discourse to locate my own scholarly interventions.³² Human trafficking crosses a wide range of terrain in both disciplinary and interdisciplinary fields. My research is influenced by a body of theories that contribute to a discourse about human trafficking: human rights,³³ sex, exploitation, and global economies,³⁴ and theories in gendered labor migration.³⁵ There is a call for human trafficking scholarship to move out of the polarizations that have been created about human trafficking and prostitution by adopting a human rights framework.³⁶ I find the work of Julietta Hua an important starting point for conceptualizing the relation between human rights and human trafficking discourse. Julietta Hua draws upon Inderpal Grewal to call attention to the limitations of a human rights framework in its justification of neocolonial and uneven global relationships.³⁷ Julietta Hua’s work traces U.S. discourses on women’s human rights as revealing meaning and national belonging. Hua examines human trafficking by situating the power of discourse through narrative productions in the media and law³⁸ and showing how victims are rendered legible by mapping the discourse.³⁹ My work is in conversation with Hua’s approach. Through incorporating sociological methods of participant observation and close reading of case-studies, my work offers a unique point of view that centers discussions of agency, freedom, and choice within the terrain of human trafficking discourses that are produced in the law, media, and society. This enables an understanding of the multiple processes of categorization that come to define people in relation to systems of human trafficking discourse. I demonstrate that the object of a discourse enables a deeper observation of the process called human trafficking.

The varying perceptions of human trafficking, the trafficked, the trafficker, and the anti-trafficker lead me to see this as a significant site of scholarly inquiry; the varying definitions of categories create an invisible / visible paradigm of human trafficking. To date, there is little consensus on the definition of human trafficking, which impacts what constitutes an act of trafficking and who is considered a trafficker and a trafficked person.⁴⁰ Similar to other socially constructed forms of the categorization of people by race and gender, no one wakes up and

³¹ During the spring semester of 2006, I had the opportunity to take an Ethnic Studies graduate course with the late Ronald Takaki on methods in history. A common question he asked of students when lecturing was and epistemological question: “how do you know that you know what you know about history.”

³² A review of the scholarship is further developed in Chapter Two and Chapter Three.

³³ See the works of: Anne Gallagher (2001); Janie Chuang (2006); Jennifer Chacon (2006); and Sally Stoecker and Louise Shelley (2004).

³⁴ See the works of: Kamala Kempadoo, Jyoti Sanghera and Bandana Pattanaik (2005); Kathleen Barry (1989); Laura Maria Agustin (2007); Donna M. Hughes (2002); and Rhacel Salazar Parrenas (2011).

³⁵ See the works of: Grace Chang (2000); Saskia Sassen (1998); and David G. Gutierrez (1996).

³⁶ Brysk, Alison and Austin Choi-Fitzpatrick. 2012. *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Philadelphia: University of Pennsylvania Press.

³⁷ Hua, Julietta. 2011. *Trafficking Women’s Human Rights*. (Minneapolis: University of Minnesota Press): 1 – 27.

³⁸ *Ibid* at xxi.

³⁹ *Ibid* at 121.

⁴⁰ Emmers, Ralf, Beth Greener-Barcham and Thomas Nicholas. December 2006. “Institutional Arrangements to Counter Human Trafficking in the Asia Pacific.” *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*. Vol. 28, No. 3: 492.

suddenly self-identifies as human trafficked, but rather their categorization is one in formation and formed by ideological structures. It is useful to turn to Michael Omi and Howard Winant, who define racial formation theory as “the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed.”⁴¹ I liken their understanding of racial formations with the social and cultural construction of human trafficking – human trafficking is a sociohistorical process by which categories of human trafficker, trafficked, anti-traffickers are solidified, articulated, negotiated, and shifted. Traffickers⁴² and the anti-traffickers are defined as a dyad in contrast to the trafficked; the trafficker and the anti-trafficker are constituted by a power relationship of domination over the trafficked.⁴³ There exists a myriad of discursive landscapes that define human trafficking. Human trafficking is constantly being redefined and reconstituted as new meanings surface. Those who participate in the anti-trafficking movement are diverse and multiple. In my own articulation of what human trafficking is, *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking*, I do not stand outside of ideology⁴⁴ and state apparatus determinations that define human trafficking. My positionality is not located elsewhere, separate from current and past articulations of human trafficking. Rather, I participate with a particular articulation of human trafficking from an outsider/insider perspective informed by decolonial, women of color, and a scholar-activist lens.

⁴¹ Omi, Michael and Howard Winant. 1994. *Racial Formation in the United States: From the 1960s to the 1990s*. Second Edition. (New York, New York: Routledge): 55.

⁴² The legal definition of traffickers is situated as those that are investigated and prosecuted for trafficking another person. “Investigation and Prosecution Defined.” Trafficking Victims Protection Act. 22 USC 7105, Sec. 107, E, iii. See Appendix B.

⁴³ Molland, Sverre. 2011. “‘I am Helping Them’: ‘Traffickers’, ‘Anti-Traffickers’ and the Economies of Bad Faith.” *The Australian Journal of Anthropology*. Volume 22: 237.

⁴⁴ The sets of ideas and beliefs that govern a society.



Figure 1.1: Idealized Narrative of Human Trafficking.⁴⁵



Figure 1.2: Reality of International Human Trafficking.⁴⁶

⁴⁵ Annie Fukushima. The Standing Against Global Exploitation, Inc. *Learning About Aftercare for Survivors of Human Trafficking*. Freedom Summit. Fremont: Harbor Light Church. January 22, 2011

⁴⁶ *Ibid.*

1. Narratology, Participant Observation, and Qualitative Research

My method is informed by narratology and sociological methods of participant observation, participation, and qualitative research.

Narratology is an, “ensemble of theories of narratives, narrative texts, images, spectacles, events; cultural artifacts that ‘tell a story.’ Such a theory helps to understand, analyse, and evaluate narratives.”⁴⁷ Current narratives about human trafficking, like that of Jane, provide a false image of the human trafficking narrative – a person is trafficked, they are identified,⁴⁸ they are connected to services,⁴⁹ then stabilized,⁵⁰ and eventually integrate⁵¹ into society in the United States, or they are repatriated back to their home country (Figure 1.1). My work with human trafficking victims led me to realize that the narratives in the media did not always reflect what occurred in the field. Human trafficking survivors experience a variety of hurdles that lead them to fall, jump, or even have steps whose direction is unknown and unclear. There are those that are trafficked whose stories are never heard or known, to those who may be identified as trafficked but never receive support to heal, and those who are connected to services but not as a trafficking survivor, or they may be trafficked into the United States and integrated or returned home without ever being identified or receiving services, their success is due to their own resiliency (Figure 1.2). However, narratives about exploitation do not merely reflect human conditions and conduct, but also shape them.⁵² Anthropologist Renato Rosaldo’s phrase “double vision” may be applied to how one experiences hearing / reading human trafficking narratives. In the experience of hearing or reading a narrative, the listener / reader oscillates between his or her own experience to that of the protagonist within a narrative. And the relationship to narratives is not a passive one. As Audre Lorde states, to speak is a means to break the silence in

⁴⁷ Mieke Bal. 1985, 1997. 2009. *Narratology: Introduction to the Theory of Narrative*. Third Edition. Toronto, Canada: University of Toronto Press.

⁴⁸ Elzbieta M. Gozdzik and Elizabeth A. Collett’s essay, “Research on Human Trafficking in North America: A Review of Literature,” (2005) illustrate that in countries such as Canada there are no processes in place for identifying victims of human trafficking. In the United States, the sites of identification have fallen upon those that receive federal grants – Health and Human Services, Department of Justice, and Office for Victims of Crime. See Appendix F. Although non-federally funded organizations may/may not collect data that identifies trafficked people, there is no centralized site for such information.

⁴⁹ As part of the Trafficking Victim’s Protection Act, provisions are offered to victims of human trafficking who lack legal status – the T and U Visa (See Appendix G). Services are outlined by Miriam Potocky’s study in 2010 (See Appendix I). Those that are certified as victims of human trafficking must be a victim of severe form of human trafficking as defined by the TVPA (see Appendix B), be willing to assist in every “reasonable way” in the investigation and prosecution of traffickers, have made a bona fide application for a T-Visa that has not been denied or received Continued Presence. For more information on certification of human trafficking see Appendix H. “Fact Sheet: Certification for Adult Victims of Human Trafficking.” *The Campaign to Rescue & Restore Victims of Human Trafficking*. U.S. Department of Health & Human Services. http://www.acf.hhs.gov/trafficking/about/cert_victims.html (Accessed on April 30, 2009).

⁵⁰ Miriam Potocky assesses the services for victims of human trafficking on a scale that is used by reporters that breaks up victim assessment into five levels: 1 (in crisis), 2 (vulnerable), 3 (safe), 4 (stable) and 5 (thriving). Potocky, Miriam. 2010. “Effectiveness of Services for Victims of International Human Trafficking: An Exploratory Evaluation,” *Journal of Immigrant and Refugee Studies*, Volume 8, Issue 4: 359 – 385.

⁵¹ *Ibid.* Potocky’s study on the effectiveness of services for victims of international human trafficking illustrates that from the point of intake to the closing date of the case. In general, victims that were either in crisis or vulnerable showed little improvement, in fact, declined in improvement, except for language access and education/employment. See also, Appendix I Figures 1 – 7.

⁵² Rosaldo, Renato. 1989, 1993. *Culture & Truth: The Remaking of Social Analysis*. (Boston: Beacon Press): 244.

order to turn silence into language and action.⁵³ The anti-trafficking movement has witnessed the shift from silence into speaking.

The development of narratives, categories, and visibility/invisibility, is strengthened with a lens informed by participant observation. This method enabled me to enter the anti-trafficking movement as a participant and observer, through networks that I had established in the anti-violence movement. My early investigations into human trafficking began with comfort women and sexual slavery in Asia-Pacific.⁵⁴ This earlier research endeavor enabled me to interpret slavery, exploitation and human trafficking as being context specific with transnational implications.⁵⁵ I continue to analyze sexual and labor exploitation and transnational violence that paved the way for my research.

Since 2005, I have employed a method of participant observation in the anti-violence movement. A method of participant observation is utilized by researchers to “understand how cultures they are studying ‘work’, that is, to grasp what the world looks like to the people who live in the fishing village, the boarding school, or the mining community. The researchers need to discover what ‘their’ people believe.”⁵⁶ This method does not require that the researcher participate in what the observed are doing. The ways in which a person is categorized is multifaceted. I employ participant observation, and participate in multiple ways:⁵⁷ through advocacy,⁵⁸ through the arts,⁵⁹ through mobilizing as a grassroots organizer,⁶⁰ through building partnerships,⁶¹ as a speaker,⁶² teacher,⁶³ as a technical assistant provider aiding other groups and individuals in building their capacity to respond to the violence in their communities, and as a writer.⁶⁴ The locations of my work and research that inform the scholarly critique in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* are multiple – Guam, South Korea, the United Kingdom, and the United States. My embodied experience of working on issues of human trafficking as well as theorizing through writing, teaching, and speaking, has led to the answering of my research question in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* about categorization and the challenges that categories create. Trafficked people, the trafficker, and the anti-trafficker are contradictory, multiple, and seen and unseen. Such a conclusion was enabled

⁵³ Audre Lorde portrays how it is not difference that immobilizes people, but rather silence. Modern Language Association conference, “Lesbian and Literature Panel” in which she speaks of her activism as a Black lesbian poet who faced a 60 to 80 percent chance of having a malignant tumor. *Sister Outsider: Essays & Speeches by Audre Lorde*. Berkeley, California, The Crossing Press, (1984, 1987): 40 - 44.

⁵⁴ I graduated from the University of Hawaii, Manoa with high honors in English and American Studies writing a thesis, “*Yobo*: Conceptualizing the “Korean Bargirl” in Hawaii’s Literature.” May 13, 2004. I argued that the bargirl identity in Hawaii evolved from Japanese colonization of Korea and the historical sexual exploitation of Korean women, the “Comfort Women.”

⁵⁵ I have published encyclopedia contributions on “Comfort Women” as well as in a scholarly peer-reviewed journal. Annie Fukushima. “Beyond Moments of Disjuncture: The Visual Culture of the Sex Trafficked Asian (Woman).” *Phoebe: Gender & Cultural Critiques*. Vol. 20, No. 2, (Fall 2008): SUNY, Oneonta (See Appendix J).

⁵⁶ Seale, Clive, Giampietro Gobo, Jaber F. Gubrium, and David Silverman, Eds. 2004. *Qualitative Research Practice*. (London, UK: SAGE Publications, Ltd): 218.

⁵⁷ See Appendix J.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.* Also see Fukushima and Liou, 2012.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ See Appendix J.

through my participation in the practice of an anti-trafficking movement.

I would like to highlight, in particular, how I employed participant observation and participation in U.S. anti-trafficking strategies: awareness raising/education, working with survivors of exploitation, and working with the non-trafficked (the anti-traffickers and the traffickers). Since 2005, I have organized grassroots arts and multi-media initiatives that led me to form an archive of materials (arts, campaign materials, films, news articles, press releases, policies). The archive featured in *Asian and Latina Migrants* is only a snapshot of the approximate 30,000 articles, events, and images that I have collected. How I came to my materials was due to my participation in the anti-trafficking movement, but also materials sent to me through listservs and anti-trafficking networks (local, national, and international). Such initiatives enabled me to learn more about the terrain of the anti-trafficking movement and the visible leaders in the movement. Through participant observation I have worked and volunteered as an advocate, case manager, programs coordinator, and technical assistance provider.⁶⁵ I have volunteered with a variety of organizations at various levels.⁶⁶ For a year I volunteered as a domestic violence certified⁶⁷ advocate in which I provided shelter support to victims violence that included human trafficking survivors.⁶⁸ For two years I volunteered as a first responder to human trafficking receiving crisis calls while also supporting staff. I also had an opportunity to meet with a Non-Governmental Organization (NGO) in South Korean (*Durebang*), to meet with a Filipina who was part of an alleged human trafficking group case; I ascertained her situation and shared with her the resources of the NGO. Such experiences eventually led to my role of working to help survivors in various stages (from crisis to thriving)⁶⁹ as a lead caseworker in which I directly advocated for victims international survivors and domestic minors who had been trafficked.⁷⁰ As a programs coordinator, case manager, and technical assistance provider (2009 – 2011) I advocated for and interviewed victims of human trafficking from 16 different countries, primarily Latin America, Asia-Pacific, and the United States. The number of survivors I personally interviewed or had personal contact with numbered at 55 individuals. And, I supervised approximately the casework of 50 domestic minors trafficked within the United States due to federal funds the program received to work with domestic minors of human trafficking. This was due to an earlier assessment I created of older case files in which I organized data collection on 23 domestic minors identified as trafficked in juvenile justice programs. My collaborations led to my working with countless numbers of organizations whose roles ranged from raising awareness about human trafficking to providing direct services to victims (70 different organizations are documented in the dissertation). I learned about the different forms in which anti-trafficking strategies are deployed to categorize people as trafficked and also provided my own training and consultancy to individuals and organizations (the anti-traffickers)⁷¹ working to combat human trafficking. And I have spoken with those who are referred to as the demand for human trafficking (namely men who solicit services of prostituted people) in which I have presented on human trafficking to men participating in San Francisco's

⁶⁵ See Appendix K.

⁶⁶ From volunteer to Executive Director. See Appendix J.

⁶⁷ Asian Women's Shelter, Domestic Violence Certification, 2007.

⁶⁸ Asian Women's Shelter.

⁶⁹ See Appendix K.

⁷⁰ The Standing Against Global Exploitation Project, Inc. (The SAGE Project, Inc.), as a "first responder to human trafficking" (February 2007 – April 2009) and as a case manager working in social services directly with survivors of human trafficking (April 2009 – March 2011). See Appendix J.

⁷¹ See Appendix L.

First Offender Prostitution Program (FOPP) due to their being arrested (although not convicted at the time) for solicitation charges.⁷² In the two trainings I spoke, approximately 60 men were in the audience (total). FOPP is a partnership between law enforcement (San Francisco Police Department), prosecutors (San Francisco District Attorney), and direct services for survivors of exploitation (The SAGE Project, Inc.), that which collectively address the demand side of sexual economies by arresting people that solicit prostitution.⁷³ I continue to provide consultations to anti-trafficking efforts and victim-advocate organizations. I have also aided individuals, organizations, and coalitions in their efforts to develop anti-trafficking strategies, in particular, the development of the Sacramento Coalition and the Contra Costa County Coalition funded by department of Health & Human Services.

Due to the vast amount of data I collected and the challenges of describing an observed and unobservable population, I have grounded *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* in a method that is qualitative. The varying definitions of human trafficking make quantifying human trafficking a challenge.⁷⁴ There exists a wide range of estimates of the numbers of trafficked persons reported by different entities. For example, the U.S. Trafficking in Persons Report 2011 reported that in 2010 there were 33,113 human trafficking victims identified in the United States (a decrease from 2009 in which 49,105 people were so identified).⁷⁵ Mean while the International Office of Migration that estimates that 2.4 million people are trafficked worldwide every year for their sex and/or labor.⁷⁶ These varying numbers exemplify the lack of standard for quantifying human trafficking. Although there has been a call to improve information and data collected on human trafficking,⁷⁷ the lack in data is due to scale, underreporting to law enforcement, the low priority human trafficking has for law enforcement, and understaffing to collect data.⁷⁸ Current quantification of human trafficking is limited to governmental trends, criminal justice systems, immigration authorities, indicted offenders, trends on irregular migrants, Non-governmental organization data on prostitution and human trafficking, the International Organization for Migration (IOM), the International Police Organization (Interpol), the United Nations crime and migration trends, and survey data produced by national and international research projects.⁷⁹ Scholarly contributions to crime and justice fields by Kauko Aromaa and Martti Lehti convey that human trafficking trends are a mere underestimation of the reality.⁸⁰ Overall, there are methodological challenges to

⁷² See Appendix SS.

⁷³ See Melissa Farley (2003); Janice G. Raymond (2008); and Nicola et al., (2009).

⁷⁴ Guinn, David E. February 2008. "Defining the Problem of Trafficking: The Interplay of U.S. Law, Donor, and the NGO Engagement and the Local Context in Latin America." *Human Rights Quarterly*. Vol. 30, No. 1: 131.

⁷⁵ "Global Law Enforcement Data." *Trafficking in Persons Report 2011*. Washington, D.C.: Office to Monitor and Combat Trafficking in Persons. <http://www.state.gov/j/tip/rls/tiprpt/2011/164226.htm>. Accessed on December 1, 2011.

⁷⁶ Anvar Serojtdinov. "IOM 2011 Case Data on Human Trafficking: Global Figures & Trends." February 2012. Geneva: *International Organization for Migration*.

⁷⁷ *Supra* note 12.

⁷⁸ Laczko, Frank. "Human Trafficking: The Need for Better Data." *International Organization for Migration*, November 2002, <http://www.migrationinformation.org/feature/display.cfm?ID=66> (Accessed on June 25, 2002).

⁷⁹ Lehti, Martti and Kauko Aromaa. 2006. "Trafficking for Sexual Exploitation." *Crime and Justice*, Vol. 34, No. 1: 133-227.

⁸⁰ Lehti, Martti and Kauko Aromaa. 2006. "Trafficking for Sexual Exploitation." *Crime and Justice*, Vol. 34, No. 1: 218.

describing the unobserved as quantifiable,⁸¹ therefore, I offer a qualitative interrogation that is informed by direct observation.⁸²

I find attempts to quantify human trafficking useful for noting trends, but offer a qualitative one. An example of qualitative models that investigates human trafficking is illustrated in the U.S. federally funded research⁸³ by Weiner, Neil A. and Nicole Hala with the Vera Institute of Justice that utilized action research⁸⁴ producing a report called, “Measuring Human Trafficking: Lessons from New York City.” Weiner and Hala define action research as an “approach that begins with practitioners’ need for solutions to pressing policy or practical questions.” Weiner and Hala, employed the following: design a screening tool that standardizes data, involve the diverse organizations in the development process, validate the screening tool with expert reviews and application, test the screening tool with self-reflection during the process, create a toolkit with guidelines for interviewing, administration of the screening tool, offer recommendations as to how to refine the screening instrument, and build knowledge that can guide policy for government and non-governmental partners with an anchored screening tool. The report stipulated that in order to address the challenges of quantifying a hidden population, “knowing how to measure human trafficking in practice is the first step in understanding and, in turn, curbing and controlling it.” In essence, this brings to the fore why there is a need to quantify human trafficking. Whoever has the power to measure human trafficking has the power to control it; this is portrayed in the attention to arrest and conviction.⁸⁵ However, this control does not necessarily mean that it will lead to the elimination of exploitation. What is not easy to quantify is the everyday forms of success that are less visible and need context to understand. For example, when a survivor of human trafficking is able to use public transit on their own for the first time after leaving their exploitation that included heavy surveillance and control or a survivor of sex trafficking is able to paint their experience of exploitation after five years of silence.⁸⁶ The subjective experience of success cannot be quantified nor do they ever appear as the central focus of reports. I am interested in a qualitative assessment of how one becomes constituted as trafficked. This is much needed because before individuals and organizations begin to quantify human trafficking and related issues (i.e., service provision, effective partnerships, criminalization of traffickers, preventative strategies), human trafficking must be defined. However, this process is not quantifiable. It is defined by a constellation of relationships that impact the trafficked, the trafficker, and the anti-trafficker.

2. Local / Transnational: California and Beyond

The transnational implication of human trafficking is constituted by the local; in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* the primary site of investigation is California in the United States. There is an

⁸¹ Tyldum, Guri and Anette Brunovskis. 2005. “Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking.” *International Office for Migration*. Vol. 43, ½: 17 – 34.

⁸² Michael Quinn Patton. 2002. *Qualitative Research & Evaluation Methods*. Third Edition. (London, United Kingdom: Sage Publications, Inc.): 4.

⁸³ Funds for Vera Institute of Justice were received by the U.S. Department of Justice.

⁸⁴ Weiner, Neil A. and Nicole Hala. “Measuring Human Trafficking: Lessons from New York City.” U.S. Department of Justice, Washington D.C.: Vera Institute of Justice, 2006.

⁸⁵ Srikantiah, Jayashri. 2007. “Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law.” *Immigration and Nationality Law Review*. Volume 28: 741 – 795.

⁸⁶ Anecdotal stories told during human trafficking trainings from my personal field experiences of working with survivors of human trafficking.

ongoing scholarly inquiry about human rights violations (such as human trafficking).⁸⁷ Human rights (or the lack of human rights) is not just an issue the Third World; one need only look within the United States to see that it is a failed project within the nation-state. A 2011 edited volume, *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*, stated that, “many of the greatest immediate and structural threats to human rights, and some of the most significant efforts to realize human rights practice, can be found ‘in our own backyard’ [of the United States].”⁸⁸ A 2005 human trafficking report, “Data and Research on Human Trafficking,” reveals that little research has been conducted in the Americas, in Africa and the Middle East.⁸⁹

California has had a variety of prominent human trafficking cases⁹⁰: in 1995 seventy-two Thai workers were discovered in a garment factory in El Monte, Los Angeles,⁹¹ some had been trafficked for as long as seven years; in 1999 (the largest property owner in Berkeley) Lakireddy Bali Reddy⁹² was discovered to have sex trafficked two girls into sexual slavery unveiling, a ring of labor trafficked Indians in his restaurant. In July 2005, the federal government arrested forty people in a bust referred to Operation Gilded Cage where it was found that over one hundred Korean women were trafficked into California massage parlors.⁹³ In June 2006, an Irvine couple was found to have enslaved an Egyptian 10-year old in domestic servitude.⁹⁴ And in December 2007 the Equal Employment Opportunity Commission (EEOC) prosecuted a Transbay company for trafficking forty-eight Thai welders who were hired to work on the Bay Bridge.⁹⁵ In this case

⁸⁷ Lauren, Paul Gordon. 2011. *The Evolution of International Human Rights: Visions Seen*. Third Edition. Pennsylvania: University of Pennsylvania.

⁸⁸ Armaline, William T., Davita Silfen Glasberg, and Bandana Purkayastha. 2011. *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*. (Philadelphia, Pennsylvania, University of Pennsylvania Press): 1.

⁸⁹ Laczko, Frank. January 2005. “Data on Research on Human trafficking.” *International Migration*. Vol. 43, Issue 1-2: 5 – 16.

⁹⁰ “Human Trafficking in California: Final Report.” California Alliance to Combat Trafficking and Slavery Task Force (CA ACTS). October 2007.

⁹¹ Human Trafficking Task Force Formed in Los Angeles: Justice Department Awards \$450,000 Grant to L.A.P.D. to Fund Training of Entire Force to Help Officers Recognize and Help Victims of Human Trafficking. Debra W. Yang, United States Attorney, Department of Justice (Central District of California, United States of America, January 24, 2005).

⁹² Because no U.S. state or federal anti-trafficking criminal law existed yet on the books, Reddy would not be convicted for trafficking, but rather, on two accounts of transportation of minors for illegal sexual activity, conspiracy to commit immigration fraud and filing a false tax return. Darryl Bush. February 16, 2012. “How Lakireddy Case Spurred California Sex Trafficking Laws.” New America Media: Law & Justice. <http://newamericamedia.org/2012/02/how-lakireddy-case-spurred-california-sex-trafficking-laws.php>. Accessed on February 17, 2012. In conjunction with the El Monte case of Thai garment workers trafficked in Southern California and the Daewoosa garment factory case in American Samoa (United States v. Kil Soo Lee, see “Sweatshops Under the American Flag” New York Times, May 10, 2002, <http://www.nytimes.com/2002/05/10/opinion/sweatshops-under-the-american-flag.html>). See also Viji Sundaram. “How an infamous Berkeley trafficking case fueled reform.” S.F. Public Press. February 16, 2012. <http://sfpublicpress.org/news/2012-02/how-an-infamous-berkeley-human-trafficking-case-fueled-reform>. Last accessed March 19, 2012.

⁹³ San Francisco Brothel Owner Sentenced to One Year in Prison for Money Laundering: Owner Forfeits \$1,000,000. United States Department of Justice, United States Attorney Scott N. Schools press release (Northern District of California, United States of America, March 7, 2007).

⁹⁴ Two Egyptian Nationals Plead Guilty to Holding Domestic Worker in Involuntary Servitude. United States Department of Justice, Debra Wong Yang, United States Attorney, Press Release No. 06-089 (Central District of California, United States of America, June 29, 2006).

⁹⁵ EEOC Resolves Slavery and Human Trafficking Suit Against Transbay Steel for an Estimated \$1 Million: Federal Agency Says 48 Thai Welders Forced to Work Without Pay in Squalid Conditions. United States Equal

only eleven ended up working on the bridge and the other thirty-seven were sent to Southern California where they were labor trafficked in restaurants. The Lakireddy and El Monte cases in particular redefined the landscape of human trafficking policies and response in the late twentieth century.⁹⁶ These cases collectively paint a picture of human trafficking. Even though what is revealed in existing visible cases may be a reality for some, it is not a reality for all victims of human trafficking.

The regional significance of California is due to: geography, history of anti-violence movements, historic cases that have redefined human trafficking policy in the United States and U.S. funding priorities.⁹⁷ The sheer size of California and the number of immigrants who arrive calls for a critique of the international trafficking issues in the state.⁹⁸ This is due to the multiple points of entry (land, air and sea) and form (illegally on boat, plane, car, train or foot, or legally through visas –student, work, familial - or legalized individuals). California is also home to a thriving anti-violence movement; the anti-violence movement has had notable visibility in California, from sexual assault, violence against women, to trafficking.⁹⁹ Moreover, it is clear that anti-trafficking strategies are a priority in California. The first comprehensive state law against trafficking was passed in California. Assembly Bill 22 in conjunction with Senate Bill 180 calls for a broad-based task force and the training of peace officers (2005).¹⁰⁰ Funding streams have prioritized California suggesting the significance of anti-trafficking efforts in the region.¹⁰¹ In addition, in 2003, two out of eight (twenty-five percent) of the comprehensive federal grants awarded to Non-Governmental Organizations to provide services for trafficking victims were awarded to California organizations—Coalition to Abolish Slavery and Trafficking (CAST) and the Asian Anti-Trafficking Collaborative (AATC).¹⁰² The San Francisco Bay Area Trafficking Task Force was one of the first awarded a federal grant in 2005 for anti-trafficking efforts. And, from a historical perspective, California has a history of labor and sex trafficking from Latin America and the Asia-Pacific that dates back to the nineteenth century. California is

Employment Opportunity Commission Press Release (Washington D.C., United States of America, December 8, 2006).

⁹⁶ Lee, Ivy and Mie Lewis. 2003 – 2004. “Human Trafficking from a Legal Advocate’s Perspective: History, Legal Framework and Current Anti-Trafficking Efforts.” *University of California Davis Journal of International Law and Policy* 169: 169 – 195.

⁹⁷ It is clear that where federal resources are prioritized in anti-trafficking efforts: California. Currently fifteen percent of the Office of Victims of Crimes and Bureau of Justice Assistance are located in California alone. Of the nearly 3 million US\$ funding by Health and Human Services Rescue and Restore Victims of Human Trafficking Regional Program in 2011, twenty-seven percent of the grants will fund Californian organizations (three out of eleven organizations throughout the country). Fukushima, Annie and Cindy Liou. 2012. “An Interdisciplinary Approach to Strategic Anti-Trafficking Partnerships and the Fourth ‘P’ in the Human Trafficking Paradigm.” *Human Trafficking is Global Slavery*. Stanford University: Human Rights Program.

⁹⁸ California constitutes seventeen percent of the national immigrant population 2008 – 2009. Hans Johnson. April 2011. “Immigrants in California.” *Public Policy Institute of California*.

http://www.ppic.org/main/publication_show.asp?i=258. Accessed on January 15, 2012.

⁹⁹ Historic cases have defined the anti-trafficking landscape in the United States including the El Monte and Lakireddy Reddy.

¹⁰⁰ AB 22 is by Assembly-woman Sally Lieber, D-Mountain View, and SB 180 is by Democratic Senator Sheila Kuehl, D-Santa Monica. Ludstrom, Marjie. September 27, 2005. “California Takes Crucial Steps Against Human Trafficking.” *Ventura County Star*. California: 6.

¹⁰¹ *Supra Note 96*.

¹⁰² An assessment of the NGO services and funding streams is delineated in a report by Caliber. “Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned.” June 2007. <https://www.ncjrs.gov/pdffiles1/nij/grants/218777.pdf>.

an important site of examination; human trafficking in the United States is due to the transnational relationships of political economies, social relations and practices that extend into the Asia-Pacific and Latin America, through out the U.S., and in general, globally.

What happens in California is not contained in the region, therefore evaluating transnational human trafficking cases in California enables the ability to see patterns of exploitation in the Americas in general and the geopolitical region of the Asia-Pacific as tied to the Americas. My research follows the work of Saskia Sassen who established the concept of “geography of centrality.” The geography of centrality and marginality positions how global cities reproduce inequalities locally and globally as an outcome of current forms of economic growth.¹⁰³ Exploitation permeates sites in which inequalities occur. By focusing on a particular local site (such as California) I illustrate the relationships between North / South and East / West paradigm through transnational and mobile labor and exploitation.¹⁰⁴ The relationship between the local and global is best described in the data that I collected (2009 – 2011) in which cases of transnational labor and migration led to exploitation into human trafficking.¹⁰⁵

The data I collected on human trafficking¹⁰⁶ highlight that transnational human trafficking patterns mirror systems of labor and migration¹⁰⁷ and must be examined in tandem with them. The higher percentage of Latina/o and Asian trafficking survivors that I interfaced with also reflect migration patterns into California. The focus of *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* is one that brings to the center a relational investigation of the trafficking of Asians and Latinas/os in California. I find that the data on human trafficking cases are vast; I worked with over one hundred human trafficking cases of which, the migrants I worked with originated from fifteen different countries.¹⁰⁸

Space and context matters and impacts how one becomes categorized as human trafficking. If space is produced¹⁰⁹ – in the nation-state and in social sites – the subjects within that space are determined by the contours of that space. An example of how time-space gives rise to meanings of exploitation, human trafficking, is found in the data I collected an Non-Governmental Organization (NGO) in California as a means to identify preliminary trends of domestic minors (U.S. legal permanent residents and citizens) trafficked in Northern California.¹¹⁰ In 2009, I organized the data collection of fifty cases of domestic minor human trafficking (DMHT) in a California Juvenile Justice program to provide a picture of domestic

¹⁰³ Sassen, Saskia. 2001. *The Global City: New York, London, Tokyo*. Second Edition. (New Jersey: Princeton University Press): 82.

¹⁰⁴ Sassen, Saskia. 1998. *Globalization and its Discontents: Essays on the New Mobility of People and Money*. New York: The New Press.

¹⁰⁵ Supra Note 66.

¹⁰⁶ See *Appendices*.

¹⁰⁷ See Appendix N. Although not used in the dissertation, available is the data that I collected to help the Standing Against Global Exploitation Project, Inc. receive a demonstration grant by the Office for Victims of Crime for domestic minor human trafficking. This data reflects on the population that I oversaw in the domestic minor human trafficking program. See Appendix O. Announcing Awardees from OVC's Services for Domestic Minor Victims of Human Trafficking Grant Program. Office for Victims of Crime Press Release (Washington D.C., United States of America, December 1, 2009).

¹⁰⁸ I continue to provide expert testimonies to cases of human trafficking to support immigration lawyers. Although one hundred may seem small, these numbers are based on cases that I worked with directly either as a case manager, technical assistant provider, or advocate. *Supra Note 56*.

¹⁰⁹ Lefebvre, Henri. 1974, 1984. *The Production of Space*. Editions Anthropos. Translated by Donald Nicholson-Smith. 1991, 2005. (Malden, Massachusetts: Blackwell Publishing): 53.

¹¹⁰ Supra Note N.

minors who were trafficked.¹¹¹ There is a wide-range of research that focuses on domestic minor human trafficking (U.S. citizens and legal permanent residents).¹¹² The demographics of the race of minors documented as sex trafficked in juvenile justice centers reflects the context of who is more likely to be in the juvenile justice centers in general - youth of color. Through my experience of interfacing with social service providers, legal firms, and law enforcement, I find that the face of the human trafficked international is diverse, but also reflects the context. In order to theorize the trends about international human trafficking (non-U.S. citizens that are trafficked into the United States) it must be placed side-by-side with the data and discussions about labor, migration, and sexual economies. The context of California necessitates a look at Asian and Latinas/os who constitute the bulk of unauthorized migrants¹¹³ and legal migrants.¹¹⁴ This also mirrored my anecdotal experiences of in collaborating with entities that worked directly with migrants and trafficked people.

3. Interdisciplinarity & Intersectionality

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking is an interdisciplinary and relational inquiry of female Asians and Latinas trafficked. There is a need to examine racial minorities¹¹⁵ in relation to each other. There exists an assumed common context of combating human trafficking, as a twenty-first century issue it is not simple nor is it common sense, and the approaches to combating human trafficking are impacted by how one defines human trafficking, the human trafficked, and the trafficker. As asserted by The Report of the Gulbenkian Commission on the Restructuring of the Social Sciences, (1996), “if one were to organize and rationalize social change, one had first of all to study it and understand the rules which governed it.”¹¹⁶ I argue that the logics of how one is constituted as trafficked requires a method that is interdisciplinary and intersectional. The report by the Gulbenkian Commission deals with the historical production of knowledge and the assumptions of scientific truths in the social sciences. I am informed by the shifting landscape of the social sciences and offer a method that is interdisciplinary to position human trafficking and immigration through sociology, the law, and cultural studies in relation to women of color theory of intersectionality.

4. Interdisciplinarity

The anti-trafficking movement is being defined by groups of people who have different

¹¹¹ *Supra* Note 66.

¹¹² Smith, Linda A., Samantha Heally Vardaman, and Melissa A. Snow. May 2009. *Domestic Minor Sex Trafficking: America's Prostituted Children*. Arlington, Virginia: Shared Hope International.

¹¹³ “Demographics of Unauthorized Immigrants in the U.S.: Countries of Origin, States of Residence, and Employment Data, 2000 – 2008.” *Pro.Con.org*. Illegal Immigration, April 14, 2009, <http://immigration.procon.org/view.resource.php?resourceID=845> (Accessed on April 25, 2009).

¹¹⁴ “The Impact of Immigration on the California Economy.” A Report of the California Regional Economies Project, September 2005, <http://www.mexica.net/immigrat/impactimmcaecon.pdf> (Accessed on April 25, 2009).

¹¹⁵ The term “racial minorities” is used to specify the location of those considered non-Euro-American even though the first time in 2012, Euro-American births are no longer the majority. Sabrina Tavernise. “Whites Account for Under Half of Births in U.S.” *New York Times*, Washington, May 17, 2012, <http://www.nytimes.com/2012/05/17/us/whites-account-for-under-half-of-births-in-us.html?pagewanted=all> (Accessed on May 17, 2012).

¹¹⁶ Gulbenkian Commission on the Restructuring of the Social Sciences. 1996. *Open the Social Sciences: Report of the Gulbenkian Commission on the Restructuring of the Social Sciences*. (Stanford, California: Stanford University Press): 8

names – scholars and advocates,¹¹⁷ abolitionists,¹¹⁸ allies¹¹⁹ and even, “heroes.”¹²⁰ Human trafficking is complex, therefore necessitates a methodology that draws upon an interdisciplinary approach to situate the multiple discourses that cross a variety of institutions (i.e., media, law and policy, law enforcement, social services, education, local/global communities). Decolonial movements have called into question the disciplinary nature of the social sciences.¹²¹ In order to ground my method as one that cuts across disciplines, it is essential to demonstrate the disciplines that I marry together in this dissertation.

Human trafficking is a topic covered in women and gender studies, economics, political science, public health, sociology, law, and international studies.¹²² Between 2002 and 2006, human trafficking as a course topic went from a novel issue to one of familiarity due to the vast amount of information and its appearance in the classroom.¹²³ Not only has human trafficking discourse shifted the terrain of teaching in the classroom, Gretchen Soderlund illustrates that human trafficking is a social construction; it was not discovered, but “*created* as an object of humanitarian action, law enforcement intervention, and human rights policy.”¹²⁴ Human trafficking crosses not only within institutions but also transnationally in a myriad of *scapes*.¹²⁵ I interrogate the local and transnational implications of how one is defined as trafficked through legal studies, sociology, and media studies.

I employ a method that weaves together sociology and law in the interrogation of a particular human condition of exploitation – human trafficking. Max Weber studied the various ways that juridical systems are reflected in social behavior.¹²⁶ The law as a system of authority¹²⁷ is central to discussions about human trafficking and the legal discourse is vast. For example, Jennifer M. Chacon¹²⁸ discusses crime and migration; Kathleen Kim¹²⁹ redefines the legal

¹¹⁷ Kathleen Kim and Grace Chang examine how scholars and advocates across several movements have worked to develop approaches to addressing human trafficking. Chang, Grace and Kathleen Kim. August 2007.

“Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s).” *Stanford Journal of Civil Rights & Civil Liberties*. Volume 3: 317 – 344.

¹¹⁸ Batstone, David. 2007. *Not for Sale: The Return of the Global Slave Trade and How We Can Fight It*. New York: Harper Collins.

¹¹⁹ These allies may be as localized as allies to survivors or as transnational as allies to countries such as the U.S. Kempadoo, Kamala. 2007. “The War on Human Trafficking in the Caribbean. *Race Class* Vol. 49: 79 – 85.

¹²⁰ The U.S. is portrayed as the paternalistic hero. Constable, Nicole. 2012. “International Marriage Brokers, Cross-Border Marriages and the US Anti-Trafficking Campaign.” *Journal of Ethnic and Migration Studies*, DOI:10.1080/1369183X.2012.681457

¹²¹ Gulbenkian Commission on the Restructuring of the Social Sciences. 1996. *Open the Social Sciences: Report of the Gulbenkian Commission on the Restructuring of the Social Sciences*. Stanford, California: Stanford University Press, p. 94.

¹²² Dragiewicz, Molly. 2008. “Teaching about Trafficking: Opportunities and Challenges for Critical Engagement.” *Feminist Teacher*. Vol. 18, No. 3: 185-186.

¹²³ See Appendix M,

¹²⁴ Soderlund, Gretchen. Summer 2011. “The Rhetoric of Revelation: Sex Trafficking and the Journalistic Exposé.” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*. Vol. 2, No. 2: 193.

¹²⁵ Arjun Appadurai illustrates five scapes that are fluid and constantly shifting: ethnoscapas, technoscapas, finanscapas, mediascapas, and ideoscapas. I focus on the mediascapas and ideoscapas, as they reflect the media that shape the world we inhabit. *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis, Minnesota: University of Press, 1996.

¹²⁶ Gurvitch, Georges. *Sociology of Law*. First Published, Kegan Paul, Trench, Trubner & Co. Ltd., 1947. London and Boston: Routledge & Kegan Paul (1973): 30.

¹²⁷ Weber, Max. 1978. *Basic Concepts in Sociology*. London, United Kingdom: Peter Owen Publishers, 75 – 80.

¹²⁸ “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking.” *Fordham Law*

landscape in California through her advocacy and research on human trafficking, immigration, and civil rights; and international legal scholars Anne T. Gallagher¹³⁰ and Janie Chuang¹³¹ bring to the fore the transnational and national implications of human trafficking policies. There is a need to wade through the legal discourse and the sociological implications with a race lens. Ethnic Studies scholar Peggy Pascoe makes important scholarly contribution to the sociological implications of the law. Peggy Pascoe's historical investigation of U.S. anti-miscegenation cases – Kirby v. Kirby (1922), Estate of Monks (1941), Perez v. Lippold (1948), and Loving v. Virginia (1967) that the “legal system does more than just reflect social or scientific ideas about race; it also produces and reproduces them.”¹³² The discourse of human trafficking is produced by the law, legal practices, and its enforcement, therefore I find that the raced and gendered assumptions of people as victim / criminal persists and must be further interrogated.

The media¹³³ has played a crucial role, both historically and at present, in producing narratives about human trafficking – the tropes, assumptions of facts, and the conclusions. To date I continue to collect news articles that I receive through listserv updates (anti-trafficking listserv – conservative, liberal, local, and national networks), media alerts with google alerts and from general news articles I read with *Times New York*, *Washington Post*, and the *San Francisco Chronicle*. And, for a twenty-first century movement, the information sent via the press is viral in the media.¹³⁴ The central role the media has in mobilizing a transnational movement is traced to the late nineteenth century media coverage of prostitution and the traffic in women and girls. By the twenty-first century, the emphasis on revelation of the traffic of women and girls persists with a shift in the paradigm of media coverage from a focus on “innocent victims and villainous captors” to an emphasis on globalization, “hidden in plain sight,” and “feminized.” The simultaneous racing, gendering/sexing, and classing (including national origins) of the trafficked person necessitate the incorporation of theories in intersectionality.

5. Intersectionality

I find intersectionality useful for conceptualizing human trafficking; there is an otherness of the trafficked, the trafficker, or the anti-trafficker that is perpetuated in anti-trafficking responses.¹³⁵ Intersectionality is a term used by Kimberle Chenshaw and is best described in her article, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.”¹³⁶ Intersectionality denotes the various ways race and gender interact to shape

Review. Vol. 74 (May 2006): 2977 – 3012.

¹²⁹ “The Trafficked Worker as Private Attorney General: A Model for Enforcing the Civil Rights of Undocumented Workers,” 2009 *University of Chicago Legal Forum*, Vol. 247 (2009): 247 – 316.

¹³⁰ Gallagher, Anne T. 2010. *The International Law of Human Trafficking*. Cambridge University Press.

¹³¹ Chuang, Janie. 2006. “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy.” *Indiana Journal of Global Legal Studies*. Volume 13, Issue 1: 137 – 163.

¹³² Pascoe, Peggy. June 1996. “Miscegenation Law, Court Cases, and Ideologies of “Race” in Twentieth-Century America.” *The Journal of American History*: 46.

¹³³ Media is broad: film, television, Internet, news, and the press. I have added news and press, and removed radio from Ono and Pham’s understanding of media (2009).

¹³⁴ An example is Dutch Stop the Traffick Youtube campaign that went viral over the web, viewed by more than two million times on Youtube. Cook, Henrietta. April 26, 2012. “Sex-Trafficking Video Goes Viral.” *Fairfax Media*, Australia, <http://www.theage.com.au/world/sextrafficking-video-goes-viral-20120426-1xmzo.html> (Accessed on April 27, 2012). See Media or Campaigns in Appendix D.

¹³⁵ Todres, Jonathan. 2009. “Law, Otherness, and Human Trafficking.” *Santa Clara Law Review*. Vol. 49: 605 – 672.

¹³⁶ *Stanford Law Review*. Vol. 43, No. 6 (July 1991): 1241- 1299.

multiple dimensions of women of color experiences. Although Kimberle Crenshaw is credited for the term intersectionality, it developed in the 1960s and 1970s. Historian Vicki L. Ruiz documents how Chicanas were left out of the U.S. feminist historicizing of the 1960s and 1970s movements, even though Chicanas organized in the 1960s through student movements.¹³⁷ As early as 1971 Chicana feminists were contributing to scholarly and community discussions on the need to locate gender within movements addressing racisms.¹³⁸ In 1977 the Combahee River Collective, a collective of black feminists, produced a statement that embodied their commitment to theorizing and implementing practices that addressed the interlocking systems of oppression: “the most general statement of our politics at the present time would be that we are actively committed to struggling against racial, sexual, heterosexual, and class oppression, and see as our particular task the development of integrated analysis and practice based upon the fact that the major systems of oppression are interlocking.”¹³⁹ The Combahee Collective is reflective of the variety of the theoretical discussions about women of color theories that have since then developed. This is notable in the work of African American feminists Angela Davis¹⁴⁰ and Bell Hooks.¹⁴¹ And Asian American feminists were visibly protesting the racist and nationalist inequities they experienced during institutionally (i.e., Japanese Internment) and culturally (i.e., “dragon ladies” and “lotus blossom stereotypes”).¹⁴² The theorizing how feminism is defined by culture and heritage is epitomized in *This Bridge Called My Back: Writings by Radical Women of Color* (1981).¹⁴³ There is a need to theorize interlocking systems of oppression. Examples of diverse methods include: Barbara Christian’s literary critique;¹⁴⁴ the scholarly discussions of the transnational and sociological implications of women of color theory described by Patricia Hill Collins;¹⁴⁵ and the realm of the physical to the borderland of the spiritual, as theorized by Laura E. Perez.¹⁴⁶ Theorizing the construction of human trafficking with a method of intersectionality enables the recognition of invisibilities / visibilities.

I not only draw upon an intersectional framework, but also one that encompasses comparative studies. Comparative Ethnic Studies may be contextualized in multiple ways, but my research is in particular inspired by the scholarly contributions of historian Mae M. Ngai¹⁴⁷

¹³⁷ *From Out of the Shadows: Mexican Women in Twentieth-Century America*. (New York and Oxford: Oxford University Press, 1998): 100.

¹³⁸ The earliest publication occur in 1971 by Ana Montes, “La Nueva Chicana,” and Mirta Vidal, “New Voice of La Raza: Chicanas Speak out.” Their articles appear in a collection of essays. *Chicana Feminist Thought: The Basic Historical Writings*. Alma M. Garcia, Ed. New York and London: Routledge, 1997.

¹³⁹ “The Combahee River Collective Statement.” *Home Girls, A Black Feminist Anthology*. Barbara Smith, Ed. New York, New York: Kitchen Table Press (1983): 21 – 25.

¹⁴⁰ Davis discusses black women’s perspectives, racism the experienced and violence from the anti-slavery movement until the 1980s. *Women, Race & Class*. New York, New York (1981): Vintage Books.

¹⁴¹ *Feminist Theory: From Margin to Center*. Second Edition, South End Classics. Cambridge, Massachusetts: South End Press, 1984 and 2000.

¹⁴² Sonia Shah, Ed. *Dragon Ladies: Asian American Feminists Breathe Fire*. Cambridge, Massachusetts: South End Press, 1999.

¹⁴³ Cherrie Moraga and Gloria Anzaldua, Eds. *This Bridge Called My Back: Writings by Radical Women of Color*. New York, New York: Kitchen Table: Women of Color Press.

¹⁴⁴ *Black Feminist Criticism: Perspectives on Black Women Writers*. New York: Pergamon Press, 1985.

¹⁴⁵ *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. Second Edition. New York and London: Routledge, 2000.

¹⁴⁶ *Chicana Art: The Politics of Spiritual and Aesthetics Alterities*. Durham and London: Duke University Press, 2007.

¹⁴⁷ Ngai, Mae. 2004. *Impossible subjects: Illegal aliens and the making of Modern America*. New Jersey: Princeton University Press.

and sociologist and Ethnic Studies scholar Evelyn Nakano Glenn¹⁴⁸ and their approaches: interdisciplinary approaches that draw upon sociology, history, and legal studies. Ngai and Glenn illustrate how a comparative method may be understood through the examination of multiple groups to further flesh out of complex relationships that cross ethnic/racial groups: power, notions of freedom, and citizenship. A comparative lens works in multiple ways; Glenn and Ngai focus on a U.S. centered comparison of differing ethnic/racial groups. For both scholars, the lens is one that shifts from ethnic to “race” depending on context; where they both interrogate groups that would be defined as both “ethnic” (i.e., Peruvian, South Korean and Filipino) and “racial” (i.e., Latina/o and Asian). *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* offers an interrogation of Asian and Latinas/os through a regional specific lens – primarily California. This is influenced by Glenn’s deconstruction of citizenship as not simply temporal, but also spatial; focusing on geographical sites leads to an understanding of how particular raced/gendered bodies are impacted differently in different spaces. The geographic specificity of California that is offered in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* enables a nuanced breakdown of the socio-political definition of particular raced, classed, sexed, and national origin experiences as human trafficked. Notable in the anti-trafficking movement is how race, class, gender / sexuality impact definitions and perceptions of the trafficked, the trafficker, and the anti-trafficker.

The need for an intersectional framework is best described by perceptions of desirability as simultaneously sexed and gendered. Data I presented on of the discourse of the race, gender, and sex in sex industry advertisements in Las Vegas, San Francisco, and Honolulu in 2006 best illuminates this.¹⁴⁹ I found that the images of the aforementioned did not reflect the reality, but rather the perceptions of the desirable race and gender for sex / labor industries - exotic and ‘Other.’ Edward Said’s theory of Orientalism¹⁵⁰ is useful for contextualizing how migrants are oftentimes exoticized as other even within the context of the United States. Edward Said’s concern was not what was hidden in the Orientalist text, but rather the “text’s surface” and what is circulated through representation.¹⁵¹ In these advertisements, California is also an important site of analysis due to the overrepresentation of Asians in the sex industry advertisements. In contrast, Latinas/os numbered far less. But the exoticization of laboring female migrants is a normalcy. The case studies interrogated in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* focus on the experiences of women, gender and sexuality, due to the heterosexual nature of anti-trafficking discourse.¹⁵² Human trafficking exists in a variety of sexed relationships: heterosexual, homo-social, and polyamorous.

¹⁴⁸ Glenn, Evelyn Nakano. 2002. *Unequal freedom: how race and gender shaped American citizenship and labor*. Massachusetts: Harvard University Press.

¹⁴⁹ Annie Fukushima. Presentation. “Bodies Imagined: Race, Gender and Sexual Difference in Sex Industry Advertisements.” Center for Race & Gender. University of California, Berkeley. October 19, 2006.

¹⁵⁰ Edward Said describes orientalism as the ideas about the Orient. *Orientalism*. New York: Vintage Books, 1978.

¹⁵¹ *Ibid* at 20 -21.

¹⁵² Vance, Carole S. 2011. “Thinking Trafficking, Thinking Sex.” *GLQ: A Journal of Lesbian and Gay Studies*. Vol. 17, No. 1: 135 – 143.

Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking



Figure 1.3: A Road Map of *Asian and Latina Migrants in California and the Invisible / Visible Paradigm of Human Trafficking*.

6. Overview

In *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* I offer insight into international trafficking into the United States through a comparative analysis of trafficked Asians and Latinas. My general arguments are that human trafficking: 1) is a representation that occurs through institutions and individual participation in an anti-trafficking movement; 2) is performed in the media, legal system, and the everyday and; 3) is articulated and sustained by the trafficker, the trafficked and the anti-trafficker. The representation of human trafficking, the performance of human trafficking, and the articulation of human trafficking perpetuates what I refer to as an invisible / visible paradigm of human trafficking. The dialectic of invisibility and visibility enables the reproduction of narratives of exploitation that perpetuate the image of victims as without voices, as helpless, and as the “perfect victim” – innocent and non-contradictory. This image in effect impacts who is seen as a “victim” and who is designated as not a victim. The interdisciplinary approach of *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* makes critical interventions to immigration, race, gender, and transnational feminist scholarship (studies in law, media, sociology, political science, Ethnic Studies, Transnational Feminisms, and history).

Chapter Two, “Asian and Latina/o Migrants: Freedom and Human Trafficking Discourse” is a literature review of human trafficking through mapping of the terrain of discourse that impacts current definitions of human trafficking from the 20th to the 21st century – freedom, migration and labor, and sexual economies. Human trafficking is typified into three scenarios: 1) workers in the home (such as a domestic worker, maid, nanny or housekeeper), 2) labor in the services sectors (such as a migrant worker in the hotel, restaurant, factory, or farm industries), and 3) migrants trafficked into sexual economies (such as sexual slavery, sex trafficking, militarized prostitution, and sex industries). The development of my arguments through case studies provides examples of exploitation and feminized labor (domestic work and sex industries)¹⁵³ that in particular focuses on the experiences of Peruvians, South Koreans, and Filipinas (Chapter 4 to 6). I situate their experiences historically. Following Emma Perez, “how will we choose to describe our past, now, at this moment, as an enunciation in the present? What will we choose to think again as our history that we want to survive as we decolonize a historical imaginary that veils our thoughts, our words, our languages?”¹⁵⁴ I show how exploitation and human trafficking continue to be impacted by varying perceptions of freedom (from individual to collective). In mapping the scholarly discourse, I argue that human trafficking is historically constituted by its assumed polarized opposite: freedom. For example, the debates about sexual economies impact the anti-trafficking movement that developed in the late 1800s and was solidified with the implementation of the 1910 Mann Act (a.k.a. the White Slave Trade Act) that which established who was seen as exploited and lacking the choice to be involved in sexual economies. The anxieties to save white women, juxtaposed with the treatment of women of color and migrants suggests that women of color as trafficked served as a political tool.

¹⁵³ Feminized labor is a reworking of gendered work without referring to such gendered work as “women’s work.” Women’s work is a “naturalization of gender and race hierarchies through this category.” Chandra Tapalde Mohanty. 1997. “Women Workers and Capitalist Scripts: Ideologies of Domination, Common Interests and the Politics of Solidarity.” *Feminist Genealogies, Colonial Legacies, Democratic Futures*. M. Jacqui Alexander and Chandra Tapalde Mohanty, Eds. New York and London: Routledge, p. 5.

¹⁵⁴ *The Decolonial Imaginary: Writing Chicanas into History*. (Bloomington and Indianapolis: Indiana University Press, 1999): 27.

Immigration policies such as the Chinese Exclusionary Act, the Page Act, in tandem with eventual labor policies such as the 1938 Fair Labor Standard Act (just to highlight a few), demonstrates how particular gendered, racialized and laboring bodies came to matter in the United States for their ability to function as cheap or free production post-abolition.

In Chapter Three, “Framing Human Trafficking Discourse: One Blue, Multiple Laws, and Institutional Responses,” frames the method of *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* as being defined by sociology, the law and media studies. Through offering a mapping of the legal discussion of human trafficking – international, national, and local – I find the reference of human trafficking as “modern day slavery,” is a political tool with social implications. Legal scholars such as Janie Chuang, Jennifer Chacon, and Anne T. Gallagher map human trafficking policies such as the United Nations Palermo Protocol, the United States Trafficking Victims Protection Act, and state laws such as the California human trafficking law. Efforts to end transnational and local violence have led to the passage of a variety of policies by states, nation-states and the international community. These laws exist hand-in-hand with the enforcement of such laws. In order to demonstrate the raced, classed and gendered images of human trafficking, I evaluate the “Don’t be Fooled” campaign facilitated by Department of Homeland Security. I argue that enforcement of human trafficking reveals the U.S. ideological responses as framed in the language of masculinity and national identity.

In Chapter Four, “Case Study One: The Case of the Domestic Servant” I offer a nuanced lens informed by race, gender, and class to offer a close read of the media, legal, non-governmental and governmental discourse about trafficking in the case of *United States v. Dann*. Dann trafficked a Peruvian nanny into domestic servitude for two years. I examine the significance of transnational perspectives, the discourse of the everyday, the significance of a traumatic moment, court performances and translation, and the role of the media. Such a multi-faceted examination of the first-ever trial in Northern California history with the *United States v. Dann* enables a nuanced interpretation for how one becomes seen as trafficked.

Chapter Five, “Case Study Two: Korean Migrant Women” is inspired by Grace M. Cho’s examination of the *yanggongju*,¹⁵⁵ as a haunting for the Asian / American diaspora. The *yanggongju* has many names, but I unveil her as a sex trafficked Korean woman (two Yoo-Mees) and madam (Jackie). I position my arguments with that of feminist scholar Laura Hyun Yi Kang, to demonstrate how Asians have come to matter for their transnational labor and the need to narrate victimization when they fall into a precarious location of being seen as illegal. You-Mi is a sex trafficking survivor and Jackie went from “military bride” to a madam and was convicted for trafficking South Koreans to the U.S. through the U.S.-Mexico border. These two case studies illuminate the relationship between immigration and criminalization reproducing the visible / invisible paradigm of human trafficking. Some individuals are seen as a victim and eligible for protections in the United States, whereas others (as in the case of Jackie) are seen as criminal and as deportable. The two Yoo Mees and Jackie exemplify how the image of the trafficked person is tied to their stereotypes as “model minorities,” dragon ladies, and lotus blossoms.

In Chapter Six, “Case Study Three: Filipinas Trafficked into California” I offer insight into how human trafficking as a paradigm of invisibility and visibility is solidified by notions of “perfect” victimhood. Perfect victimhood is dependent on notions of immigration and choice.

¹⁵⁵ Literal translation is “western princess.” Cho illustrates how *yanggongju* has other meanings such as Yankee whore. Western princess. GI bride.

One case is that of a Filipina that was trafficked into domestic servitude. The second is a case of a Filipina who was recruited for domestic work, but ended up in sexual slavery. The case of the second survivor illustrates the challenges in current anti-trafficking discourse, since the survivor did not fit into a “perfect victim” narrative like that of the first case. She was seen as not a victim of human trafficking because she had a history of working in the sex industry and migrated willingly. An analysis of the case of the Filipinas enables a deeper understanding of the contradictory relationship between agency and choice.

Chapter Seven concludes with a discussion on contradictory perceptions of freedom as: 1) a right for individuals and 2) an ideology that contrasts the making of the Americas - slavery. The scholarly framing of the DNAs of the Americas and the United States are embedded in slavery (the anti-thesis to freedom). This binary construction solidifies why human trafficking prevails in the twenty-first century. If it is assumed that U.S. individuality is premised on freedom, this contrasts how the imagined community of the United States was made – slavery. I trace that in order to understand slavery and trafficking it must be contextualized by how the U.S. (individuals and institutions) understands freedom. I offer a conclusion that situates the problematic location of freedom as defined by individuals and structures. Asians and Latinas are not merely constituted as victims and traffickers, but they also participate in the movement as anti-trafficker. To conclude I offer a brief snapshot of how Asians and Latinas/os take part in the anti-trafficking movement as anti-traffickers. The participation of Asians and Latinas/os as the anti-trafficker – advocates, survivors and policy makers – enables the possibility for self-redefinition and determination in social and human rights based movements. However, Asians and Latinas/os are not portrayed as the center of the anti-trafficking movement. This reflects the historic dilemma in the women’s movement. Therefore, as freedom and slavery continues to be formed, transformed, and destroyed as a concept, there is a need to re-center how race functions not only in producing criminality and victimization, but is also produced by those who are predominantly visible in other roles of state making. I offer a theoretical framing that shows how to read representation, the development of narratives and the creation of categories through a comparative, intersectional, and transnational lens.

Chapter Two: Asian and Latina/o Migrants: Freedom and Human Trafficking

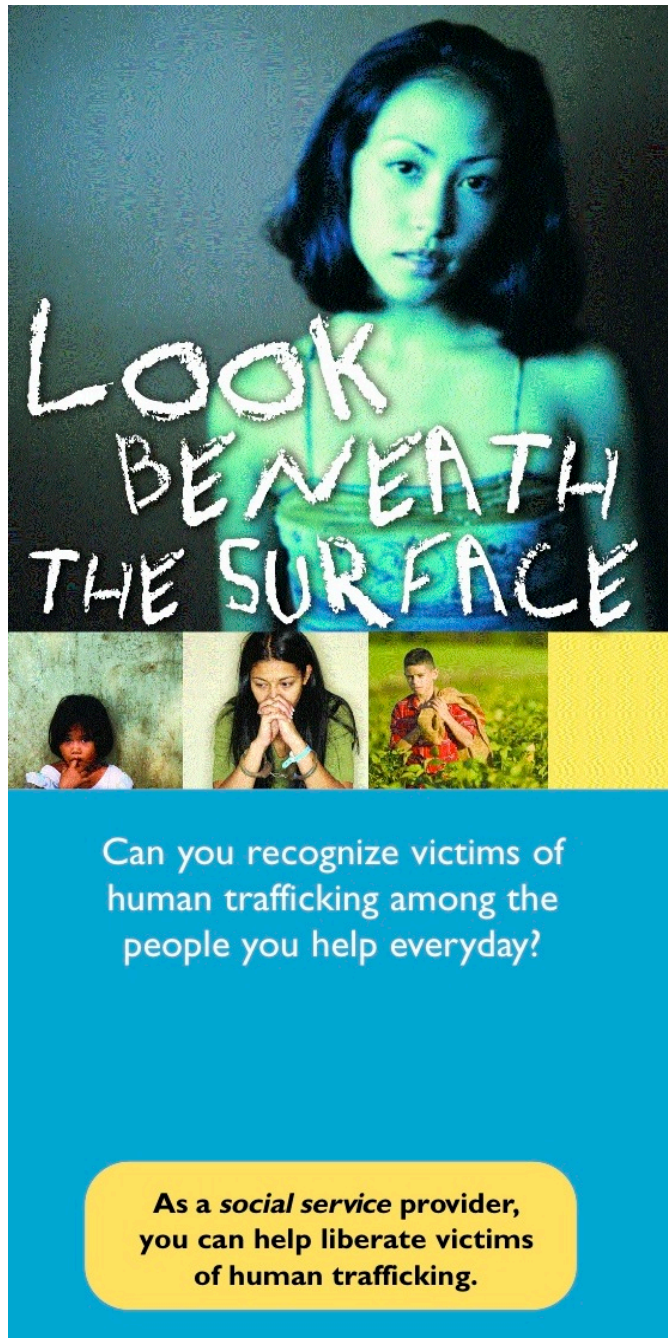


Image 2.1: Rescue & Restore Victims of Human Trafficking. "Look Beneath the Surface." Washington D.C.: U.S. Department of Health and Human Services, Administration for Children & Families, 2007. Brochure.

In the “Look Beneath the Surface” campaign brochure, a U.S. Rescue and Restore initiative, a young slender Asian woman is featured staring in the direction of the viewer, her head slightly tilted. Her body is cropped above the waist. The only clothing visible is a spaghetti strap tank top that implies this photo could be one of any person on a warm day – in Hawaii, California, or even Miami. Across her chest are bold words that suggest otherwise: “Look Beneath the Surface.” Below the main photo are three smaller photos that imply looking beneath her surface reveals other images. This human trafficking brochure invokes new meanings about who is a trafficked person and, at the same time, reaffirms stereotypes about human trafficking victims. The far left photo is a picture of a child whose image is reminiscent of the children in the film *Born into Brothels* (2004). She could be one of the children in Kolkata's red-light district – Avijit, Shanti, Manik, Puja, Gour, Suchitra, Tapasi, Mamuni – or another South Asian child that the U.S. audience never knows. This child is no older than any of the children in *Born into Brothels* and she sucks on her pointer finger like a baby. The imagery evokes more questions – children suck on their fingers to calm themselves, so what is it that this child is calming herself about? The middle photo is of a woman of color wearing handcuffs, her hands clasped as though she is praying. Her clothing suggests that she is detained, but not in a holding cell – she is not donned in the iconic orange of detainees being deported or in jail. On her wrist, it looks as though she is wearing a medical bracelet; she has received recent medical attention. Arrest and prayers are her experience. The last photo is of a young man who looks like a child; he carries a bag through a field and is an agricultural worker. His history is unclear, but there are questions that are raised for me: what does his education look like and where is his family? The chances this young man will become like Dr. Q, a brain surgeon, is one in four million.¹

If the images in the brochure are relatable due to their physical juxtaposition, they all share an experience in some fashion of fear, prayers, incarceration, medical problems, educations, family, and, in general, the Third World in the First World.² The images are of cropped, or even chopped bodies, and subsequently evoke more questions. These images collectively ask the viewer – be it law enforcement officers, social service providers, lawyers, health care providers, or any person in the community who might come into contact with a victim of human trafficking – to look beneath the surface. The photographs are reminiscent of Roland Barthes’ understanding of photography: photographs do not call the past nor restore what has been abolished by time/space, but rather “attest[ing] that what I see has indeed existed.”³ To participate in this campaign of looking beneath the surface is to find that “human trafficking is modern-day slavery.”

¹ Dr. Alfredo Quinones-Hinojosa (a.k.a. Dr. Q) went from being a migrant farm worker to a brain surgeon. *Becoming Dr. Q.: My Journey from Migrant Farm Worker to Brain Surgeon*. Berkeley, California: University of California Press, 2011.

² Chandra Tapalde Mohanty, Ann Russo and Lourdes Torres define the *Third World* as the “colonized, neocolonized, or decolonized countries (of Asia, Africa, and Latin America) whose economic and political structures have been deformed within the colonial process, and to black, Asian, Latino, and indigenous peoples in North America, Europe, and Australia. Thus, the term does not merely indicate a hierarchical cultural and economic relationship between ‘first’ and ‘third’ world countries; it intentionally foregrounds a history of colonization and contemporary relationships of structural dominance between first and third world peoples.” *World Women and the Politics of Feminism*. (Indiana: Indiana University Press, 1991): ix.

³ Barthes, Roland. 1982. *Camera Lucida: Reflections on Photography*. Translated by Richard Howard. (New York: Hill and Wang): 82.

The Look Beneath the Surface Campaign is a product of the Trafficking Victims Protection Act of 2000 (TVPA).⁴ The implementation of the TVPA led to the designation of U.S. Department of Health and Human Services (HHS) as the government agency assigned to support victims in the process of becoming eligible to receive benefits and services in the U.S. Immigration lawyers, social service providers, health care providers, and law enforcement officers are key “identifiers” of human trafficking “victims.”⁵ As part of its awareness-raising initiatives, HHS launched a campaign in 2007 encouraging “intermediaries to look beneath the surface by recognizing clues and asking the right questions because they may be the only witnesses with the chance to reach out and help victims.”⁶ Campaign materials are disseminated in English, Chinese, Spanish, Indonesian, Korean, Thai, and Vietnamese. The target victim population is Asian and Latina/o as seen with the prioritization of Asian and Spanish languages. HHS Coalitions throughout the United States (a total of forty-four) receive funding through HHS to support outreach to those who might identify victims of human trafficking or interact with trafficked people.⁷ The campaign materials purport an image that trafficked people are people of color or immigrants (Image 2.1). The visual representation of human trafficking includes poster materials.⁸

But before I can understand what this campaign is calling for – that is, what it means to look beneath the surface – an analysis of the surface is needed. A surface is an uppermost layer to something that is much deeper than what can be perceived by the eye. Like a photograph, a surface creates a mirage of being three-dimensional, of having depth. If the campaign’s advertisement through brochures and posters asks the viewer to look below the surface (the uppermost layer), what is the surface layer? And how is it created? I illuminate how a surface that locates “modern day slavery” as hidden, below, and unseen, is sustained by certain assumptions about freedom. The discourse of freedom manifests in the campaign materials, and cannot be understood by merely looking beneath the surface or even the face value of what is seen.

I offer an interdisciplinary literature review through the discourse of freedom and trafficking. In this chapter I draw upon theories in philosophy, history, literature, sociology, legal studies, feminist theory, critical race, and visual culture to analyze the representation of Asians and Latinas/os. I analyze the representation of Asians and Latinas/os in these campaigns to illuminate how the image of those categorized as human trafficked is shaped by a discourse of freedom. In order to understand how human trafficking is created and sustained, it is useful to focus on how freedom constitutes exploitation through the example of sexual economies and labor.

⁴ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, div. A, 114 Stat. 1466 (codified as amended at 22 U.S.C. §§ 7101-7110 (2000)).

⁵ People categorized as human trafficked are dependent on a “perfect victim” status (Srikantiah 2007). And the non-contradictory infallible, or the *perfect victim* (Srikantiah 2007), is a stereotype and a myth that is perpetuated by images both in text and visual that constitute who a trafficked person is in the 21st century anti-trafficking movement. Read Chapter 6 for more information about the language of “victim” and human trafficking.

⁶ *U.S. Department of Health and Human Services: Administration for Children & Families*. August 2010. “About Rescue & Restore: Campaign Overview.” The Campaign to Rescue & Restore Victims of Human Trafficking. http://www.acf.hhs.gov/trafficking/rescue_restore/index.html. Accessed on March 10, 2012.

⁷ *U.S. Department of Health and Human Services: Administration for Children & Families*. February 7, 2012. “Contact Information for Coalitions.” The Campaign to Rescue & Restore Victims of Human Trafficking. http://www.acf.hhs.gov/trafficking/about/coalition_list.html. Accessed on March 10, 2012.

⁸ See Appendix JJ.

The result of the shifting perceptions of freedom in discourses about sexual economies and labor industries sustains what I refer to as an *invisible / visible paradigm of human trafficking*. The invisible / visible paradigm of human trafficking is a complex phenomenon that is created when some experiences of exploitation are seen and are therefore visible, which in effect renders experiences and processes that are not seen as invisible and marginal. An invisible / visible paradigm of human trafficking may be described through the example of the work of lawyer and Labor Commissioner of California, Julie A. Su, who renders the invisible / visible through her discussions on the Thai garment industry. Prior to 1995, slave labor in El Monte, California was rendered normal and an invisible issue. The visibility of the victims of human trafficking lay not only in the discovery of victims living behind barbed wire, but also in the civil law suits and media coverage of the El Monte case.⁹ What is not visible is what happened to the survivors after their supposed rescue. What is visible is the narrative of the rescuer. This case illustrates, as a case that occurred prior to the existence of the Trafficking Victim's Protection Act, that human trafficking is seen and unseen. Human trafficking is visible when someone is identified as trafficked by the multiple institutions that participate in anti-trafficking discourse, and is invisible either when no one knows about its existence or is known to only a few people and is not included in the larger narrative of human trafficking. These instances of being visible yet invisible are evident in human trafficking cases that challenge assumptions about perfect victims – victims are contradictory and fallible.¹⁰ To unravel the dynamic of freedom and slavery is to conceptualize when a trafficked person is visible / invisible.

The campaign materials create a calling: the need to look beneath the surface because people's freedoms are at stake. The messaging in the campaign expounds liberation and rescue: "As a social service provider¹¹ you can help liberate victims of human trafficking" (Image 2.1). The campaign language is reminiscent of anti-slavery rhetoric, using such terms as liberation, freedom and emancipation. Such dynamics of rescuer / rescued and liberator / liberated delineate a power dynamic between those who are victims¹² and those who are anti-traffickers. Foucault understands power as not acquired, seized, or shared, but rather a manifold of "relationships of force that take shape and come into play in the machinery of production."¹³

⁹ Su, Julie A. 1997 – 1998. "Making the Invisible Visible: The Garment Industry's Dirty Laundry." *Gender, Race, & Justice*. Volume 1: 405 – 417.

¹⁰ See Chapter 6.

¹¹ The New Deal policy (1933- 36) transformed social work transformed into a primary function of the government (Ehrenreich 1985, 106). And the 1960s social movements forced race, class and gender into the public consciousness (Ehrenreich 1985, 224). Social work scholar, Charles Grosser, described the social worker as "not the enabler, broker, expert, consultant, guide, or social therapist. He is, in fact, a partisan in a social conflict, and his expertise is available exclusively to serve client interests... this is one of the orders of today's business..." (Ehrenreich 1985, 202). Others such as see social work as a form of social control, as a form of "philanthropic colonialism." Although social services and social workers themselves are illustrated as facilitating state agendas, they are deemed as industries that are committed to a service ethic (i.e., health care, educators, and social work professions) (Ehrenreich 226). Ehrenreich, John H. 1985. *The Altruistic Imagination: A History of Social Work and Social Policy in the United States*. Ithaca and London: Cornell University Press.

¹² I use victim and survivor interchangeably. Victim is informed by the legal language, in which in order to receive legal and economic relief due to one's experience of being trafficked, the person must be identified as a "victim" of human trafficking. Survivor is the designation of a status that encompasses victims of human trafficking, but also individuals who have not been identified by institutions as a "victim of human trafficking." Survivor is a term that is used to describe how people survive their experience. It is also a problematic term because it does not cover those who die in slavery and human trafficking. The numbers of deaths are unknown, however, cases such as *United States v. Reddy*, makes visible that death does occur.

¹³ Foucault, Michel. 1978. *The History of Sexuality. Volume 1: An Introduction*. New York: Vintage Books.

Thus, to understand a particular human condition, human trafficking, necessitates situating how trafficking is produced in relation to its assumed antithesis: freedom.

1. A Rhetoric of Freedom

“You can help liberate victims of human trafficking.” – U.S. Department of Health and Human Services (HHS), Administration for Children and Families, “Look Beneath the Surface” Campaign (2005).¹⁴

The language of liberation in the HHS campaign calls for an interpretation. English and Asian American Studies scholar David L. Eng’s analysis of *Lawrence v. Texas* (2003) leads him to assert that liberty is intended for a “social group to whom rights, recognition, and privileges are granted [...] the liberty of some can certainly be in conflict with the freedom of others. Hence, we need to ask, liberty and freedom for whom, where, and under what conditions.”¹⁵ U.S. government and non-government campaigns assert that victims of human trafficking do not have freedom. The HHS campaign promotes the idea that the person who can restore freedom to a trafficked person is not the trafficked person, but rather a “liberator” or a rescuer.” It is the “you,” the stakeholders,¹⁶ those who participate in U.S. anti-trafficking initiatives who liberates trafficked people. Freedom is defined by the Oxford Dictionary as “the power or right to act, speak, or think as one wants, [...] the state of not being imprisoned or enslaved.”¹⁷ This definition is too broad; drawing upon a variety of scholars (historians, philosophers, and women of color theorists), I posit that freedom is: 1) understood to be what it is not – in this case, slavery, 2) not automatically realized with abolition or an end of slavery or slave-like conditions over time, 3) defined by individuals, and 4) solidified by the collective through nation-states (even if this practice means denying freedom to a subgroup of people). I provide an interpretation of freedom to frame how it shapes how one is constructed as trafficked or not.

Notions of freedom are formed through a paired contrast with slavery. The intertwining of freedom and slavery may be historically traced to the principal author of the Declaration of Independence, Thomas Jefferson. Historian Edmund S. Morgan contends that the rise of liberties and equality for white men in the United States was accompanied by the rise of

¹⁴ U.S. Department of Health and Human Services, Administration for Children and Families. 2005. “Look beneath the surface can you recognize victims of human trafficking among the patients you see daily?” Washington D.C., United States of America, <http://www.acf.hhs.gov/trafficking/campaign%5Fkits/tool%5Fkit%5Fhealth/health%5Fcare%5Fbrochure.pdf> (Accessed on April 15, 2007).

¹⁵ See Appendix LL for a summary of the *Lawrence v. Texas* case.

¹⁶ Mitchell, Agle and Wood begin with R.E. Freeman’s broad definition of a stakeholder as being: “any group or individual who can affect or is affected by the achievement of the organization’s objectives” (1997). They affirm that a stakeholder is identified by an organization or what they call a “firm”: “by their possession or attributed possession of one, two, or all three of the following attributes: (1) the stakeholder’s power to influence the firm, (2) the legitimacy of the stakeholder’s relationship with the firm, and (3) the urgency of the stakeholder’s claim on the firm” (1997). Mitchell, Ronald K., Bradley R. Agle and Donna J. Wood. October 1997. “Toward a Theory of Stakeholder Identification and Salience: Defining the Principle of Who and What Really Counts.” *The Academy of Management Review*, Vol. 22, No. 4: 854.

¹⁷ *Oxford Dictionary*. 2012. “Freedom.” Oxford University Press: <http://oxforddictionaries.com/definition/freedom?q=freedom>. Accessed on March 1, 2012.

racialized slavery – the two form a central paradox in U.S. history.¹⁸ Morgan revisits Thomas Jefferson, who was a prolific writer on the issue of freedom. His analysis of Jefferson leads him to designate freedom as being constituted by a person who is economically independent from another, and therefore an economically dependent person is unfree. And the ability for a person to be free of debt, and for that reason free, is also tied to notions that such individuals should also be economically free to own land. This solidified the relationship between slaves and freed-men. Philosopher David Hume defends liberty as a human universal in *An Enquiry Concerning Human Understanding*,¹⁹ where liberty is the “will to act,” excluding those in prison or in chains. For Hume, the opposite of freedom is imprisonment and chains. The imagery of chains and antebellum slavery in the United States is iconic due to the practices of chattel slavery.²⁰ Contemporary slavery is seen as distinctively different than chattel slavery; the chains that bind a person into slave conditions in contemporary slavery are not necessarily physical chains.²¹ Contemporary slavery in the twenty-first century occurs through tactics that are forceful,²² fraudulent,²³ or coercive.²⁴

Twenty-first century understandings of freedom may be traced beyond the abolition of slavery, as shown in sociohistorical critiques. Sociologists Stephen Small and Kwame Nimako make the case that slavery did not end with abolition, but rather has continued through in a different form.²⁵ Angela Davis cites W.E.B. Du Bois, who conveyed that emancipation would always remain a conceptual abstraction as long as a labor industry such as domestic service was the only option for African Americans. Liberation did not lead to freedom. Angela Davis places herself in conversation with W.E.B. Dubois with her remarks that “after eight long decades of ‘emancipation,’ the signs of freedom were shadows so vague and so distant that one strained to get a glimpse of them.”²⁶ What about twenty-first century human trafficking is different than antebellum slavery? If slavery was abolished, why did it not go away? Historian Eric Foner frames it with his historical tracing of freedom: freedom during slavery was not merely the absence of slavery, but rather a concept that was shaped by a “terrain of conflict, its substance open to different, often contradictory interpretations.”²⁷ The inability for some people to access

¹⁸ Morgan, Edmund S. 2003. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W.W., Norton & Company.

¹⁹ Hume, David. 1909 – 14. *An Enquiry Concerning Human Understanding*. Vol. 37, Part 3. New York: P.F. Collier & Son Company. New York: Bartleby.com, 2001. <http://www.bartleby.com/37/3/>. Accessed on March 10, 2012.

²⁰ Allison, Robert J., Ed. 1995. *The Interesting Narrative of the Life of Olaudah Equiano: Written by Himself*. Boston: Bedford Books.

²¹ Becky Owens Bullard. “A Picture Says a Thousand Words: Sending the Right Message about the Realities of Abuse through our Images.” *Voices Against Violence*, Blog, June 5, 2012, <http://voicesagainstviolenceproject.wordpress.com/2012/06/05/a-picture-says-a-thousand-words/> (Accessed on June 5, 2012).

²² See Appendix U.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Nimako, Kwame, and Stephen Small. August 14, 2010. “Collective Memory of Slavery in Great Britain and the Netherlands.” *American Sociological Association Annual Meeting*. <http://africam.berkeley.edu/events/NIMAKO-SMALL.pdf>. Accessed on March 12, 2012.

²⁶ Davis, Angela. 1981. *Women, Race & Class*. (New York: Vintage Books): 98.

²⁷ Eric Foner traces the shifting understandings of freedom from antebellum slavery in the United States at the level of the nation-state, to the transnational implications of the relationship between globalization, economic justice and freedom. *Give Me Liberty! An American History*. Brief Third Edition, Vol. Two: From 1865. (New York and London: W.W. Norton & Company, 2012): 441.

freedom created a haunting in the U.S. imaginary that continues to impact U.S. institutional practices. This haunting emerges in the inequalities created through racial, gender, and class difference, and the social climate of a Jim Crow Society. What is created is *abolition as myth*. I am not suggesting the impossibility of abolition, but rather incorporating Roland Barthes' understanding of myth through semiology. Barthes asserts that it is through language that "myth gets hold of in order to build its own system."²⁸ Although slavery ended, the goals and the hopes of an abolition movement have not actualized, and therefore haunt U.S. citizens in the twenty-first century.

The haunting of slavery is articulated in the assumed connection between slavery and twenty-first century trafficking, as seen in President Obama's speech recognizing National Slavery and Human Trafficking Prevention Month in 2010:

During National Slavery and Human Trafficking Prevention Month, we acknowledge that forms of slavery still exist in the modern era, and we recommit ourselves to stopping the human traffickers who ply this horrific trade. As we continue our fight to deliver on the promise of freedom, we commemorate the Emancipation Proclamation, which became effective on January 1, 1863, and the 13th Amendment, which was sent to the States for ratification on February 1, 1865 – President Barack Obama, "National Slavery and Human Trafficking Prevention Month."²⁹

During the National Slavery and Human Trafficking Prevention Month (January), President Barack Obama reflected upon human slavery and freedom as two-fold: a part of the present, but a present day phenomenon that is connected to U.S. abolition of slavery in the 1800s. Slavery and freedom are temporally and spatially in the present, and historically formed. An American recollection of what abolition accomplished was the end of the cruelty and the violence towards Africans who were trafficked across the Atlantic passage. The image of human slavery is one of a crossing. The crossing from Africa to the Americas for African slaves goes hand-in-hand with the iconic image of the tight packing of slaves on ships, cruelty of chattel slavery, and millions who lived lives in inhumane conditions. Slavery is portrayed as impacting those who crossed the Atlantic Ocean; the inhumane conditions of slavery were passed on generationally. Obama's speech is a reminder that U.S. notions of freedom are defined across time-space, even though there is an assumed origin to U.S. antebellum slavery.

The work of Toni Morrison best describes haunting through a literary portrayal.³⁰ In *Beloved*, Morrison depicts the end of institutional slavery as fraught with emotional and psychological scars, persistent racism, and both a national yet personal trauma.³¹ Sociologist Avery Gordon's analysis of *Beloved* conveys the haunting by antebellum slavery: "what Morrison is saying [...] if we listen carefully to the voices of 124, we will hear not only 'their'

²⁸ Barthes, Roland. 1957. *Mythologies*. Translated by Annette Lavers. (Paris: Editions du Seuil): 115.

²⁹ Obama on National Slavery and Human Trafficking Prevention Month: President urges global community to protect victims, prosecute traffickers. The White House Office of the Press Secretary. (Washington D.C., United States of America, January 4, 2010). America Archive.gov, <http://www.america.gov/st/texttrans-english/2010/January/20100105105309xjsnommis0.6237757.html#ixzz1jZ2nnXQi>. Accessed on March 15, 2012.

³⁰ Morrison, Toni. 1987. *Beloved: a novel*. New York: A.A. Knopf.

³¹ Krumholz, Linda. Autumn 1992. "The Ghosts of Slavery: Historical Recovery in Toni Morrison's *Beloved*." *African American Review*. Vol. 26, No. 3, Fiction Issue: 396.

story, the old story of the past, but how we are in this story.”³² The work of Morrison illustrates a re-memory of slavery in the United States through a particular type of production of literature, which enables a witnessing beyond the individual’s experience of exploitation and offers a testimonial.³³ The testimonial of the multiple witnesses – witness as a survivor, as generationally impacted, and as the witness to another person’s experience – is significant for movement building and defining a discourse of freedom. It is through the victim of human trafficking who narrates his or her trauma that a “knowing” of the event is created.³⁴

The U.S. is a country whose power is constituted by slave practices. The Thirteenth Amendment exemplifies that U.S. practices and ideologies of freedom are imbricated in individualisms and individual choices that are tied to patriarchy. In particular, Saba Mahmood describes freedom as motivated by individual desires and mediated by cultural and historical conditions.³⁵ On January 31, 1865, the Thirteenth Amendment to the United States Constitution was implemented, officially abolishing and prohibiting slavery and involuntary servitude. I find this section of the Thirteenth Amendment to imply that freedom is shaped by individual choices, as dictated through the language of voluntary/involuntary servitude. The language of the Thirteenth Amendment is as follows:

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.³⁶

The language of involuntary servitude implies that slavery does not include individuals who voluntarily enter servitude. Yet servitude, by its very definition, is an industry that one never enters willingly. Legal scholar Joyce E. McConnell contends that nineteenth century understandings of involuntary servitude were narrow and that the focus was on coerced wage labor in the market economy. The goal in the inclusion of “involuntary servitude” was to prohibit “the creation of slave-like conditions through the private use of force.”³⁷ McConnell examines Congressional and legal debates about involuntary servitude; these documents demonstrate that servitude is gendered. Women were seen as property, as illustrated in a statement by Representative White during the discussion: “A husband has a right of property in the service of his wife; he has the right to the management of his household affairs [...] All these rights rest upon the same basis as a man's right of property in the service of slaves” (1865).³⁸

³² Gordon, Avery F. 1997. *Ghostly Matters: Haunting and the Sociological Imagination*. (Minneapolis: University of Minnesota Press): 190.

³³ See Chapter Four.

³⁴ Laub, Dori. 1992. “Bearing Witness or the Vicissitudes of Listening.” *Testimony: Crisis of Witnessing in Literature, Psychoanalysis and History*. Shoshana Felman and Dori Laub, Ed. (New York: Routledge): 57.

³⁵ *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton and Oxford: Princeton University Press, 2005.

³⁶ Thirteenth Amendment. Passed by the United States Congress, January 31, 1865. Ratified on December 6, 1865. National Archives Records Administration, <http://www.ourdocuments.gov/doc.php?doc=40> (Accessed on February 15, 2007).

³⁷ McConnell, Joyce E. 1991 – 1992. “Beyond the Metaphor: Battered Women, Involuntary Servitude and the Thirteenth Amendment.” *Yale Journal of Law & Feminism*. Volume 4: 208.

³⁸ Joyce E. McConnell footnotes this example from Congress Globe, 38th Congressional, 2nd Session, 215 (1865) (statement of Rep. White). *Ibid* at 207.

Although the present day anti-slavery movement has continually worked to address the diversity of genders of those enslaved, the historical development of servitude is gendered as feminine – women and slaves as property. U.S. women were categorized as slaves to their husbands, as property but, at the same time, beneficiaries of racialized slave practices. I argue that the negotiation, redefinition, and engagement with freedom in the 21st century, continues to persist in spite of the passage of the Thirteenth Amendment. This ongoing discussion of freedom suggests that abolition has not been actualized and that, there is an ongoing tension around the inability to provide freedom to all people. The discussions about slave-like practices and the development of the Thirteenth Amendment elucidate the historical context in which the debates about slavery and ownership were not mere discussions of people as property, but those who were enslaved were feminized.

Freedom and slavery are contextualized by the modern capitalist economy. For Marx, slavery is an “economic category.”³⁹ Marx describes the modern slavery as a social system that came out of a capitalist society. Capital is “social power,” therefore, in a capitalist society, freedom under such conditions is, “production, free trade, free selling and buying.”⁴⁰ The wageworker symbolized the antithesis to the slave. In contrast to the free individual in a capitalist system, the slave has unique qualities. Ken Lawrence’s summary of Marx’s describes slavery as: 1) the price of a slave is the anticipated profit “to be ground out of him”; 2) the land owner and the exploiter of labor are the same person; 3) a slave has value, exchange value and a free wage-worker has no value, only the power to dispose of his labor; 4) all of the slave's labor appears to be unpaid; and 5) all of the free worker's labor appears to be paid; the money-relation conceals the labor of the worker for the capitalist — the surplus labor.⁴¹ In the current economic system, labor rights are protected under the Fair Labor Standard Act, however, in spite of such protections, slavery still exists. The existence of servitude and slavery in the twenty-first century is a sign of unhealthy capitalism.

Eric Foner demonstrates how the citizenship clause of the Fourteenth Amendment is integral to U.S. abolition. The Fourteenth Amendment solidified the government as the “custodian of freedoms.”⁴² The role of nation-states and governments in defining freedom, as well as facilitating freedom, is further solidified by the Thirteenth Amendment, through which “Congress shall have power to enforce this article by appropriate legislation.” Freedom is forged by those who are able to access citizenship, which created a system of people unable to access rights – non-citizens. Freedom is inextricably linked to U.S. notions of citizenship. Asians and Latinas/os have been socially as well as legally denied access to freedom, with their historic experiences of being denied access to citizenship. Asian and Latinas/os are considered to be perpetual aliens, categorized as unable to share in America.⁴³ Regardless of their formal citizenship they are seen as “alien citizens,” racialized as the “inassimilable” Asian and the

³⁹ Karl Marx. 1847. *The Poverty of Philosophy: A Reply to M. Proudhon's Philosophy of Poverty*, (New York, International Publishers): 94-5.

⁴⁰ Karl Marx and Frederick Engels. 1848. *The Communist Manifesto*. A Modern Edition. (London: Verso, 1998): 54.

⁴¹ *Karl Marx on American Slavery*. (Mississippi: Freedom of Information Service, 1976): 12.

⁴² Eric Foner cites, Massachusetts Senator Charles Sumner, as describing the United States government as the “custodian of freedom.” *The Story of American Freedom*. (New and London: W.W. North & Company, 1999): 106.

⁴³ Lowe, Lisa. 1996. *Immigrant acts: on Asian American cultural politics*. (Durham: Duke University Press): 6.

“illegal” Mexican.⁴⁴ There is a long history of anti-immigration policies that targeted the Asian region – the 1907 Gentlemen’s Agreement, the 1924 Immigration Act, and the 1934 Tydings McDuffie Act. The historic prevention of Asians from entering the United States began with Chinese Exclusions in 1882, and was solidified with the 1924 Immigration Act, which barred Asian immigrants from becoming naturalized citizens. The 1921 quota system set up policies that only enabled a certain number of individuals to access rights in the United States. This is best described in Mae Ngai’s historical examination of the construction of Asian, where Asian was constructed through exclusionary policies like the 1917 Asiatic Barred Zone Act. The ideological constitution of Asians as a subcategory was solidified before 1917, and scholars date the beginning of the exclusion of Asians to the Chinese Exclusionary Act of 1882. As African Americans were legally codified by their difference during antebellum slavery, so too were Asians and Latinas/os during a climate in which slave systems in the United States were on their last legs.

Latinas/os were impacted by U.S. expansion and racialized nationalism. The creation of the southern border spawned anxieties towards Mexicans, even though the northern border between the United States and Canada is the world’s longest border. As the United States saw Asia as a threat and sender of “perpetual foreigners,” fifty percent of Mexico had already been incorporated into the U.S. with the 1848 Treaty of Guadalupe. This treaty solidified the southern border for the United States. The U.S. solidification of its borders, coupled with nativism, set the tone for how the Asia-Pacific and those south of the U.S. border were seen. Not only has policy solidified who has access to citizenship, but there are also cultural dimensions of those who, in spite of their legal status, are deemed “alien citizens.”⁴⁵ Although citizenship created a sub-class of non-citizen people, I argue that it is not just citizenship and rights it confers that have come to impact those that are categorized as trafficked, but also the demand for labor. Through the example of migrant agriculture and domestic workers, I argue that freedom is a concept denied to raced laboring people.

⁴⁴ Ngai, Mae M. 2007. “Birthright Citizenship and the Alien Citizen.” *Fordham Law Review*. Vol. 75, Issue 5: 2521.

⁴⁵ Mae Ngai explains, “in addition to the cultural dimensions of citizenship, alien citizenship has been expressed in law and official policy.” “Birthright Citizenship and the Alien Citizen.” *Fordham Law Review*. Vol. 75, Issue 5 (2007): 2521



Image 2.2: Rescue & Restore Victims of Human Trafficking. “Look Beneath the Surface.” Washington D.C.: U.S. Department of Health and Human Services, Administration for Children & Families, 2005. Poster 3.⁴⁶



Image 2.3: Rescue & Restore Victims of Human Trafficking. “Look Beneath the Surface.” Washington D.C.: U.S. Department of Health and Human Services, Administration for Children & Families, 2005. Poster 2.⁴⁷

⁴⁶ See Appendix JJ.

⁴⁷ *Ibid.*

2. Labor and Migration

A victim of trafficking may look like many of the people you see everyday. Ask the right questions and look for clues. You are vital because you may be the only outsider with the opportunity to speak with a victim. There are safe housing, health, immigration, food, income, employment, legal and interpretation services available to victims, but they must be found – Look Beneath the Surface, Department of Health and Human Services, Poster.⁴⁸

Department of Health and Human Services Campaigns raise awareness about labor trafficking, but they also perpetuate an image of who is vulnerable to such exploitation: children in agriculture and women of color in the service sectors. In the Look Beneath the Surface Campaign posters, the messaging implies that these victims are seen, but they not recognized and thus must be identified. Prior to the 1980s, U.S. immigration discourse did not incorporate a gender lens in the discussions about transnational labor.⁴⁹ The earliest high profile labor trafficking case in California occurred in the 1990s. In 1995 seventy-two Thais were discovered enslaved in El Monte California garment shops,⁵⁰ of which the majority were women.⁵¹ Jennifer Chacon argues that border interdiction strategies, harsh penalties for undocumented migrants, and insufficient labor protections for all workers “all interact to facilitate trafficking, notwithstanding the [Trafficking Victims Protection Act,] TVPA.”⁵² Although there is a movement to render exploitation visible, there exists a discourse on immigration reform, border security, and labor policies that shapes anti-trafficking responses.

Conceptualizations of migration are often broken into a binary: legal versus illegal migration. Although the face of the migrant is diverse, the portrayal of immigrants in mass media links them to anti-smuggling initiatives at the U.S. southern border. Geographer John Salt interprets human trafficking and smuggling is as forms of irregular migration. Dutch criminologist scholar, Alexis A. Aronowitz, conveys that people trafficked and smuggled share vulnerabilities to exploitation – the difference is that smuggling is short-term, whereas human trafficking is a long-term form of exploitation.⁵³ Not all trafficked people are human smuggled, and not all human smuggling experiences lead to human trafficking. All the case studies presented in this dissertation do not involve irregular migration; the victims were brought into the United States through regular means. However, one must understand smuggling and trafficking as systems that intersect. To understand international trafficking, one must situate migration and the broad spectrum of vulnerabilities migrants’ experience, whether their

⁴⁸ See Appendix JJ.

⁴⁹ Monica Boyd and Elizabeth Grieco. “Women and Migration: Incorporating Gender into International Migration Theory.” *Migration Policy Institute*. March 2003.

⁵⁰ Chacon, Jennifer M. May 2006. “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking.” *Fordham Law Review*. Vol. 74: 2987.

⁵¹ Sixty-Seven were women. Su, Julie A. and Chanchanit Martorrell. “Exploitation and Abuse in the Garment Industry: The case of the Thai Slave-Labor Compound in El Monte.” *Asian and Latino Immigrants in a Restructuring Economy: The Metamorphosis of Southern California*. Marta Lopez-Garza and David R. Diaz. California: Stanford University Press, 2001: 25.

⁵² Chacon, Jennifer M. May 2006. “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking.” *Fordham Law Review*. Vol. 74: 2979.

⁵³ Aronowitz, Alexis A. 2001. “Smuggling and Trafficking in Human Beings: the Phenomenon, the Markets that drive it and the Organisations that Promote it.” *European Journal on Criminal Policy and Research*. Vol. 9: 172.

migration is coerced, forced, or by choice. California media coverage in 2007⁵⁴ described a major crackdown on human smuggling that spanned a two-month period from February 18 to April 14 of that year. In this crackdown, law enforcement efforts targeted human-smuggling rings that led to five thousand arrests of illegal border crossers, “among them more than 100 people with criminal records.”⁵⁵ The mere two percent of migrants with “criminal records” does not match up to the nearly twenty-percent of the U.S. population that have a criminal record.⁵⁶

In order to understand how California labor and migration policies are situated in a U.S. anti-trafficking movement necessitates a brief framing of how Southern California and its borders figures into such debates. San Diego is an important entry point for human smuggling networks.⁵⁷ The barriers at the U.S. southern border include:

Nothing. Three wire cattle fence. Vertical railroad rail. Horizontal railroad rail with 6” drill stem uprights. Concrete filled thin wall six inch steel tube of staggered height. Corrugated steel plate. Perforated corrugated steel plate (landing mat). Square tubing. Crushed cars. Climb-proof expanded metal fence. Climb-proof chain link fence. Concrete column or ‘Bollard’ barrier.⁵⁸

Eleven thousand agents police the U.S. southern border. And the history of the policing of the U.S. southern border can be traced to the Mexican Revolution, when the border patrol was created in 1924. The border is a socio-political constructed space that is defined by those who cross and those who police it.⁵⁹

Immigrants fall into a tenuous polarization of being welcome into particular labor industries such as agriculture and service sectors and also being rejected, as seen in the tightening of U.S. borders and the arrest of migrant laborers. Latinas/os and Asians are targeted by state policies that lead to the policing of borders and the detaining of individuals who have limited access to citizenship. Even though migration patterns suggest that there is a clear demand⁶⁰ for labor that is raced⁶¹ and gendered.⁶²

⁵⁴ Leslie Berestein. “Crackdown on Smuggling Results in 5,000 Arrests.” *San Diego Union-Tribune*. Local. (April 25, 2007): B5.

⁵⁵ *Ibid*

⁵⁶ The actual number: 21.5%. Rodriguez, Michelle Natividad and Maurice Emsellem. March 11, 2011. “‘65 Million Need Not Apply’: The Case for Reforming Criminal Background Checks for Employment.” http://nelp.3cdn.net/e9231d3aee1d058c9e_55im6wopc.pdf. Accessed on March 15, 2012.

⁵⁷ “2 held in Jeffco in human smuggling case.” Myung Oak Kim. Rocky Mountain News. Denver, Colorado. September 26, 2007, <http://m.rockymountainnews.com/news/2007/Sep/26/2-held-in-jeffco-in-human-smuggling-case/>. Accessed on September 15, 2012.

⁵⁸ Southern Barrier, Part 1.” U.S.borderpatrol.com. http://www.usborderpatrol.com/Border_Patrol1301.htm. Accessed on March 15, 2012.

⁵⁹ Douglas S. Massey, Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation (2003): 26

⁶⁰ The demand are individuals who consume labour/services. A study by the International Office of Migration focuses on two particular sectors – domestic work and prostitution. See Appendix TT.

⁶¹ See Bonacich and Appelbaum (2000), Bonacich and Light (1988), Chinchila and Hamilton (2001), Cohen (2011), Ehrenreich and Hochschild (2002), Haq (1976), Inda (2006), Jung (2006), Levitt (2001), Lopez-Garza and Diaz, Massey and Durand (2003), Ngai (2004),

⁶² See Agustin (2007), Chang (2000), Cheng (2010), Choy (2003), Constable (2007), Glenn (1986, 2002, and 2010), Hondagneu-Sotelo (2001, 2003), Kang (2010), Parrenas (2001, 2008, 2011), Rollins (1987), Romero (1992), Yuh (2002).

Migration during the twentieth and twenty first century is organized by economic integration;⁶³ the global market has a permanent demand for both highly skilled professionals and unskilled laborers.⁶⁴ The International Office of Migration, estimated in 2006 that 139,000 people migrate from Mexico to the U.S. each year.⁶⁵ Of the Asian migrants that account for 5.8% the total U.S. population, 74.1% are foreign born.⁶⁶

Global migrants are not homogenous, but rather a diverse group whose migration is based on individual and macro decisions that are impacted by national/international policies and global/local dynamics; migrants differ along the lines of race, class, gender, and sex. As delineated by Ehrenreich and Hochschild, global patterns of migration have shifted and what is witnessed is an increase in women on the move.⁶⁷ Women migrants have increased in numbers not only in the labor force, but also in their visibility due to the “feminization of the job supply.”⁶⁸ United Nations Development Fund for Women (UNIFEM) illustrates how labor migration and the movement of people from conflict zones and crisis situations interact with structures of gender equality at “every level – national and global.”⁶⁹ And as migrants move from their home countries to destinations such as the United States, they leave one gender stratification system only to enter another. These experiences exacerbate what Rhacel Salazar Parrenas refers to as “dislocation.” Dislocation is a “narrative of displacement,” it is a structural location inhabited by the migrant, a marginalized location, and includes the processes by which migrants resist their dislocation.⁷⁰ Migrants oftentimes rely on their social networks to “reduce travel costs by providing information on safe and cheap routes or smugglers, and to reduce emotional costs.”⁷¹

By contrast, forced migration includes refugees⁷² and displaced persons fleeing conditions such as human slavery, ethnic cleansing, or deportation.⁷³ Historic examples of

⁶³ Peggy Levitt analyzes transnational connectivities that have developed between the Dominican Republic and Massachusetts, US. Levitt, Peggy. 2001. *The Transnational Villagers*. (CA: University of California Press): 25

⁶⁴ *Ibid* at 8

⁶⁵ International Organization of Migration is an intergovernmental organization that is seen as the “Migration Agency” on global debates surrounding social, economic, and political implications of migration in the 21st century. “World Migration 2005: Costs and Benefits of International Migration.” New Delhi: Academic Foundation (2006): 139.

⁶⁶ “The Rise of Asian Americans.” *The PEW Research Center*. June 19, 2012,

<http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/> (Accessed on June 19, 2012).

⁶⁷ Ehrenreich, Barbara and Arlie Russell Hochschild. 2002. *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. (New York, New York: Henry, Holt and Company): 2.

⁶⁸ Sassen, Saskia. 2002. *Global networks, linked cities*. New York: Routledge.

⁶⁹ Heyzer, Noeleen. November 13-15, 2002. “Combating Trafficking in Women and Children: A Gender and Human Rights Framework.” *United Nations Entity for Gender Equality and the Empowerment of Women (UNIFEM)*. The Human Rights Challenge of Globalization: Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children. (Honolulu, HI): 1.

⁷⁰ Parrenas, Rhacel Salazar. 2001. *Servants of Globalization: Women, Migration, and Domestic Work*. (California: Stanford University Press): 31 - 33.

⁷¹ Curran, Sara R. and Rivero-Fuentes, Estela. May 2003. “Engendering Migrant Networks: The Case of Mexican Migration.” *Demography*, Vol. 40, No. 2: 290.

⁷² By the end of 2005, they estimated that 8.7 million refugees exist, with the highest concentration of refugees in Asia (40%), followed by Africa (32%), Europe (20%), North America (6%), Oceania (1%), and Latin America and the Caribbean (0.4%). New source countries for mass refugee outflows during 2005 include Togo (39,000), Sudan (34,000), the Democratic Republic of Congo (16,000), Somalia (14,000), Central African Republic (11,000), and Iraq (11,000). Adamson, Fiona. “Crossing Borders: International Migration and National Security.” *International Security*, 31.1 (2006): 165-199.

forced migration include the transatlantic slave trade, the forced migration of Jews during the Holocaust, the fleeing of Vietnamese refugees during the fall of Saigon. All are examples of forced migration, a system that is characterized by state action.

Human trafficking is not simply about those forced to migrate or forced to flee. One may be trafficked into the United States even after entering or migrating to the United States without coercion. The case of the Peruvian nanny described in Chapter Four exemplifies such dynamics. The nanny entered into the United States participating in immigration fraud orchestrated by her trafficker; the nanny hoped it would lead to her accessing legal entry. Historically, there are legitimized forms of labor migration that are embedded in slavery practices. Labor migrants are concentrated in industries that have been characterized by naturalized stratified racial and gender regimes that continued even after the abolition of slavery, namely, agriculture work and domestic work.

The racialized nature of certain industries may be understood by analyzing programs that have legitimized and legalized cheap and unpaid labor. Three iconic figures shape the discourse on slavery, migration, and labor: the coolie, the *bracero*, and the household domestic. These figures are iconic images of a U.S. normalized system of cheap and docile labor. Although historically located in different time periods, the *bracero* and coolie laborers re-present the economic processes by which the United States enables ongoing systems of cheap labor. Migrant laborers fall into a precarious location: migrants are welcomed for their ability to perform labor at a cheap price and they are rejected for entry into membership in the nation.

3. Agricultural Workers: Coolies and Bracero Workers

Moon-ho Jung's historical analysis of the coolie laborer is an important starting point for examining the racialization of migrant laborers in the United States. Coolie laborers migrated to Peru and Cuba during the 1800s.⁷⁴ Some scholars contend that the experience of those laborers included kidnapping and coercion.⁷⁵ Moon-Ho Jung's scholarly contributions to the historical debates about coolie labor find that coolies were entrenched in the debates about slavery and violence in the United States; these laborers embodied U.S. "hopes, fears, and contradictions surrounding emancipation."⁷⁶ Jung's historical examination of the coolie led him to offer that coolies represent a departure from chattel slavery and the maintenance of slavery's worst features. The example of the coolie laborer in the nineteenth century is reflective of U.S. ideological challenges with the abolition of slavery in an economy that demanded cheap labor. Jung notes "the racialization of Asian workers as coolies vis-à-vis the Caribbean and the South – served to upset and recreate social and cultural dualisms at the heart of race (black and white), class (enslaved and free), and nation (alien and citizen, domestic and foreign) in the United States."⁷⁷ The debates about freedom and slavery impacted Asian migrants entering U.S.

⁷³ Adamson, Fiona. "Crossing Borders: International Migration and National Security." *International Security*, 31.1 (2006): 171.

⁷⁴ Hu-Dehart, Evelyn. 2005. "On Coolies and Shopkeepers: The Chinese as *Huagong* (Laborers) and *Huashang* (Merchants) in Latin America / Caribbean." *Displacements and Diasporas: Asians in the Americas*. Wanni W. Anderson and Robert G. Lee, Eds. New Brunswick, New Jersey: Rutgers University Press: 78 – 111.

⁷⁵ Takaki, Ronald T. 1989. *Strangers from a different shore: a history of Asian Americans*. (Boston: Little, Brown): 36

⁷⁶ Jung, Moon-Ho. 2006. *Coolies and cane: race, labor, and sugar in the age of emancipation*. (Baltimore: John Hopkins University Press): 4.

⁷⁷ *Ibid* at 9.

laboring industries, but the resolution was not one to guarantee rights, but rather, to exclude Asians from entry, thus rendering them vulnerable to further exploitation.

Nearly fifty years later, Mexican migrants experienced a legal form of migration for labor through the Bracero Program of the 1940s and 1950s that is a form of quasi-slave labor that was normalized in the United States. The Bracero Program was the first systematic government-endorsed exploitation of migrant laborers.⁷⁸ The Bracero Program is also referred to as a “bilateral immigration program” that enabled circuitous labor between Mexico and the United States. The intent was to return migrant laborers to Mexico. WWII created labor shortages in the United States, and between 1948 and 1951 five million *braceros* were transported to the United States for work.⁷⁹ With the establishment of the PRI (*Partido Revolucionario Institucional*) in Mexico, President Lazaro Cardenas (1934 – 1940) nationalized Mexican oil; this measure strained U.S.-Mexico relations, and the Bracero Program was seen as re-establishing friendship and cooperation between the two neighboring countries. The *braceros* were young, hardly more than teenagers. And although the worker agreement prescribed that *braceros* were entitled to receive adequate food, they experienced food shortages and a U.S. government indifferent to their treatment.⁸⁰ The racialization of *braceros* as better at “this type of work” due to their short stature was widely accepted. Even when this meant U.S. farm representatives saw workers stoop over for hours without standing straight, they did not see this as a problem nor a human rights violation. Opponents of the Bracero Program criticized the exploitive and unsanitary living and work conditions for *braceros*, as well as their abuse and maltreatment by growers, neglect by the United States, and racism. In spite of the end of the war, the U.S. Congress passed Public Law 78 (1951) to give the Bracero Program a permanent presence⁸¹ until 1964 pressure from civil rights activists led the government to allow the program to expire.

Just as quick as the U.S. was to open up the border to workers, Mexicans in the U.S. found themselves facing a culture that perceived them as criminals (as “illegal” migrants). In 1954, “Operation Wetback” was put into effect and led INS (Immigration Naturalization Services) to apprehend over one million migrants: “the expansion of the *bracero* migration satisfied growers, while the militarization of the border and the massive number of apprehensions reassured voters and assuaged their nativist fears, creating the widespread perception that the border was under control.”⁸² The *bracero* represents the normalization of racialized brown laboring bodies in agricultural industries. Even though they were legitimate laborers, like the coolie laborer that came before them, *braceros* were denied citizenship, and therefore rights. The *bracero* created a normalcy in the visible spaces of agriculture – cheap racialized labor and the denial of access to rights.

It was the poor woman of color domestic worker that created the same type of normalcy in the home. Domestic workers may be traced to U.S. slavery. During the colonial period

⁷⁸ Grace Chang. 2000. *Disposable Domestics: Immigrant Women Workers in the Global Economy*. (MA: South End Press): 30

⁷⁹ Bickerton, Maria Elena. 2000 – 2001. “Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program.” *Texas Law Review*. 79: 897.

⁸⁰ Cohen, Deborah. 2011. *Braceros: migrant citizens and transnational subjects in the postwar United States and Mexico*. (Chapel Hill: University of North Carolina): 25.

⁸¹ Massey, Douglas S., Jorge Durand, and Nolan J. Malone. 2003. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. (New York: Russell Sage Foundation): 36 - 37.

⁸² Douglas S. Massey, Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation (2003): 37

(sixteenth century – 1776) in the Americas, Europeans (children, vagrants, petty criminals, and Irish) experienced slavery as indentured servants.⁸³ The servitude for Europeans did not lead to social death, nor was it always generational; eventually, indentured slaves were able to gain their freedom. A common sight, the poor and the homeless were those who were found in domestic service during this colonial era.⁸⁴ European indentured workers during the early colonial period found themselves side-by-side with those who would become known as people of color. And the institutionalization of slavery solidified the distinction between European indentured workers and Black slaves. Chattel slaves were defined as the personal belonging to a free person.⁸⁵ In contrast, indentured servants was understood as a individuals who through a form of a written agreement between two or more parties were contracted to serve a master for a specific period of service.⁸⁶ The eventual abolition of slavery did not rid the demand for domestic service. Evelyn Nakano Glenn asserts that, “marketization and industrialization fundamentally transformed the household economy by making it increasingly reliant on earnings from wage labor.”⁸⁷ The prevalence of African men in domestic service shifted after slavery ended. By 1870, gender dynamics changed dramatically, with eighty-five percent of domestic workers being female. Mary Romero’s *Maid in America* (1985) traces the historical shifts in the raced and gendered demands for domestic workers; she finds that from emancipation to the depression, African American women were visible in domestic work, with the image of the domestic worker as a black, older, and woman residing outside of their employer’s home. The composition changed throughout the 1900s with increasing numbers of Asians and Latinos in domestic service due to their material and legal status being exploitable.⁸⁸ Sociologist Judith Rollins contends that nineteenth century European Immigrant women escaped this occupational ghettoization.⁸⁹ And by the 1980s, the (white)⁹⁰ American employer and the woman of color domestic worker both became the norm.⁹¹

Sociologist Evelyn Nakano Glenn best describes the presence of Asians in domestic work. Glenn’s generational mapping of Asian domestics asserts that the passage of Chinese Exclusions in 1882 did not quell the ongoing demand for immigrant “help” in the home that was once Chinese. Japanese men were a common feature in the American home in California.⁹² The 1907 Gentlemen’s Agreement led to the increase in *Issei*⁹³ Japanese women migrating to the

⁸³ Jordan, Don and Michael Walsh. 2008. *White Cargo: The Forgotten History of Britain’s White Slaves in America*. (New York: New York University Press).

⁸⁴ Romero, Mary. 1992. *Maid in the U.S.A.* New York: Routledge.

⁸⁵ M. Eugene Sirmans. “The Legal Status of the Slave in South Carolina, 1670 – 1740.” *The Journal of Southern History*. Vol. 28, No. 4 (1963): 465.

⁸⁶ Billings, Warren M. January 1991. “The Law of Servants and Slaves in Seventeenth-Century Virginia.” *The Virginia Magazine of History and Biography*. Vol. 99, No. 1: 45 – 62.

⁸⁷ Glenn, Evelyn Nakano. 2010. *Forced to Care: Coercion and Caregiving in America*. (Cambridge, Massachusetts: Harvard University Press): 35

⁸⁸ Rollins, Judith. 1987. *Between Women: Domestics and their Employers*. (Philadelphia: Temple University Press): 57.

⁸⁹ *Ibid.*

⁹⁰ I utilize parenthesis for white, because not all employers of domestics are white Americans. As seen in the case-studies offered in this dissertation (Chapter Four and Six), the employers are the same national origins as their domestic workers.

⁹¹ *Ibid* at 59.

⁹² The number one profession for Japanese American men in 1900 was Domestic and personal servants (40.5%). This number declined by 1940 to 10.9%. Glenn, Evelyn Nakano. 1986. *Issei, Nisei, War Bride: Three Generations of Japanese American Women in Domestic Service*. (Philadelphia: Temple University Press): 70.

⁹³ First generation of Japanese to migrate to the United States.

United States to join their husbands, some of them as picture brides.⁹⁴ As more women migrated to the United States, a shift in gender demand for Asian domestic workers shifted the industry from predominantly male to an increasingly female workforce. Japanese men paved the way for an industry in which the women could work. The generational impacts of Asian women in domestic work occurred after WWII, which heightened the perception of Asian Americans as “yellow peril.” Franklin Delano Roosevelt signed Executive Order 9066 which designated the west coast a military zone, leading to the internment of approximately 120,000 Japanese, of which, approximately 70,000 were American citizens.⁹⁵ The close of WWII signified that Japanese were no longer a threat; however, Asian women workers were impacted by their relocation. The numbers of Japanese women entering domestic work increased after WWII.⁹⁶ Women who once held other positions found their work no longer available after they had been forced into relocation, leading them to also enter domestic work. Social pariahs, *Nisei* also found themselves entering domestic service like the women of the first generation. Domestic work after World War II became situated in a stratified U.S. labor industry, designated as primarily work by women of color –not just any women of color, but working class immigrant women of color in particular.

Fast forward into the present and not much has changed about the racial stratification of laborers in domestic work. The common characteristic of domestic work is invisibility; from the sociological analysis by scholars such as Ann Oakley in the 1970s⁹⁷ to Mary Romero’s ethnographic research in the 1990s,⁹⁸ invisibility is located as a central aspect of domestic work. The only shift is that countries relegated as part of the global south are most visible in a U.S. domestic work industry. The Philippines and Mexico are major exporters of people, a trend that has led to these countries experiencing higher numbers of transnational citizens in laboring markets like domestic work.

Historically, Filipinos were part of the same trades as the coolie laborer, migrating throughout the Americas as laborers. At present, Filipinas/os are visibly represented in Asian migration to countries such as the United States, the Arab world, Europe, and Asia.⁹⁹ Martial law by the Marcos era regime coincided with the Philippine government’s promotion of labor export policy, leading to the increase in Filipinas/os abroad. Although Filipinas/os may be found in care industries, particularly in the United States, Latinas continue to dominate domestic work. Domestic worker trends are similar in all informal economies, in which hard numbers are difficult to find due to under-reporting. The number of domestic workers in the United States has declined, while the number of Latinas working in domestic work increased. The presence of Latinas in domestic work as an occupation ghetto may be traced to the Mexican American War,

⁹⁴ Single immigrant men had brides picked for them by their parents or relatives. Through a go between, the men sent photographs and information about their lives to negotiate a marriage. The only difference between arranged marriages is that bridegrooms were physically absent at wedding ceremonies, but they facilitated the legal process. Yuji Ichioka. May 1980. “Amerika Nadeshiko: Japanese Immigrant Women in the United States, 1900 – 1924.” *Pacific Historical Review*, Vol. 49, No. 2: 343.

⁹⁵ Charles McClain, Ed. 1994. *Asian Americans and the Law: Historical and Contemporary Perspectives*. New York, New York: Routledge.

⁹⁶ In 1950, 15.8% of Issei Japanese worked in domestic worker. By 1970, this increased to 24.3%. Glenn, Evelyn Nakano. 1986. *Issei, Nisei, War Bride: Three Generations of Japanese American Women in Domestic Service*. (Philadelphia: Temple University Press): 82.

⁹⁷ *Woman’s Work: The Housewife, Past and Present*. New York: Random House, 1976.

⁹⁸ Romero, Mary. 1992. *Maid in the U.S.A.* (New York: Routledge): 35.

⁹⁹ Constable, Nicole. 2007. *Maid to Order in Hong Kong: Stories of Migrant Workers*. (Ithaca, New York: Cornell University Press): 21.

1846 – 1848.¹⁰⁰ In 1900, twenty-nine percent of the female workforce was employed in domestic work; this number declined to five percent by 1970. Since the 1970s, Latinas continue to constitute the largest category of women entering the occupation. This is due to their ability to migrate to the U.S.; the 1965 family Immigration Act enabled family members to join their families in the United States, and the economic depression in Mexico and the civil war and conflicts in Central America in the 1980s¹⁰¹ led others to migrate due to dislocations.¹⁰² Latinas are integral to keeping economies afloat with their status as foreign migrant laborers. And they figure into global processes in an under-the-table economy that perpetuates their “nonperson” role as “aliens”.¹⁰³ The nonperson status leads workers to have rights and family needs that are invisible issues in immigration reform, along with the abuse that they are vulnerable to – sexual, physical, verbal, and in worst-case scenarios, slavery. The Fair Labor Standard Act (1937) that guaranteed a minimum wage standard and overtime provisions left out domestic workers and agricultural workers on the basis that they “lay within the realm of intrastate commerce and were subject to only state laws.”¹⁰⁴ Domestic workers and agricultural workers continue to be vulnerable to exploitation due to poor enforcement of labor laws, anti-immigration policies, and labor market segregation that prevents migrants from upward mobility. Another industry has come to the fore that is embedded in a polarized discourse – the sex industry.

¹⁰⁰ Hondagneu-Sotelo, Pierrette. 2001. *Domestica: Immigrant Workers Cleaning and Caring in the Shadow of Affluence*. (Berkeley: University of California Press): 15.

¹⁰¹ *Ibid* at 7-8.

¹⁰² Narratives of displacement. Parrenas, Rhacel Salazar. 2001. *Servants of Globalization: Women, Migration, and Domestic Work*. (California: Stanford University Press): 31 - 33.

¹⁰³ Romero, Mary. 1992. *Maid in the U.S.A.* (New York: Routledge): 124 – 125.

¹⁰⁴ Glenn, Evelyn Nakano. 2010. *Forced to Care: Coercion and Caregiving in America*. Cambridge, Massachusetts: Harvard University Press.

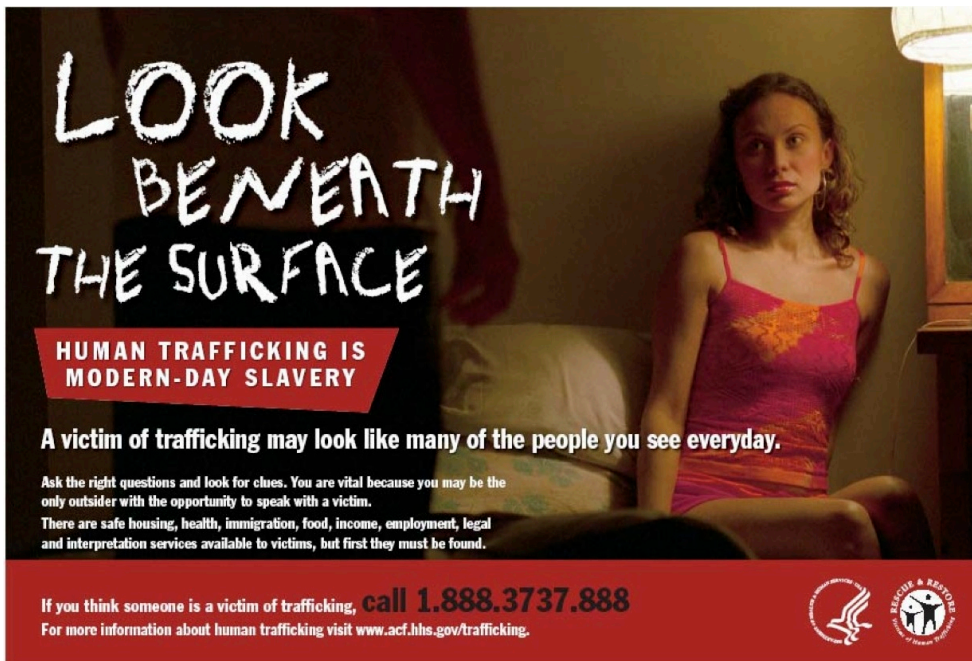


Image 2.4: Rescue & Restore Victims of Human Trafficking. “Look Beneath the Surface.” Washington D.C.: U.S. Department of Health and Human Services, Administration for Children & Families, 2005. Poster 4.¹⁰⁵

¹⁰⁵ See Appendix JJ.

4. Sex Industries and Human Trafficking

The image of the Look Beneath the Surface campaign poster (Image 2.4) illustrates U.S. anxieties about sexual economies. In this particular poster, the focus is a slender blonde-haired light skinned girl/woman who sits at the furthest edge of the bed. Across from her is a person who is dark and unclear. The angle of a towering dark figure over her lower position suggests that she is afraid. Heteronormative assumptions would lead one to think that the person is a man due to the intimate setting of a bedroom and her limited clothing of a tank top and underwear. There is a conundrum in the photo: they are people you see everyday, but they must first be found. This image in the HHS campaign is the only image of a white person. The indoor location with a bed tells the viewer that she represents sex trafficked victims. The poster image contrasts with the main image of an Asian woman on the campaign brochure (Image 3.1) who wears a similar outfit, but her venue is all too unclear and absent – with only a blank wall behind her – leaving her exploitation to the imagination and stereotypes that American audiences have of Asian / American women as hypersexualized.

Dorothy McBride Stetson offers a historic tracing of the policies that have come to define the debates about sexual economies as gendered.¹⁰⁶ Although the trafficking of women and children into prostitution as a gendered debate is visible in legal and scholarly discourse, I focus on race. The attention to Euro-American¹⁰⁷ women as sex slaves invokes images of the “White Slave Trade” panic at the turn of the twentieth century.¹⁰⁸ There was a movement to rescue trafficked white women through policy implementation of the Mann Act (1910). The current perceptions, and for some scholars, misperceptions, of human trafficking link anti-trafficking campaigns to “moral crusades.”¹⁰⁹ This linking is problematic because the broad spectrum of organizations who have found a common context of organizing against trafficking are varied in their beliefs and practices – from conservative to radical.¹¹⁰ The image of saving European and white women from sex traffickers is not new. As a result, there is a need to center race and

¹⁰⁶ Stetson traces the debates on pornography, prostitution and trafficking as a gendered construction that intertwines the debates. Stetson, Dorothy McBride. “The Invisible Issue: Prostitution and Trafficking of Women and Girls in the United States.” Outshoorn, Joyce. 2004. *The Politics of Prostitution: Women’s Movements, Democratic States, and the Globalisation of Sex Commerce*. (New York: Cambridge University Press): 268.

See Appendix NN.

¹⁰⁷ White women and women from Europe.

¹⁰⁸ Doezema, Jo. Winter 2000. “Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women.” *Gender Issues*. Vol. 18, No. 1: 25. Also see Bristow, 1977, 1982; Connelly, 1980; Walkowitz, 1980; Rosen, 1982; Gibson, 1986; Corbin, 1990; Grittner, 1990; Guy, 1991; Fisher, 1997; and Haveman, 1998.

¹⁰⁹ Sociologist Ronald Weitzer defines moral crusades as: “Moral crusades are one of the forces responsible for transforming such conditions into ‘problems.’ These movements define a particular condition as an unqualified evil, and see their mission as a righteous enterprise whose goals are both symbolic (attempting to redraw or bolster normative boundaries and moral standards) and instrumental (providing relief to victims, punishing evildoers). To achieve their aims, activists seek to generate widespread public concern about a problem and lobby political elites to either intensify punishment of offenders or criminalize acts that were previously legal.” “The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade.” *Politics & Society*. Vol. 35, No. 3 (September 2007): 448.

¹¹⁰ Ronald Weitzer lists a variety of organizations that he lumps into the moral crusades. On the right, crusade members include Focus on the Family, National Association of Evangelicals, Catholic Bishops Conference, Traditional Values Coalition, Concerned Women for America, Salvation Army, International Justice Mission, Shared Hope International, Religious Freedom Coalition, and numerous others. The premier abolitionist feminist organization in the United States is the Coalition Against Trafficking in Women (CATW). Others include Equality Now, the Protection Project, and Standing Against Global Exploitation (SAGE). *Ibid*.

gender in the historical analysis of human trafficking of the United States; such a framing renders visible the production of categories of those trafficked and the anti-trafficker as inextricably linked to debates about choice and freedom.

U.S. prostitution practices and policies reflect their national identity – the normalization of prostitution as “Othered” is expressed in the examples of Texas and Hawaii. The incorporation of Texas as a state led to a shift in prostitution policies; prior to incorporation, Texas represented a “zone of tolerance” for prostitution.¹¹¹ Such zoning of tolerance at the U.S. border affirms that the national identity that is behind acceptable / unacceptable sexualized economies. Women prostituted in Texas were not seen as slaves or as victims in need of rescue. A language of slavery was not linked to these experiences at the border zone, because slavery was abolished in California and Texas (prior to the Mexican – American War, 1846 – 1848).¹¹² After Texas was incorporated, prostitution in Texas shifted from belonging to a zone of tolerance to being criminalized. However, the criminalization of prostitution in Texas did not rid the demand for Latinas and Mexicans in sexual economies in the United States. It is documented by infamous madam, “Scarlet the Harlot,” in a report for the San Francisco Task Force on Prostitution, that in 1848, two hundred “prostitutes” from Mexico, Peru and Chili arrived in California.¹¹³ The shift in prostitution policies and the normalization of sexual economies in U.S. territories is not unique to Texas, but in Hawaii. Prior to the annexation of Hawaii (1898), prostitution was illegal.¹¹⁴ As a territory, prostitution was politically, militarily and economically endorsed.¹¹⁵ By 1932, prostitution was officially controlled by the U.S. Army. Women brought to Hawaii were Euro-Americans,¹¹⁶ as described by editor for the Hawaiian Journal of History, “it was a white slave sort of thing.”¹¹⁷ Honolulu was considered a vice area, and when World War II broke out, the demand for prostitution escalated to mass proportions.¹¹⁸

In contrast to women outside of the continental U.S., women migrants within the U.S. experienced a discourse of rescue that went hand in-hand with their criminalization. During the late 1800s, Chinese women and girls were found prostituted in mining outposts, railroad camps, agricultural villages, and Chinatowns in Sacramento, Marysville, and San Francisco.¹¹⁹ Prostituted Chinese women are described as virtual slaves and opium addicts who were subject to violence – beatings and death. It is documented that women in prostitution committed suicide

¹¹¹ Gabbert, Ann R. October 2003. “Prostitution and Moral Reform in the Borderlands: El Paso, 1890 – 1920.” *Journal of History of Sexuality*. Vol. 12, No. 4: 575 – 604.

¹¹² Beasley, Delilah L. January 1918. “Slavery in California.” *The Journal of Negro History*. Vo. 3., No. 1: 33 – 44.

¹¹³ Carol Leigh, “A Brief History of Government Policies Toward Prostitution in San Francisco.” *San Francisco Task Force on Prostitution, Final Report* (1996): <http://www.bayswan.org/sfhist.html>

¹¹⁴ A kapu (Hawaiian prohibition) on prostitution was proclaimed by the ali’i (nobility) that forbade women from traveling to foreign ships in order to engage in the sex trade. Noelani Arista. “Captive Women in Paradise 1796 – 1826: The Kapu on Prostitution in Hawaiian Historical Legal Context.” *American Indian Culture and Research Journal*, Vol. 35, Issue 4: 40 – 41.

¹¹⁵ Greer, Richard. 2000. “Dousing Honolulu’s Red Lights.” *The Hawaiian Journal of History*, Vol. 34: 185 – 202.

¹¹⁶ Both European women and white Americans.

¹¹⁷ Greer, Richard. 2000. “Dousing Honolulu’s Red Lights.” *The Hawaiian Journal of History*, Vol. 34: 187.

¹¹⁸ Ted Chernin. “My Experiences in the Honolulu Chinatown Red-Light District.” *The Hawaiian Journal of History*, Vol. 34: 203 – 217.

¹¹⁹ Takaki, Ronald T. 1989. *Strangers from a different shore: a history of Asian Americans*. Boston: Little, Brown. Also see Appendix UU for data collected by Lucie Cheng Hirata.

to escape the abuse.¹²⁰ The passage of the Page Act in 1875 opened the doors for anti-immigration policies. U.S. immigration policies set the tone for the conception of undesirable migrants:

Section 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden (1875 Page Act).

The 1875 Page Act prohibited particular activities by immigrants, but placed into the same sentence migrants as undesirable – criminals and prostituted individuals. In spite of U.S. anti-immigration policies (i.e., Chinese Exclusion Act of 1882), women were documented as sold in San Francisco in the early 1900s well after Chinese exclusions.¹²¹ Anti-immigration policies were publicized in the U.S. as a means to prevent Chinese women from migrating and trafficking into sex industries.¹²² The legal discourse situated Chinese women brought to the United States for the purposes of prostitution as “unlawful” (See Section 5, The Page Act).

While the United States treated Chinese prostituted individuals like criminals, European and white Americans were treated quite differently. The visibility of white women as vulnerable to exploitation is exemplified in the responses that led to the passage of the 1910 Mann Act (a.k.a. the White Slave Traffic Act). The White Slave Traffic Act was initiated by a series of U.S. federal legislative responses to rescue sex trafficked white women that began in 1875 (*Virginia Law Review* 1917). Before the White Slave Traffic Act was finalized in 1910, Congress included in section eight of the Act a declaration that it be referred to as the “White Slave Traffic Act” – explicitly defining who the Act was intended to protect. The White Slave Traffic Act shaped the discourse on sex trafficking as a racialized industry. Through legal endorsement, the Act made a public outcry a particular raced and gendered form of sexual slavery – the sex trafficking of white women. The passage of the White Slave Traffic Act would further “regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.”

¹²⁰ Seagraves, Anne. 1994. *Soiled Doves: Prostitution in the Early West*. Hayden, Idaho: Wesanne Publications.

¹²¹ The American Periodicals online document “human slavery” of Chinese girls at public auctions in San Francisco as occurring on January 19, 1901. They sold for \$1,700 to \$2,500 each. “It is contrary to law, of course, but the city officials wink at it.” *Friends’ Intelligencer (1853 - 1910)*; February 16, 1901; 58, 7; American Periodicals Series Online: p. 110.

¹²² Lucie Cheng Hirata. Autumn 1979. “Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America. *Signs*, Vol. 5., No. 1: 3- 29.

Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.¹²³

The White Slave Traffic Act also solidified the notion of human trafficking to include crossing state boundaries. The passage of the Act was a response to the public outcry against white women being trafficked.

The socio-political discourses of the “White Slave Trade” is best described in Clifford Roe’s *The Great War on Slavery* (1911) is a compilation of differing responses/attitudes toward women considered trafficked based on court records. The trafficking of women from Europe is likened to the trafficking of African slaves.¹²⁴ The language of “white slave trade” produced a dichotomy that some women are to be saved, and others are to be jailed. It is at this historical turning point during the late 1800s and early 1900s that choice is a visible aspect of the discourse on slavery and sexual economies. In 1902, the term “White Slavery” was formally used at a Paris Conference.¹²⁵ Clifford Roe describes the sexual slavery of white women as dehumanizing 60,000 people per year:

“Like cattle girls are herded for the slaughter, while men like stallions prance about in their drunken revelry. Yet, there is more, there is the market, aye the ‘Market for Souls,’ where human beings are sold into ‘Houses of Bondage.’ You will find in this great awful exhibition of vice `Panders and Their White Slaves.’”¹²⁶

Multiple stories are told of trafficked women and girls. Their surnames are absent, but their race is clear: they are white women. Without a surname, the “Fannies” and “Mildreds” with their typical American first names represented the nation’s daughters as being white American and European migrants. What is not evident in Clifford Roe’s collection of facsimiles is the presence of other racialized groups/ethnic enclaves that also arrived to the U.S. for the purpose of prostitution. Much like the popular discourse of the late nineteenth and early twentieth century, Roe focused on the experience of white Americans and Europeans trafficked in the United States into prostitution. Historian Mary Ting Yi Lui makes evident through the examination of newspaper articles, correspondence, and secondary scholarly sources of New York’s abolition movement (1910 – 1920) that white slave discourse drew upon yellow peril discourse to support saving young white women from New York Chinatowns.¹²⁷ And feminists (the suffragist) made the case that the only way to wipe out white slavery was to enable white women to vote (2009). Such arguments greatly contrast with the discourse about Chinese sex slaves: Chinese sex slaves were denied legal status and any rights to migrating to the United States. Nineteenth Century

¹²³ Ch. 395, 36 Stat. 825; *codified as amended at* 18 U.S.C. §§ 2421–2424. For the original language of The Mann Act (1910), 36 Stats., Vol. I, p. 825 (1910), see Appendix MM.

¹²⁴ Roe, Clifford. 1911. *The Great War on White Slavery*. New York: Garland Publishing.

¹²⁵ Barry, Kathleen. 1984. *Female Sexual Slavery*. New York: New York University Press.

¹²⁶ Roe, Clifford. 1911. *The Great War on White Slavery*. (New York: Garland Publishing): 187.

¹²⁷ Lui, Mary Ting Yi. September 2009. “Saving Young Girls from Chinatown: White Slavery and Woman Suffrage, 1910 – 1920.” *Journal of the History of Sexuality*. Vol. 18, No. 3: 393 – 417.

sexual slavery discourses produced a gendered image of exploitation that led to the interchangeable usage of White Slave Trade and human trafficking.¹²⁸

The anti-trafficking discourse not only produced racialized and gendered images of victims, but also the rescuers, as best described in the visibility and tensions in scholarly discussions about Josephine Butler. Josephine Butler is a British feminist who sought to repeal the United Kingdom's Contagious Diseases Act (CDA, 1864, 1866, and 1869) through organizing women with the Ladies' National Association for the Repeal of the Contagious Diseases Acts.¹²⁹ The CDA is a law that enabled authorities who found women in certain military stations, garrison, and seaport towns, to order them to register and submit a medical examination.¹³⁰ If a woman was found to have venereal disease, she was detained for three months or longer in a hospital. Josephine Butler critiqued the CDA because she saw it as a form of state regulation of sexual slavery.¹³¹ Butler attacked those who profited from human trafficking – slaveholders, procurers, and the state – through policy advocacy and campaigns. Butler was an upper class British woman who was committed to social reform; in spite of her class standing and politics, it is assumed that her primary motivation was religion, her project a moral crusade.¹³² However, radical feminists see Butler as belonging to the first wave of protestors against female sexual slavery. They argue that the moral crusades co-opted her feminist views of state regulation and the female body; Butler never condemned nor did she judge women who chose to enter prostitution.¹³³ Regardless of how one sees Butler, her work to mobilize a new movement towards female liberation through abolishing exploitation, became enmeshed in and even undermined by the purity crusade.¹³⁴ The attention paid to Butler's mobilization in the United Kingdom, focused on her religious and moral beliefs. Butler's race, class, and gender as Euro-upper class woman – is invisible in twenty-first century discussions – in defining who is deemed as a rescuer.

The legacy of Butler was reinvigorated in the 1970s with the rise of the sexual liberation movement. In 1973 COYOTE (Call off Your Old Tired Ethics) formed in San Francisco under the leadership Margo St. James.¹³⁵ The views espoused by COYOTE and its following was the belief that prostitution should be a legitimate form of labor; that the stigma and prohibition create the problems associated with prostitution.¹³⁶ The reinvigorated radical feminist movement responded to such as an extreme with another by arguing that prostitution and all forms of sexual

¹²⁸ Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Paradigm Publishers.

¹²⁹ See Appendix OO.

¹³⁰ Hamilton, Margaret. Spring 1978, "Opposition to the Contagious Diseases Acts, 1864 – 1886." *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 10, No. 1: 14 – 27.

¹³¹ Barry, Kathleen. 1984. *Female Sexual Slavery*. (New York: New York University Press): 15.

¹³² Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Paradigm Publishers.

¹³³ Kathleen Barry Footnotes Josephine Butler's Statement: "My principle has always been to let individuals alone, not to pursue them with any outward punishment nor drive the *out of any place* so long as they behave decently, but to attack organized prostitution, that is when a third party, activated by the desire of making money, sets up a house in which women are sold to men." Original source citation: Glen Petrie, *A Singular Iniquity: The Campaigns of Josephine Butler* (New York: Viking Press, 1971): 228. Barry, Kathleen. 1984. *Female Sexual Slavery*. (New York: New York University Press): 30.

¹³⁴ Barry, Kathleen. 1984. *Female Sexual Slavery*. (New York: New York University Press): 30.

¹³⁵ Jenness, Valerie. August 1990. "From Sex as Sin to Sex as Work: COYOTE and the Reorganization of Prostitution as a Social Problem." *Social Problems*. Vol. 37, No. 3: 403.

¹³⁶ *Ibid* at 404.

exploitation exist due to men's violence against women. On April 6, 1983 in Rotterdam, a workshop with various feminists commenced – the “International Feminist Networking Against the Traffic in Women: Organizing Against Female Sexual Slavery.” Editors Kathleen Barry, Charlotte Bunch, and Shirley Castley published a collection of essays in 1984 that drew upon Kathleen Barry's definition of female sexual slavery as:

Present in all situations where women or girls cannot change the immediate conditions of their existence; where regardless of how they got to those conditions they cannot get out; and where they are subject to sexual violence and exploitation.¹³⁷

The workshop signified a rebirth of the abolitionist movement as a movement against all forms of sex exploitation. The definition of female sexual slavery is significant because it illustrates that violence is not individual but, rather, systemic. This reinvigoration of the abolitionist movement perseveres today against the legalization of prostitution. In this regard the movement is similar to its predecessors in the 1800s led by Josephine Butler – its advocates argue that legalizing prostitution only shifts whom the pimp is. The abolitionist movement connects various experiences of oppression. Their logic is one of universalisms: there exists “one” patriarchal oppression of women.¹³⁸ Since the 1980s, scholarly contributions by Melissa Farley,¹³⁹ Catharine MacKinnon,¹⁴⁰ and the articles in the edited volume by Christine Stark and Rebecca Whisnant, are shaping the twenty-first century landscape, by making the case, “we're working alongside the older generation of feminists who laid the groundwork.” They continue to “connect radical feminist critique of pornography and prostitution with a broader social justice agenda.”¹⁴¹ I find their contributions useful. However they are limiting due to their homogenizing of women's experience and their use of race as a mere factor that contributes to the oppression of women.

As U.S. feminists' critiqued patriarchy as the central axis of power, the scholarly contributions of transnational feminists characterize the limitations of an assumed singular patriarchal oppression. Social scientist and Latin American Studies scholar Kamala Kempadoo¹⁴² and independent scholar in Development Studies Jo Doezema's¹⁴³ *Global Sex Workers: Rights, Resistance, and Redefinition* (1998), exemplify the “regulationist” or “sex workers' rights” perspective at the turn of the twenty-first century. Their collection of essays documents women's experiences and calls for a more complex conceptualization of prostitution beyond a voluntary / involuntary dichotomy.¹⁴⁴ The collection articulates a pro-labor stance;

¹³⁷ Barry, Kathleen. 1984. *Female Sexual Slavery*. New York: New York University Press, p. 40.

¹³⁸ Barry, Kathleen, Charlotte Bunch, and Shirley Castley, Eds. 1983. *International Feminism: Networking Against Female Sexual Slavery*. Report of the Global Feminist Workshop to Organize Against Traffic in Women Rotterdam, the Netherlands.

¹³⁹ *Prostitution and Trafficking in Nevada: Making the Connections*. San Francisco, California: Prostitution Research & Education, 2007.

¹⁴⁰ *Are Women Human? And Other International Dialogues*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2006.

¹⁴¹ *Not for Sale: Feminists Resisting Prostitution and Pornography*. (Victoria, Australia: Spinifex, 2004): xii.

¹⁴² <http://www.yorku.ca/kempadoo/profile.html>

¹⁴³ <http://us.macmillan.com/author/jdoezema>

¹⁴⁴ Jo Doezema. 1998. “Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy.” *Global Sex Workers: Rights, Resistance, and Redefinition*. Kamala Kempadoo and Jo Doezema, Editors. Kempadoo, Kamala and Jo Doezema, Eds. (New York: Routledge): 34.

prostitution is viewed as an “income generating activity or form of labor for women and men.” Another collective contribution by Kempadoo is the 2005 publication of *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* edited by Kamala Kempadoo, Adviser on Trafficking for the United Nations Office of the High Commissioner for Human Rights Jyoti Sanghera,¹⁴⁵ and the International Coordinator for the Global Alliance Against Traffic in Women, Bandana Pattanaik.¹⁴⁶ The contributors’ goals are to challenge what they refer to as a “moral panic” about issues of human trafficking by offering a different perspective than those of “today’s political leaders or the mainstream media.”¹⁴⁷ Sanghera’s essay, “Unpacking the Trafficking Discourse”, critiques the attention toward prostitution in the anti-trafficking movement by using the metaphor of cooking. The essay argues that “too many cooks,” that is, scholars and activists who argue against human trafficking through integrating migration, trafficking and “sex work,” have managed to “spoil the broth,” and sometimes end up “bonking each other with their spatulas.”¹⁴⁸ The limitation of their argument is that the only response to human trafficking is the reduction of harm. The imagination of the elimination of harm is altogether absent. Instead, I call upon a method that is grounded in decolonial feminisms.

The anti-trafficking movement assumed that the trafficked person is from the Third World¹⁴⁹ / Global South¹⁵⁰ and the rescuer is from the First World / Global North. A decolonial feminist examination of human trafficking is needed. Decolonial feminisms are influenced by Third World feminisms¹⁵¹ and the transnational movements that stemmed from 1960s and continues at present.¹⁵² Chicanas raised their voices beginning in the 1960s within the civil rights movement to bring to the center their struggles against racism and sexism.¹⁵³ And African American women organized to put forth a collective statement, the Combahee Collective Statement, to show their solidarity against interlocking systems of oppression: racism, sexism, heterosexism, and classism.¹⁵⁴ “Third World” feminists, women of color, recognized the need to

¹⁴⁵ <http://gender.stanford.edu/events/jyoti-sanghera-human-trafficking-global-slavery>

¹⁴⁶ http://www.gaatw.org/index.php?option=com_content&view=article&id=443&Itemid=55

¹⁴⁷ Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Paradigm Publishers.

¹⁴⁸ Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Paradigm Publishers.

¹⁴⁹ “Third world is defined through geographical location as well as particular sociohistorical conjunctures. It thus incorporate so-called minority peoples or people of color in the U.S.” Mohanty, Chandra Tapalde, Ann Russo, and Lourdes Torres, Eds. 1991. *Third World Women and the Politics of Feminism*. Indiana: Indiana University Press, 338.

¹⁵⁰ The Global North and South divide became popularly used in the 1960s to the 1980s. Therien, Jean-Philippe. 1999. “Beyond the North-South Divide: The Two Tales of World Poverty.” *Third World Quarterly*. Vol. 20, No. 4: 723 – 742. This line is further solidified by what is referred to as the “poverty line.” Mahhub ul Haq, *The Poverty Curtain: Choices for the Third World*, New York: Columbia University Press, 1976.

¹⁵¹ Feminist philosopher Uma Narayan specifically refers to third world feminisms as feminist politics in Third World countries. *Dislocating Cultures: Identities, Traditions, and Third World Feminism*. New York and London: Routledge, 1997.

¹⁵² U.S. women of color collaborated with and continue to collaborate with women of color migrants and Third World women to bring to the center a philosophy and practice that makes important interventions to American Studies, Ethnic Studies, Feminisms, and disciplinary programs such as Sociology, the Law, and the Humanities

¹⁵³ Garcia, Alma, Ed. 1997. *Chicana Feminist Thought: The Basic Historical Writings*. New York and London: Routledge.

¹⁵⁴ Combahee River Collective. 1986. *Combahee River Collective Statement: Black Feminist Organizing in the Seventies and Eighties*. New York: Kitchen Table Press, <http://www.buffalostate.edu/orgs/rspms/combahee.html>, Accessed on February 1, 2006.

understand difference in social movements that became visible during the 1970s.¹⁵⁵ Women of color redefined feminisms that which informs the approach of *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking*.¹⁵⁶ I argue that there is a need for the anti-trafficking movement to make space for difference, so as to challenge the multiple oppressions that enable exploitation and human trafficking into sexual economies and laboring industries. Therefore, I am not working to seek a legitimization of particular industries, but rather, before debates of effective strategies may take place, understanding how one becomes trafficked and seen as trafficked is still muddled by varying factors of race, class, gender, and national-origins.

The current anti-trafficking movement is deeply embedded in feminisms. To work within a discourse that participates in oppressive ideologies, I find Chela Sandoval's concept of "differential consciousness" central to my own theoretical framework. Differential consciousness, is:

The recognition and working upon of "other modes of consciousness in opposition to transfigure their meanings: they convert into repositories within which subjugated citizens either occupy or throw off subjectivity, a process that simultaneously enacts yet decolonizes their various relations to their real conditions of existence... The differential form of oppositional consciousness thus is composed of narrative worked self-consciously.¹⁵⁷

I utilize differential consciousness to critique the production of the metanarrative of human trafficking, representation of human trafficking, and the categorization of particular raced and gendered bodies as trafficked (see Case Study chapters). Human trafficking is exploitation that is, on the one hand a human rights violation by individuals and groups of people, and on the other, a facet of the human condition due to systems that are created that renders normal what Walter Mignolo refers to as "colonial difference."¹⁵⁸ The colonial difference of those who are trafficked is described in the demand¹⁵⁹ for racialized and gendered labor in service sectors, sexual economies, and low-wage to free labor industries.

Asians and Latinas/os in the U.S. exist in a stratified racial sex industry. Current Southern California sex industries are diverse, but similar to labor industries, these industries are also stratified¹⁶⁰ – the dominant race / ethnicity of sex industry workers in street prostitution (also referred to as streetwalkers) is African American, and Escorts, "call girls," and women prostituted in hotels are predominantly white American. Asian hostess clubs, massage parlor

¹⁵⁵ Sandoval, Chela. 2000. *Methodology of the Oppressed*. (Minneapolis, Minnesota: University of Minnesota Press): 47.

¹⁵⁶ Anzaldúa, Gloria and Cherrie Moraga, Eds. 1981, 1983. *This Bridge Called My Back: Writings by Radical Women of Color*. New York: Kitchen Table: Women of Color Press.

¹⁵⁷ Sandoval, Chela. 2000. *Methodology of the Oppressed*. (Minneapolis, Minnesota: University of Minnesota Press): 63.

¹⁵⁸ Colonial difference is the classification of the planet in the modern/colonial imaginary, by enacting coloniality of power, an energy and a machine to transform differences into values. Mignolo, Walter. 2000. *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*. (Princeton, New Jersey, Princeton University Press): 13.

¹⁵⁹ Supra Note 60.

¹⁶⁰ Lever, Janet, David Kanouse, and Sandra H. Berry. 2005. "Racial and Ethnic Segmentation of Female Prostitution in Los Angeles County." *Journal of Psychology and Human Sexuality*. Volume 17, Issue 1-2: 107 – 129.



Image 2.5: The Polaris Project. "Slavery Still Exists." 2005. Washington D.C. Campaign Photo. <http://www.polarisproject.org/what-we-do/campaigns>. Accessed on March 13, 2012.

workers, and brothels are primarily Asian. And Latinas may be found in Cantinas, taxi dance bars, or neighborhood bars. Their visibility is dependent on law enforcement activities, criminal codes, and whether or not those individuals – in particular, migrants – are able to access jobs in which they are skilled.

5. Slavery and Freedom Today

The twenty-first century anti-trafficking movement locates human slavery in the present through rhetorical references to it as “Modern Day Slavery” and those that simply say “slavery still exists”, as demonstrated by the Slavery Still Exists campaign spearheaded by The Polaris Project, the national human trafficking resource center, based in Washington D.C., (Image 2.5). The use of slavery to describe trafficking suggests a haunting of antebellum slavery in the U.S. imaginary. And this haunting is one that is placed on display for visitors to see at the National Underground Railroad Freedom Center (Freedom Center) in Cincinnati (A Smithsonian Institution Affiliation Program). People visit the Freedom Center via their I-phones, I-pods, on a school tour, as part of summer camp, as members, or as an individual. While the numbers that like the National Underground Railroad Freedom Center are small with a mere 15,028 people liking it on Facebook,¹⁶¹ notable individuals such as Michelle Obama are paying attention to the Freedom Center.¹⁶² Recent news coverage of the Freedom Center describe it as: “It opened to great fanfare and promise in 2004... [T]he National Underground Railroad Freedom Center ... exhibits focus on the story of the American struggle for freedom, especially that of African Americans.”¹⁶³ The Freedom Center is useful for a closing departure in this chapter. I have illustrated that the discourse of freedom as central to the historical development of the present day anti-trafficking discourse. The very name of the National Underground Railroad Freedom Center makes an important statement; freedom is central to the abolition movement and the anti-slavery movement in the twenty-first century. The freedom center, like other spaces that cross time-space, in the form of legal discourse and the media, has worked to not only create a body of individuals participating in the anti-slavery movement, but also has created an archive and educational resources that link human slavery of the present with the past. How some experiences of exploitation are visibilized as trafficking is made possible through the assumptions of freedom / lack of freedom. In order to conceptualize the threads that tie the past to the present in the discourse of human trafficking and slavery a framing of freedom is much needed. How the historic constructions come to a juncture in the present day is best described in how human trafficking is remembered and a part of the present in sites of display such as museums. I find useful to conclude this chapter with an examination of a discourse of freedom in the twenty-first century as delineated in the promotional materials that call non-experts to be interested in issues of human trafficking. I analyze the commercial video for the National Underground Freedom Center: “Field Trip.”

The Freedom Center advertises to visitors and potential visitors why they should visit the Freedom Center through a commercial that is featured on the Center’s website that is called “Field Trip.” Field Trip’s central messages are clear in the narrative – that to “light a candle” is

¹⁶¹National Underground Railroad Freedom Center. 2004 – 2012. “Visit the Center.” <http://www.freedomcenter.org/visit-the-center/>. Accessed on July 15, 2012.

¹⁶²“An Ohio River City Comes Back to its Shoreline.” Keith Schneider. *The New York Times*, Section B (June 6, 2012): 8.

¹⁶³“Freedom Center Fights to Survive; Battered by Tough Economy, Slavery Museum Tries to Widen Appeal with a Broader Scope.” Mark Curnutte. *USA Today*, News (February 3, 2012): 3A.

to participate in the anti-trafficking movement. The video begins with an image of students walking through the gallery's hallways. These students are diverse. However, Jose, a Latino, and an Asian girl whose name we never know, and a white-American child, Brett, and the African American schoolteacher are the most visible narrators. The viewer learns that this museum is situated on the banks of the Ohio River, and a flame in its logo, "shines for us as a beacon today" like those placed in their windows to guide the Underground Railroad during antebellum slavery. One can learn what the museum has to offer by visiting their website or museum. Integral to the narrative is that underground railroads in the anti-trafficking movement are networks of people – black and white. Left out are other racialized ethnic minorities. Where are they located? Are they not abolitionists, but only victims of human trafficking? Abolitionists are heroes in anti-trafficking strategies that "risk their lives for freedom." And the video purports that "You have a responsibility to ensure that everyone is free." The video not only speaks of human slavery in the 1800s, but also makes a connection between the breaking down of the Berlin wall and the breaking of chains during antebellum slavery. The narrative is that capitalism created slavery, and yet capitalism is the answer to slavery.

As the film clip narrates human slavery it also promotes the twenty-first century movement, "slavery still exists today," through a newer exhibit at the Freedom Center that features twenty-first century human trafficking in a permanent exhibit titled, "Invisible" (2010).¹⁶⁴ This display attempted to broaden the Black American experience of slavery to include other racialized minorities.¹⁶⁵ The Freedom Center uses modern technology that enables students both internationally and nationally to learn—"Not just African American history, but American history." The historical tracing of a discourse of freedom and slavery enables one to understand the identity of the United States. Individual relationships to freedom are negotiated and denied depending on ideologies that manifest in institutional practices (i.e., the response to the white slave trade versus the Page Act).

Twenty-first century anti-trafficking discourse depends on an image that connects to antebellum slavery yet distinguishes itself from it. Slavery is when a person lives in servile¹⁶⁶ conditions and continues to be defined by legal structures around the world.¹⁶⁷ Human trafficking is also referred to as "Modern Day Slavery." "Modern Day Slavery" perpetuates particular images of human trafficking as the same as antebellum slavery, yet new, and as being extensive and massive. Luis C. de Baca, the U.S. Ambassador for Human Trafficking, is cited as explaining why slavery is used to refer to human trafficking, "we cannot create terms that are too

¹⁶⁴ "Invisible" became a permanent feature for the museum in 2010 when the Freedom Center worked to broaden its scope beyond that of African Americans to incorporate other race experiences of exploitation. "Freedom Center Fights to Survive; Battered by Tough Economy, Slavery Museum Tries to Widen Appeal with a Broader Scope." Mark Curnutte. *USA Today*, News (February 3, 2012): 3A.

¹⁶⁵ *Ibid.*

¹⁶⁶ Servile is when a person is a "subject as a slave or serf to a master or owner; living in servitude. Of a class, etc.: composed of slaves or serfs." Oxford English Dictionary, Servile, adjective, <http://www.oed.com/view/Entry/176697?redirectedFrom=servile#eid> (Accessed on June 1, 2012). First citation appears by Thomas Cooper, *Thesaurus Linguae Romanae & Britannicae*, 1st Edition, 1564 (Vol. 1): STC 5686. Edward Gibbons definition draws a distinction between free and servile. Edward Gibbon. *The History of the Decline and Fall of the Roman Empire*. 1st Edition, 1776 – 1788, (6 Vols.). For legal explanation of servitude, see Appendix S.

¹⁶⁷ Welch, Claude E. Jr. February 2009. "Defining Contemporary Forms of Slavery: Updating a Venerable NGO." *Human Rights Quarterly*. Vol. 31, No. 1: 72.

bland, [because they] ameliorate the conditions victims experience.”¹⁶⁸ For some, the language of slavery brings forth the potency of what victims of human trafficking experience – suggesting that “human trafficking” is a too weak phrase. To traffic conjures up movement when related to drugs and congestion. The reference to slavery, after the abolition of slavery, necessitates a distinguishing of this new type of slavery to antebellum slavery. “Modern Day” suggests that not only is there something familiar about this slavery, but also something new.¹⁶⁹ In spite of abolition of slavery worldwide, Kevin Bales, economist¹⁷⁰ and president of the organization *Free the Slaves* (also the title of his first book), estimates that there are as many as twenty-seven million slaves today.¹⁷¹ Bales’ contends that there are more slaves today than all the persons taken from Africa during the transatlantic slave trade. David Batstone, the founder of the *Not For Sale Campaign*, links human trafficking and antebellum slavery stating that “like slaves who came to America’s shores two hundred years ago, today’s slaves are not free to pursue their own destinies. They are coerced to perform work for the personal gain of those who subjugate them. If they try to escape the clutches of their masters, modern slaves risk personal violence or reprisals to their families.”¹⁷²

The Freedom Center offers a particular archive on display of a history of those who have lacked freedom in the United States. However, freedom is not fixed, but rather malleable, shifting, changing in meaning, and formed by historical context and multiple oppressions. Historian Suzanne Miers (2000) historical examination of the development of slavery from the 1920s, leads her to argue that, “Freedom has been equally hard to define since it means different things in different societies, and has had different meanings in the same society at different times in its history.”¹⁷³ To understand slavery is to acknowledge it’s multiple time-space locations and references, but also to situate another time-space of memory (individual and collective). The publicity of the Freedom Center through a commercial advertisement called, “field trip” suggests who is the target audience – young people / students. As students attend such a public display of the history of slavery, they learn of freedom. And, in learning of freedom, students witness what is made visible in the display titled, invisible: forced labor, bonded indenture, child slavery, sex trafficking, domestic servitude, and anti-slavery activities of the International Justice Mission, Free the Slaves, Goodweave, and the Polaris Project. However, as some experiences and the work of some anti-traffickers are made visible as trafficking, others continue to be unseen, unrecognizable as trafficking, and even forgotten.

6. Chapter Two Summary

Chapter Two, “Asian and Latina/o Migrants: Freedom and Human Trafficking” is a scholarly review of the intertwined discourses of freedom and slavery that shapes sexual and

¹⁶⁸ Megan McAdams. “Modern Day Slavery in Mexico and the United States.” *Council on Hemispheric Affairs* <http://www.coha.org/modern-day-slavery-in-mexico-and-the-united-states/>

¹⁶⁹ Quijano, Anibal and Immanuel Wallerstein. 1992. “Americanity as a concept of the Americas in the modern-world system.” *ISSI*, 232: 556.

¹⁷⁰ Bales received his Ph.D. from the London School of Economics.

¹⁷¹ Bales, Kevin. 1999. *Disposable People: New Slavery in the Global Economy*. California: University of California, Press. Reprinted 2000 and 2004.

¹⁷² Batstone, David. 2007. *Not for Sale: The Return of the Global Slave Trade and How We Can Fight It*. (New York: Harper Collins): 3.

¹⁷³ “Contemporary Forms of Slavery.” *Canadian Journal of African Studies*, Vol. 34, No. 3, Special Issue: On Slavery and Islam in African History: A Tribute to Martin Klein: 715.

labor economies. These debates are historically constituted, in which I trace not the beginnings, but rather, a point of departure with the late 1800s in which the emancipation of slaves did not lead to an automatic practice of social freedom. But rather, the debates about Asian and Latina/o laborers in agriculture industries and the private home as domestic workers, set the stage for the stratification of labor as racialized and gendered. The discussions about choice became visible as a new movement to end white slavery emerged (also turn of the twentieth century). This coinciding public and scholarly debates solidified whose bodies were to be rescued, and whose were expendable – Euro-American / white and women of color, respectively. These tensions of who has access to freedom and who has a right to choice continued throughout the twentieth century with controversies that came to the fore about citizenship and choice. I have found that in order to define the human trafficking, the trafficked, the trafficker, and the anti-trafficker, is to situate the development of such categories as historically informed by a landscape of discourses that are intertwined and at odds with each other: freedom / slavery, labor and migration, and sexual economies.

Chapter Three: Human Trafficking: An Interdisciplinary Method of Sociology, Legal Studies, and Media Studies

A slew of policies have been passed both at the state, the national and international level to combat human trafficking. In spite of such activities there continues to be dissatisfaction with the current laws and the enforcement of such laws. For example, in 2005 California Assembly Passed the California Human Trafficking Victims Protection Act of 2005 (California HTVPA).¹ The California HTVPA made human trafficking crimes a felony punishable up to three years, enabled victims to sue their captors for restitution, and funded a human trafficking task force (2005 – 2008). The first case to be prosecuted under the HTVPA occurred in 2010 with *Yusuf v. Tija*² in which an Indonesian woman was defrauded into domestic servitude. The conviction of the traffickers led to the Indonesian woman being awarded \$768,000 including \$500,000 in punitive damages for having suffered extreme verbal abuse, psychological coercion and threats, and inhumane living conditions.³ It is in my opinion that such a lapse in time from the implementation of the law to prosecution is due to the relative newness of human trafficking investigations (these processes are time consuming and require resources).⁴ The political climate continues to be one that critiques California and federal laws, in which most recent activities are those spearheaded by the Californians Against Slavery to “strengthen the existing laws.”⁵ Shared Hope International graded states such as California (along with twenty-six other states) with an “F.” The “F” grade was based on state responses to a particular type of trafficking: child sex trafficking. A vast amount of policies contributes to a discourse about human trafficking. This chapter offers an examination of the law, its sociological implications, and its representation in the media.

To situate how I understand discourse, I draw upon Michel Foucault’s definition of discourse as comprised of two elements. The first is as a “regular set of linguistic facts,” and the other is as “an order set of polemical and strategic facts.”⁶ That is, discourse is defined by knowledge assumptions of language. However, language does not simply exist. Controversies and relations of power produce discourse. Therefore, to comprehend human trafficking discourse is made possible through the interrogating the law and the controversies that manifest from the implementation of the law. It is clear that human trafficking is without a doubt a criminal justice issue.⁷ In this chapter I examine human trafficking discourse with a focus on the law (internationally, nationally, and locally) and its enforcement as delineated in the imagery and language of law enforcement in the Blue Campaign. The Blue Campaign was mobilized by the

¹ See Appendix P.

² See Appendix Q.

³ “PVE Attorney to be Honored for Pro Bono Work.” Artino, Amy. *Palos Verdes Peninsula News*, California. State and Regional News. May 20, 2010.

⁴ The case of the Peruvian domestic servant, Chapter four, went to trial after two years of investigation. It was seen as an incredibly swift investigation.

⁵ It is in my opinion that CASE Act will not add any other value to existing laws, and I am concerned what fining traffickers will mean for victim restitution. I personally do not endorse this act, even though three-hundred six (as of August 18, 2012) individuals and organizations endorse CASE Act. Californians Against Sexual Exploitation Act (“CASE Act”) to Strengthen California Laws to Fight Human Trafficking and Sexual Abuse. California Against Slavery (Fremont, California, United States of America, October 13, 2012).

⁶ Foucault, Michel. 1994. *Power*. (New York: The New Press): 2 – 3.

⁷ Obokata, Tom. April 2005. “Trafficking of Human Beings as a Crime Against Humanity: Some Implications for the International Legal System.” *The International and Comparative Law Quarterly*. Vol. 54, No. 2: 445.

Department of Homeland Security to prevent human trafficking, prosecute traffickers, and protect victims of human trafficking, through the One DHS: The Blue Campaign. And what I find is that the legal responses to human trafficking and its enforcement reflect U.S. ideologies of race, gender, and national origins. I conclude with snapshot of how the production of knowledge through the discourse of the laws and its enforcement is part of U.S. Ideological Institutional Apparatuses.

1. A Political Tool: Human trafficking is Slavery

Currently a variety of academic discourses attempt to describe human trafficking.⁸ These discourses frame human trafficking as a political economic.⁹ Human trafficking discourse is informed by an incorporation of a justice framework that integrates global studies¹⁰ to conceptualize human trafficking as a crime.¹¹ And it is seen as a human rights issue.¹² The methods that address human trafficking are diverse those who are situated in legal perspectives¹³ to those in service such as the perspective of non-governmental organizations.¹⁴ And scholars are critical of the problematic reproduction of a rescue narrative in the anti-trafficking discourse.¹⁵ The varying perceptions of what human trafficking is, who is a trafficked person, and who is a trafficker impacts visible human trafficking trends. These varying discourses produce how one becomes visible as trafficked.

There exist contrasting images of the use of the word “slavery” to describe human trafficking. Some scholars argue that the term “slavery” is best reserved to describe transatlantic slave trade.¹⁶ Kevin Bales refers to human trafficking as “New Slavery,” as work without pay and under the threat of violence.¹⁷ The assumption of describing human trafficking as “new slavery” is based on the premise that it separates human trafficking from slavery prior to the legal abolition of slavery. The use of “new” is problematic in that it separates the systems that sustain human trafficking post-abolition as separate and different from those that created antebellum slavery. For human rights scholar Christien van den Anker, human trafficking is subsumed under slavery, in which slavery includes adult male slavery, child slavery, bonded labor, domestic migrant workers, and human trafficking.¹⁸ However, scholars such as Anker, Bales, and Brysk utilize a particular phrase to describe human trafficking as part of “contemporary slavery”¹⁹ this also suggests that human trafficking is different from that of

⁸ See Kathryn Farr (2004), Janice Raymond and Donna M. Hughes (2001), Anne T. Gallagher and Elaine Pearson (2010), Joyce Outshoorn (2004), and Louise Shelley (2010).

⁹ See David Batstone (2007) and Kevin Bales (2004).

¹⁰ See Christien Van Den Anker (2004).

¹¹ See Sally Stoecker and Louise Shelley (2004).

¹² See Alison Brysk and Austin Choi-Fitzpatrick (2012).

¹³ See Anne T. Gallagher (2010).

¹⁴ See Ivy Lee and Mie Lewis (2003 – 2004).

¹⁵ See Laura Maria Agustin (2007); Kamala Kempadoo and Jo Doezema (1998); and Gretchen Soderlun (2005).

¹⁶ Anker, Christien van den. 2004. *The Political Economy of new slavery*. Christien van den Anker, Eds. UK: Palgrave Macmillan.

¹⁷ Bales, Kevin. 1999. *Disposable People: New Slavery in the Global Economy*. Reprinted 2000 and 2004 California: University of California, Press.

¹⁸ Anker, Christien van den. 2004. *The Political Economy of new slavery*. Christien van den Anker, Eds. UK: Palgrave Macmillan.

¹⁹ Brysk, Alison and Austin Choi Fitzpatrick. 2012. “Rethinking Trafficking: Human Rights and Private Wrongs.” *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. (Philadelphia: University of

chattel slavery.

Slavery is understood as a power relation. Some scholars refer to the legal definition of slavery as when a person has legal ownership over another.²⁰ Orlando Patterson delineates slavery as being relegated by how one enters into a relation of domination: capture in warfare, kidnapping, tribute ad tax payment, debt, punishment for crimes, abandonment and sale, self enslavement, and through birth.²¹ Slavery “is the permanent violent domination of alienated and generally dishonored persons.”²² Slavery is historically contextual (especially when one refers to particular moments such as antebellum slavery or the trans-Atlantic slave trade), is perpetuated by systems (i.e., race, class, and/or gender), and is solidified by institutional processes. I see slavery, when used to describe human trafficking, as a political tool. Here I am not saying that the political aspects are only for governments, but also for anti-traffickers who seek government aid to support their efforts, traffickers who are invested in preventing increased government intervention, and for the victim who benefits (or not) from making visible their experience as categorized as human trafficking.

There are debates as to what is “modern day slavery.” Some argue that human trafficking is a different phenomena then human slavery. Kwame Nimako and Stephen Small’s collaborative paper presented at the American Sociological Association, “Collective Memory of Slavery in Great Britain and the Netherlands” (2010) refer to the responses to “modern day slavery” as the “*new anti-slavery movement*.” The critiques of this movement is that it “remembers slavery primarily as a metaphor, and a foil, to highlight the trafficking and exploitation of what it defines as the ‘new slaves’ of the modern world.”²³ What is clear is that the human trafficking movement has mobilized with the image of slavery rediscovered in the twenty-first century.²⁴ Kamala Kempadoo argues that slaves make up the smallest percentage of people smuggled, trafficked or engaged with forced labor, distinguishing between human trafficking and slavery.²⁵ And Siddhartha Kara minimizes U.S. trends by arguing that human trafficking to the United States is “not nearly as extensive” as it is in the other countries – India, Nepal, Italy, Western Europe, Moldova, Former Soviet Union, Albania, the Balkans, Thailand, the Mekong Sub-region.²⁶ Whether one sees human trafficking as modern day slavery or not, or that the numbers are massive or minimal, the reality is that survivors of human trafficking comprise of observed and unobserved accounts. The consensus is that human trafficking exists.

Rather than participate in these debates of whether or not human trafficking is the “new slavery,” I am interested in the multi-faceted discourses that are have been rendered visible in the 21st century; these discourses include human trafficking that which includes assumptions about

Pennsylvania Press): 1 - 12.

²⁰ Anne T. Gallagher cites P. Van Djick and G.J.H. van Hoof, *Theory and Practice of the European Convention on Human Rights* (1990). *The International Law of Human Trafficking*. (Cambridge University Press, 2010): 182.

²¹ Patterson, Orlando. 1982. *Slavery and Social Death: A Comparative Study*. (Cambridge, Massachusetts: Harvard University Press): 105.

²² *Ibid* at 13.

²³ Nimako, Kwame, and Stephen Small. August 14, 2010. “Collective Memory of Slavery in Great Britain and the Netherlands.” *American Sociological Association Annual Meeting*. <http://africam.berkeley.edu/events/NIMAKO-SMALL.pdf> (Accessed on March 12, 2012): 12.

²⁴ Brysk, Alison and Austin Choi-Fitzpatrick. 2012. *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. (Philadelphia: University of Pennsylvania Press): 1 - 12.

²⁵ Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. (Paradigm Publishers).

²⁶ Kara, Siddharth. 2009. *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press.

contemporary slavery,²⁷ old slavery/new slavery,²⁸ and a nod to antebellum slavery that occurs in the rhetoric of anti-trafficking discourse from political speeches to media coverage.

I postulate that human trafficking discourse in the twenty-first century depends on its' imagery as new and massive (elsewhere or "Other" when in the U.S.); the portrayal of such a massive new phenomenon is a political tool that enables the shift from human trafficking as a subject of discourse to a movement. Although some experiences of human trafficking are slavery, the use of "slavery" to describe all human trafficking experiences is a political move. And the minimizing of the scope of human trafficking enables states to not be fully accountable for their lack of or minimal efforts to combat human trafficking. And an unintended consequence is that as the movement works to rally the masses, the divisions within the movement manifest due to varying perceptions of human trafficking. There is no other institution that has extensively explained human trafficking discourse than the law.

2. Human Trafficking Laws

"If we truly wish to know knowledge, to know what it is, to apprehend it at its root, in its manufacture, we must look not to philosophers but to politicians – we need to understand what the relations of struggle and power are" - Michel Foucault, *Power* (1994).

Foucault saw political structures as an important site to locate power. For Foucault power is not violence nor is power negative.²⁹ Foucault situates power as a relation, as exercised through states, although not limited to the state, and circulating (what he refers to as an economy of power).³⁰ Human trafficking is not merely entangled power relations between the trafficked and the trafficker. Power and truth are one of the many central themes to Foucault's philosophy and also useful for locating power and knowledge. Foucault understands truth as not to be outside of power or lacking in power, but rather is produced. Truth is "to be understood as a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements. 'Truth' is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it..."³¹ Central to Foucault's thesis in his interview with Alessandro Fontana and Pasquale Pasquino, published as "Truth and Power" is that in order to constitute new politics of truth, one must look at the "political, economic, institutional regime of the production of truth."³² I offer an analysis of the

²⁷ Brysk, Alison and Austin Choi-Fitzpatrick. 2012. *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Philadelphia: University of Pennsylvania Press.

²⁸ Kevin Bales defines "Old Slavery" as encompassing: legal ownership asserted, high purchase cost, low profits, shortage of potential slaves, long-term relationship, slaves maintained, and ethnic differences are important. In contrast, he breaks down "new slavery" as legal ownership avoided, very low purchase cost, very high profits, glut of potential slaves, short-term relationship, slaves disposable and ethnic differences not important. I find his understanding of race and trafficking limiting (in which Bales does not see it as a factor), and how he defines disposability unclear. 1999. *Disposable People: New Slavery in the Global Economy*. (California: University of California, Press. Reprinted 2000 and 2004): 1 - 33.

²⁹ *Power / Knowledge: Selected Interviews and Other Writings 1972 – 1977*. Translated by Colin Gordon, Leo Marshall, John Mepham, and Kate Soper. Colin Gordon, Ed. Brighton, Sussex: Harvester Press Limited (1972, 1975, 1976, 1977, 1980): 120 - 121

³⁰ *Ibid* at 119.

³¹ *Ibid* at 133.

³² *Ibid*.

sociological implications of how one is constituted as trafficked, by the law, its enforcement, and its production through discourse (i.e., the media). If the law creates “structures of legitimizing for relations of power that already exist, acting in a conservative fashion to support existing systems of power and control,”³³ then it is necessary to analyze human trafficking laws. The law produces knowledge and assumptions about truths – the meaning of who constitutes trafficked / not trafficked. The knowledge production about human trafficking necessitates a bringing to the fore the scales within which it is produced: the local (state), the nation-state, and the international.

In my fieldwork (participant observation, 2009 – 2011) I was immersed in seeing how the logics of the law gives meaning to and transforms beliefs about categorized people (trafficked, the anti-trafficker, the criminal) in non-legal systems (i.e., non-governmental organizations, governmental organizations, educational institutions). I find it useful to have a chapter that provides a sociological framing of human trafficking laws. Georges Gurvitch defines sociology of law as examining the social reality of law that may be understood as: 1) the study of the manifestation of law as a function of forms of sociality and social reality, 2) studying the manifestation of law as a function of real collective units, and 3) studying the regularities as tendencies and factors of the change, development, and decay of the law within a particular type of society.³⁴ I exam the first two points laid out by Gurvitch by tracing the development of human trafficking laws that affect responses to exploitation, the practices to prevent trafficking, prosecute traffickers, and protect victims through the categorization of people as trafficked / victim or not trafficked / criminal. By analyzing human trafficking laws I illustrate why human trafficking has come to matter nearly one hundred fifty years after U.S. abolition of slavery. The interpretations, practices, and systems about human trafficking, the trafficked, the trafficker, and the anti-trafficker, create knowledge about a group of people. Human trafficking discourse is mapped by legal scholars, from those that develop understandings of nation-state and / or state laws to those that engage with international law.³⁵ My intervention is through an interdisciplinary reading of the law with a sociological and visual culture lens. I provide a picture of how human trafficking and slavery has come to matter by focusing on the development of the discourse at three levels: the international, the nation-state of the United States, and the local of California.

³³ Merry, Sally Engle. 2000. *Colonizing Hawaii: The Cultural Power of Law*. Princeton, New Jersey: Princeton University Press.

³⁴ *Sociology of Law*. (Boston, Massachusetts: Routledge and Kegan Paul, 1947, 1973): 48 – 49.

³⁵ See Anne T. Gallagher (2010) and Janie Chuang (2006).



Figure 3.1: Scales of Human Trafficking Law: International Law, Nation-State Law and State Law.

Currently there are a variety of scales in which human trafficking laws are implemented: the international arena, nation-state, and locally at the sub-state level (Figure 2.1). To begin to paint this picture I start with the larger context within which human trafficking policies are situated in – international law. Although my analysis of categorization focuses on the U.S. context, it would be naïve not to establish U.S. local and nation-state laws within a transnational arena. There is a need to establish the multiple scales of laws that impact a single issue. At the international women’s network meetings scholars and activists from Guam, Hawaii, Japan, Okinawa, Philippines, Puerto Rico, South Korea, and the United States discussed genuine security and militarism (2007³⁶ and 2009³⁷). Central to our discussions about violence against women were of nation-state and international laws. The women’s network was unable to discuss international law, without also having a conversation about state and local policies. International law may be traced to the establishment of the *American Journal of International Law (AJIL)* in 1906. The founders of AJIL embraced the belief that international law would diminish the prominence of power and coercion in global affairs; this is what Richard H. Steinberg and Jonathan M. Zasloff (2006) refer to as the “classicist” view of international law.³⁸ Classicist views became the main staple in U.S. foreign policy well throughout the 1920s.³⁹ Such views of international law disintegrated in the 1930s with the Great Depression and the invasions occurring in Asia and Europe by Japan and Germany when the old vision of international law could no longer apply. The League of Nations exposed that disjuncture between nation-state behaviors and international law.⁴⁰ Since the 1940s a realist⁴¹ view of international law developed that ranged from the perception that international laws are meaningless to the view that it is central to understanding state behavior.⁴² Steinberg and Zasloff offer a critical analysis of international law that defines the current legal landscape:

This approach [realist] swept under the carpet a crucial question: where do state interests come from? Liberalism offered an answer: state interests are best understood as an aggregation and intermediation of individual interests. Sources of power and interests are found within and between states. International law is driven from the bottom up. Domestic and international rules reaggregate and

³⁶ “Women Resisting Militarism and Creating a Culture of Life.” *International Women’s Network Against Militarism*, San Francisco, Bay Area, United States of America, September 11 – 15, 2012. Local hosts: Women for Genuine Security, PANA Institute Civil Liberty and Faith Project. It brought together local grassroots organizations American Friends Service Committee, babae San Francisco, Filipino American Coalition for Environmental Solidarity, Gabriela Network, Korean Americans Against War and Neoliberalism, Women of Color Resource Center, Women’s International League for Peace & Freedom, Greenaction, and Bay Area Boricuas.

³⁷ “‘CHINEMMA’, NINA’MAOLEK, YAN INARESPETU PARA DIRECHON TAOTAO” (RESISTANCE, RESILIENCE, AND RESPECT FOR HUMAN RIGHTS).” *International Women’s Network Against Militarism*, University of Guam, Mangilao, Guahan, September 14 – 19, 2009. Conscious Living; Famoksaiyan; Fuetsan Famalao’an, Guahan Coalition for Peace and Justice; Guahan Indigenous Collective, Guahan Project, Global Fund for Women, Sage Project Incorporated, and Women and Gender Studies Program, University of Guam.

³⁸ “Power and International Law.” *The American Journal of International Law*, Vol. 100, No. 1: 64.

³⁹ *Ibid* at 68.

⁴⁰ Richard H. Steinberg and Jonathan M. Zasloff. “Power and International Law.” *The American Journal of International Law*, Vol. 100, No. 1: 70 – 71.

⁴¹ Richard H. Steinberg and Jonathan M. Zasloff explain that there are a variety of realist views from structural realist (international law could be explained by knowing the interests of the powerful states), realist institutionalist - hybrid (relative power of states shape law). *Ibid* at 74 – 76.

⁴² *Ibid* at 64.

Development of International Human Trafficking Laws Prior to 2000				
Year	1904	1921	1933	1949
Organization	United Nations General Assembly	United Nations General Assembly	United Nations General Assembly	United Nations General Assembly
Policy	International Agreement for the Suppression of the White Slave Traffic	Suppression of the Traffic in Women and Children	Suppression of the Traffic in Women of Full Age	Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others
Summary	“Sought to suppress the ‘criminal traffic’ of women or girls compulsively procured for ‘immoral purposes’	Focused on the organized coercive movement of women and children for the purposes of prostitution	Same as the 1921 policy	Requires that states take measures to prevent prostitution. The 1949 version does not define human trafficking.

Figure 3.2: The Development of International Human Trafficking Laws Prior to 2000.⁴³

⁴³ The information in the chart is synthesized from Anne T. Gallagher’s *The International Law of Human Trafficking* (2010).

reconfigure individual and group interests into new blocs of power and interests.⁴⁴

Human trafficking laws have been apart of the international scene. The United Nations policies were intended to suppress transnational prostitution, as seen with the “International Agreement for the Suppression of the White Slave Traffic” (1904). The commitment to a language of rescuing white women and girls was abandoned in 1917.⁴⁵ The subsequent policies in 1921 and 1933 (Figure 3.2) illustrate the development of anti-trafficking law defined trafficking as a crime of movement and a sexual crime. However, the pre-2000 international laws did not have a legal definition of human trafficking. Historically, legal definitions of human focused on the literal movement of people. The Palermo Protocol shifted the terrain in discourse for the international participants in the United Nations to see human trafficking as a crime against a person.

In 2000, the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime⁴⁶” was implemented in Italy as a response to the absence of an international definition of human trafficking.⁴⁷ Its goals are to prevent and combat human trafficking, protect and assist victims of human trafficking, and promote cooperation among States with an emphasis on women and children.⁴⁸ On the United Nations website, viewers are greeted with: “Welcome to the UN it’s Your World!” where “your” world that is translated into six languages. December 10, 2010 marked 70 years of the United Nations’ Universal Declaration for Human Rights, in which human rights is declared through 30 articles, disseminated in 360 languages with a promise of universality: all people are born “free” and should act towards one another “in the spirit of brotherhood.”⁴⁹ The discourse of human trafficking is an internationalized issue, and with it international responses. The Palermo protocol defines human trafficking as follows:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the

⁴⁴ *Ibid* at 84.

⁴⁵ Gallagher, Anne T. 2010. *The International Law of Human Trafficking*. Cambridge University Press.

⁴⁶ Preamble. Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 55/25, November 15, 2000, <http://www2.ohchr.org/english/law/protocoltraffic.htm> (Accessed on January 15, 2008).

⁴⁷ Palermo Protocol, Preamble.

⁴⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. *United Nations*. November 15, 2000. Article 2.

⁴⁹ Universal Declaration of Human Rights. *United Nations*. 1948. Article 1.

means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

Kay Warren examines the United Nations Protocol as a legal text in itself and as a “living document, with a history and political relevance.”⁵⁰ The text came to be in Vienna after two years of drafting. The influence of the UN Protocol was vast: Non-Governmental Organizations and international bodies (i.e., an Ad Hoc committee was organized by the United Nations).⁵¹ At its genesis, the Protocol was conceived in polarized perception of who is trafficked. The international debates are most notable in the opposed positions of Janice Raymond with the Coalition against Trafficking in Women, who brought to the fore an interest in exploitation and the prostitution of people. Raymond and CATW argue that consent is a non-issue because “all victims of prostitution and trafficking fall into a protected class because of the extreme violence of their abuse.”⁵² In contrast, Ann Jordan, of the International Human Rights Law Group, challenged Raymond. Jordan’s expertise in the Ad Hoc Committee was to inform the human rights activists from a labor perspective.⁵³ Jordan, and the camps she represented, stressed worker issues in the global economy.⁵⁴

The United Nations Palermo Protocol breaks down the definition of human trafficking in two distinct ways: the issue of consent and organ trafficking. Firstly, the consent of “victims” in the international definition does not preclude them from being categorized as victims of human trafficking. The issue of consent is significant. In the United States, “consent” is an important issue because it is also determined by the age of the person; there is an age of consent (any person 18 years-old and older). Therefore, even if someone has reached the age of consent or literally consents to their own exploitation, she or he may still be seen as trafficked. Secondly, organ trafficking is delineated as a form of human trafficking. This broadens the recognition of human trafficking to not only mean the whole person, but also parts of a person.

The Palermo Protocol perpetuates a problematic lumping of women and children. The focus on women and children is a reminder of the ongoing gender violence, but also reproduces a particular heterosexual narrative that lumps women and children into a collective dependent status.⁵⁵ Political scientist and historian Nancy Fraser and Linda Gordon (respectively), argue that dependency is an ideological term that must be disentangled to recognize the force of a stereotype. I do not contend with child trafficking. The category of child in itself is variable according to social, cultural, historical, and religious norms.⁵⁶ The needs of a trafficked child

⁵⁰ “The 2000 UN Human Trafficking Protocol: Rights, Enforcement, Vulnerabilities.” *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Mark Goodale and Sally Engle Merry, Eds. (United Kingdom: Cambridge University Press, 2007): 243.

⁵¹ *Ibid.*

⁵² “*Ibid* at 259.

⁵³ *Ibid* at 260.

⁵⁴ Kay Warren. “The 2000 UN Human Trafficking Protocol: Rights, Enforcement, Vulnerabilities.” *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Mark Goodale and Sally Engle Merry, Eds. (United Kingdom: Cambridge University Press, 2007): 260.

⁵⁵ Fraser, Nancy and Linda Gordon. Winter 1994. “A Genealogy of Dependency: Tracing a Keyword of the U.S. Welfare State.” *Signs*. Vol. 19, No. 2: 309 – 336.

⁵⁶ Godziak, Elzbieta M. Fall 2008. “On Challenges, Dilemmas, and Opportunities in Studying Trafficked

create variables that must be analyzed that differ from a person who is considered as at the age of consent. Instead, I bring to the fore as an ongoing (and needed) site of an analysis – the experiences of adult females⁵⁷ who are trafficked and or are traffickers.

The Palermo protocol mirrors the United States legal definition of human trafficking, which has led to legal scholar Janie Chuang to critique U.S. policies (i.e., The Trafficking Victims Protection Act, TVPA) for influencing the global arena on human rights issues.⁵⁸ The transnational implications of U.S. policies has been the most notable in the debates on the U.S. anti-prostitution pledge⁵⁹ that mandated for U.S. grantees:

No funds made available to carry out this chapter, or any amendment made by this chapter, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.⁶⁰

Legal scholars such as Chuang have critiqued the United States for acting as a “global sheriff” on trafficking.⁶¹ U.S. prostitution pledge requires that in order for organizations to receive U.S. financial aid outside, they must not support or legalize prostitution. The prostitution pledge has received scholarly attention in which it is seen as a “global gag” policy by the U.S. that curtails efforts to employ public health, HIV/AIDS prevention, and potential collaborations with individuals and groups that self-identity as “sex workers.”⁶² “Sex workers” are unable to endorse a policy that requires them to take a stand against themselves. Journalist Anthony M. Destefano supports scholarly critiques the influence by the U.S. on international responses to anti-violence. Destefano traces the shift in U.S. priorities of funding international anti-trafficking initiatives as occurring when non-governmental and governmental officials exposed the participation of U.N. peacekeepers in the sex trafficking of women.⁶³ Human Rights Watch exposed the international sex trafficking⁶⁴ by peacekeepers in Bosnia and Herzegovina whose allegations are denied by

Children.” *Anthropological Quarterly*. Vol. 81, No. 4: pp. 904.

⁵⁷ As shown by biologist and gender studies scholar Anne Sterling-Fausto, sex and gender categories are a social decision in which the clear binaries of gender division is an attempt to control the division (Sterling-Fausto 2000). An adult is when a person has made the age of the legal majority. In the United States, most states define the legal age of the majority as 18 years-old. Adult Law & Legal Definition. 2001 – 2012. *U.S. Legal.com*, <http://definitions.uslegal.com/a/adult/> (Accessed on June 22, 2012). A minor is a person that is aged under 18-years old, 18 USC § 2256 Section 1.

⁵⁸ Chuang, Janie. 2006. “The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking.” *Michigan Journal of International Law*. Vol. 27: 437 – 494.

⁵⁹ See Appendix T.

⁶⁰ *Ibid.*

⁶¹ Chuang, Janie. 2006. “The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking.” *Michigan Journal of International Law*. Vol. 27: pp. 437 – 494.

⁶² Kinney, Edi C. M. 2006. “Appropriations for the Abolitionists: Undermining Effects of the U.S. Mandatory Anti-Prostitution Pledge in the Fight Against Human Trafficking and HIV/AIDS.” *Berkeley Journal of Gender, Law & Justice*. Vol. 21: 158 – 194.

⁶³ Destefano, Anthony M. 2008. *The War on Human Trafficking: U.S. Policy Assessed*. New Brunswick, New Jersey: Rutgers University Press: 104.

⁶⁴ The film *The Whistleblower* documents the exposure of the peacekeepers through a film directed by Larysa Kondracki (Per. Rachel Weisz, Monica Belluci, and Vanessa Redgrave. Samuel Goldwyn Films, 2011). The film is based on the book. United Nations International Police Force monitor, Kathryn Bolkovac and creative writer Cari

Dyncorp.⁶⁵ The visibility of this case shifted U.S. policy towards addressing not only human trafficking, but also sexual tourism.⁶⁶ The first prosecution occurred in 2003 when a man was arrested in Cambodia for engaging in sex acts with two Cambodian boys.⁶⁷

I present a brief description of the U.S. Trafficking Victims Protection Act (2000). Human trafficking under the Trafficking Victims Protection Act (TVPA) section 103 defines severe human trafficking as:

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force,⁶⁸ fraud,⁶⁹ or coercion,⁷⁰ or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude,⁷¹ peonage,⁷² debt bondage,⁷³ or slavery.⁷⁴

Central to defining human trafficking are the concepts of force,⁷⁵ fraud⁷⁶ and / or coercion.⁷⁷ Force is violence, fraud is when someone tells a person lies, and coercion is the perception of threat. The term “severe” suggests there is a non-severe human trafficking, however, this is not so. There are only two forms of trafficking: severe human trafficking (which includes labor trafficking) and/or sex trafficking. Legal scholar Jennifer Chacon critiques the U.S. definition of human trafficking for including “severe.”⁷⁸ The inclusion of severe into a U.S. definition of human trafficking implies that the U.S. law only guarantees such protections for victims of

Lynn, document the issue in a book. *The Whistleblower: Sex Trafficking, Military Contractors, and One Woman’s Fight for Justice*. New York, NY: Palgrave MacMillan, 2011.

⁶⁵ Dyncorp International Statement on “The Whistleblower.” Dyncorp International Statement (Falls Church, Virginia, United States of America, 2011).

⁶⁶ Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, (a.k.a. PROTECT Act). See Appendix PP.

⁶⁷ Original Source: Mike Carter, *Indictment of State Man Part of Fight Against Child Sex Trade*, Seattle TIMES, Sept. 25, 2003, at B4. See Breckenridge (2004).

⁶⁸ See Appendix U.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ See Appendix S.

⁷² See Appendix V.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ See Appendix T.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ Legal scholar Jennifer Chacon illustrates that U.S. human trafficking law requires that in order to acquire victim status, victims of human trafficking must show that they have experienced severe human trafficking. This contrasts the United Nations definition of human trafficking in which, “the U.N. Protocol expressly excludes the victim’s consent as a relevant factor.” May 2006. “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking.” *Fordham Law Review*. Vol. 74: 2985.

“severe forms of trafficking in persons.” The implementation of the TVPA went into place to strengthen the “legal teeth” on existing sanctions on involuntary servitude, peonage, and slavery by adding the new crimes of human trafficking, sex trafficking, forced labor, and document servitude.⁷⁹ The TVPA resolved the debates in legal cases that were unable to utilize the 13th amendment to prosecute slavery conditions that were enforced through psychological coercion. The TVPA addressed the lack of legal standards to address psychological coercion that came to the fore with *United States v. Kozminski*.⁸⁰ The TVPA also gave law enforcement tools to combat human trafficking and provided legal immigration relief to international victims of human trafficking.⁸¹

The Trafficking Victims Protection Act (TVPA) has significant gaps with the definition of trafficking and in the practice of the law. The definition of human trafficking under the TVPA does not include 1) organ trafficking and 2) requires evidence of force, fraud or coercion (excluding sex trafficked minors). Organ trafficking is not covered under the TVPA due to the National Organ Transplant Act (1984) that covers such activities by making organ sales illegal. The only individuals who are not required to show force, fraud or coercion are minors trafficked into sexual economies or into sexual slavery. The logic is that minors are not able to consent to their own exploitation. If a minor is labor trafficked, she or he must still prove force, fraud or coercion. And the latter suggests that consent may disqualify an adult from being legally categorized as trafficked. There are other weaknesses in the law that include, but are not limited to: a lack of provisions on training, weak witness and survivor protection; limited social service provision for victims; gaps in research on labor trafficking; and a problematic requirement that victims of human trafficking cooperate with law enforcement to receive legal relief as victims of human trafficking. The TVPA has been reauthorized since 2000 as a bi-partisan policy. However, the 2011 reauthorization did not occur and is still pending. The stall on the passage of a once bi-partisan law is due to the polarizations that occurred in 2011 when the debates about abortion and reproductive rights for victims of human trafficking came to the fore. This eventually led to the opposition of United States Conference of Catholic Bishops, the incumbent for the grant, which has spawned what Emily Cadei has referred to as the Culture Wars on human trafficking.⁸²

Within the United States, states have passed state-level policies on human trafficking as a means to supplement and/or enhance national legislation with a local response. An example of

⁷⁹ Kim, Kathleen. Spring 2007. “Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting *United States V. Kozminski* and Understanding Human Trafficking.” *38 University of Toledo Law Review*: 941 - 972

⁸⁰ In 1988 the Supreme Court resolved the circuit court split in *Kozminski*, in which the core of the debate was psychological coercion. Two mentally challenged farm workers that were homeless were recruited to work on the *Kozminski* dairy farm in exchange for room and board. The two men endured years of abusive conditions – no running water, spoiled food, and physical and verbal abuse. They were isolated and discouraged from speaking with visitors. When the case went to trial, the prosecution made a case for involuntary servitude as including psychological coercion. The courts had a narrow understanding of psychological coercion, that which the TVPA legally offers an interpretation of involuntary servitude to include a more expansive understanding of psychological coercion. *Ibid*.

⁸¹ See Appendix F for information on general quotas and visas, Appendix G for information for certification to receive benefits, Appendix V for information about Continued Presence, Appendix W for information about the T Visa, and Appendix X for information about the U-Visa.

⁸² *CQ Weekly- In Focus*, April 28, 2012, <http://public.cq.com/docs/weeklyreport/weeklyreport-000004072374.html> (Accessed on April 28, 2012). For talking points on the reauthorization of the Trafficking Victims Protection Act, see Appendix Z.

human trafficking state laws is exemplified by the California Trafficking Victims Protection Act (AB 22, 2005). State initiatives also include local responses within states (i.e., Alameda, California, “Sexually Exploited Minors Pilot Project” (AB 799)).⁸³ Local level conceptions of human trafficking impact definitions of the trafficked/trafficker and non-trafficker. In 2005 the State of California passed the “California Trafficking Victims’ Protection Act” (AB 22). AB 22 imposes “state-mandated local program(s)” and task forces that are meant to advise legislature on human trafficking. California penal code 236.1 defines human trafficking as:

236.1. (a) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of Section 266,⁸⁴ 266h,⁸⁵ 266i,⁸⁶ 267,⁸⁷ 311.4,⁸⁸ or 518,⁸⁹ or to obtain forced labor or services, is guilty of human trafficking.

According to the California Trafficking Victims’ Protection Act, human trafficking is a violation of liberty. Those who traffic for labor or services are characterized by their criminality for prostitution, pimping, pandering, and / or extortion. The law dictates how human trafficking is understood and those categorized as trafficked people, traffickers, and anti-traffickers.

In general there are three basic systems that individuals designated as human trafficking victims navigate: criminal, immigration, and civil. Cindy Liou, an attorney with Asian Pacific Islander Legal Outreach, conveys that victims of human trafficking maneuver complex legal systems that include immigration, civil, and crime (see Figure 2.3). Human trafficking victims that are in need of immigration relief are eligible for a T and U nonimmigrant visa.⁹⁰ Not all survivors of human trafficking move in and out of a variety of legal systems, nor does an open case in one legal system such as a criminal case lead to the emotional closure survivors of exploitation need to move on with their lives. And for those that require immigration relief, and desire restitution, human trafficking survivors and even traffickers, may interact with a variety of legal systems.⁹¹ The legal landscape impacts human trafficking definitions and the practices to prosecute traffickers and support survivors. The TVPA enables victims to receive protections through a T and U visa and access to a network of advocates and service providers.⁹² For T and U Visa eligibility is that victims are required to comply “with any reasonable request for assistance in investigating or prosecuting trafficking (if 18 or older)”⁹³

⁸³ See Appendix AA.

⁸⁴ See Appendix BB.

⁸⁵ See Appendix CC.

⁸⁶ See Appendix DD.

⁸⁷ See Appendix EE.

⁸⁸ See Appendix FF.

⁸⁹ See Appendix GG.

⁹⁰ See Appendices W and X.

⁹¹ Cindy Liou’s diagram focuses on three legal systems: civil, criminal and immigration. But these are not the only legal systems. Victims may interact with family law as well.

⁹² Lee, Ivy and Mie Lewis. 2003 – 2004. “Human Trafficking from a Legal Advocate’s Perspective: History, Legal Framework and Current Anti-Trafficking Efforts.” *University of California Davis Journal of International Law and Policy* 169: pp. 169 – 195.

⁹³ T Nonimmigrant Visa. See Appendix W.

Legal Proceedings		
Criminal Justice Process	Immigration Process	Civil Litigation
<ul style="list-style-type: none"> • Goal: plea/conviction of trafficker • Victim as witness • Proving trafficker(s) guilty • Jury/judge as final arbiter • Public process • Continued Presence 	<ul style="list-style-type: none"> • Goal: legalization of victim • Victim as self-petitioner • Proving client is a victim • Immigration officer as final arbiter • “Private” process • <i>Continued Presence</i> • T Visa 	<ul style="list-style-type: none"> • Goal: damages for victim • Victim as plaintiff • Proving client is owed damages • Judge as final arbiter • “Private” process • Damages (compensatory, restitution, punitive)

SAGE/AATC © 2010

Figure 3.3: Legal Proceedings for Human Trafficking Victims⁹⁴

⁹⁴ Cindy Liou, Attorney, Asian-Pacific Islander Legal Outreach (formerly known as Nihonmachi Legal Outreach). January 6, 2010. “Legal and Social Services for Survivors of Human Trafficking,” *Asian Anti-Trafficking Collaborative*. San Francisco Asylum Office: United States Citizenship and Immigration Services.

3. One Blue: Law Enforcement and Anti-Trafficking Campaigns

“With the Blue Campaign, we seek to shine a light on a crime that thrives in the shadows, bring traffickers to justice, and assist victims in communities across the nation” -- Department of Homeland Security (DHS) Secretary Janet Napolitano, July 22, 2010.

If there is a color that represents the 2010 to the present transnational anti-trafficking strategies, it is blue. For example, the United Nations Convention against Transnational Organized Crime (UNTOC) Blue Heart Campaign⁹⁵ and the Blue Blindfold campaign.⁹⁶ And the blue of law enforcement is also seen in the anti-trafficking movement. In 2010, Department of Homeland Security mobilized One DHS: The Blue Campaign to unite their collaborative efforts to prevent human trafficking, prosecute traffickers, and protect victims of human trafficking.⁹⁷ The Blue Campaign allied with the anti-trafficking strategies of the Blue Heart and Blue Blindfold Campaigns that mobilize to raise awareness about human trafficking. In collaboration with the National Human Trafficking Resource Center, facilitated by the Polaris Project, the Department of Homeland Security (DHS) disseminated information on human trafficking and resources through media includes CNN, Youtube, fifty newspapers, and Tear and Shoe Cards. The Blue Campaign reached fifty million people with a simple message: “Be alert, be strong, be free. Help is just a phone call away.” Print materials and advertisements were disseminated in seventeen languages.⁹⁸ What strikes me about the language in the campaign materials is the multiple ways in which human trafficking is articulated across languages, institutions, and boundaries. The crossing of institutions, language, and locations of response for anti-trafficking strategies reflects the twenty-first century shibboleth: partnership.

Since the passage of the TVPA in 2000, U.S. responses to human trafficking have functioned based on what are referred to as three “P’s” – protect victims of human trafficking, prevent human trafficking, and prosecute traffickers. In 2009, inspired by Hilary Rodham Clinton’s call for partnership, the U.S. Department of State added the fourth “P” of partnerships. Hilary Rodham Clinton’s statement on partnerships:

In recent years we've pursued a comprehensive approach reflected by the three Ps: prosecution, protection, and prevention. Well, it's time to add a fourth: partnership. The criminal network that enslaves millions of people crosses borders and spans continents. So our response must do the same. So we're committed to building new partnerships with governments and NGOs around the world, because the repercussions of trafficking affect us all – Hillary Rodham Clinton, Secretary of State.⁹⁹

⁹⁵ The United Nations Convention against Transnational Organized Crime (UNTOC) Blue Heart Campaign seeks to establish a fund to aid governmental, intergovernmental, and non-governmental initiatives to combat human trafficking www.unodc.org/blueheart/

⁹⁶ The Blue Blindfold campaign is a UK based campaign that raises awareness on human trafficking by calling professionals, police authorities, and the public to open their eyes to human trafficking www.blueblindfold.co.uk

⁹⁷ “One DHS Campaign.” Homeland Security, United States of America. April 12, 2011. http://www.dhs.gov/files/programs/gc_1270739792024.shtm. Accessed on March 1, 2012.

⁹⁸ Language not specified in the Department of Homeland Press release materials.

⁹⁹ “Partnerships.” U.S. Department of State Diplomacy in Action. 2009. <http://www.state.gov/j/tip/4p/partner/index.htm>. Accessed on August 1, 2011.

What followed was the development of formal and informal coalitions of entities under the assumed common cause: anti-human trafficking. These partnerships redefined not only how U.S. institutions respond to human trafficking at the local and national levels, but also how they determine who is trafficked.

Law enforcement campaigns are not limited to the United States, but also disseminated through “transnational connectivities.”¹⁰⁰ The Don’t be Fooled Campaign is an example of the transnational aspects of law enforcement anti-trafficking initiatives. What is created is a subject of an acceptable migrant and the ethical practices that are reinforced about acceptable migration. I first stumbled upon a product of the Blue Campaign, a homeland security campaign by Custom Border Patrol (CBP) that was launched on July 22, 2010,¹⁰¹ while reading a Polaris Project Blog – “Don’t be Fooled¹⁰² / No Te Engañes.”¹⁰³ The Polaris Project, the United States National Human Trafficking Resource Center, offers public service announcements to combat human trafficking: “Masquerade” and “Bird Cage.” The image of homeland security as anti-traffickers is different then the 404,000 deportations that occurred during the same year the PSAs became visible.¹⁰⁴ The role of law enforcement is contradictory. On the one hand it is to protect nation-state borders through activities such as deportation and on the other, to accommodate crime victims with legal relief (international or citizens) whose crime against them occurs within the nation-state.¹⁰⁵ The “Don’t be Fooled” Public Service Announcements were first disseminated in Central America and Mexico beginning in February 2010, and then made a return to the United States on July 25, 2011 appearing in Florida, Georgia, North Carolina and Washington D.C., metro area.¹⁰⁶ Campaign materials appeared in Guatemala, El Salvador and Mexico, were disseminated in Spanish and English only, which renders invisible indigenous peoples of these regions who are also vulnerable to exploitation.¹⁰⁷

¹⁰⁰ Inderpal Grewal defines transnational connectivities as: a network and connection of many different types that creates subjects, technologies, and ethical practices. *Transnational America: Feminisms, Diasporas, Neoliberalisms*. (Durham and London: Duke University Press, 2005): 3.

¹⁰¹ Secretary Napolitano Launches First-of-its-Kind Campaign to Combat Human Trafficking. Department of Homeland Security, Office of the Press Secretary Press Release (Washington D.C., United States of America, July 22, 2010). <http://www.aiaa.org/content/default.aspx?docid=32690> (Accessed on July 23, 2010).

¹⁰² K. Naples-Mitchell. August 22, 2011. “A Follow-up: Ads and PSAs in the Human Trafficking Abolition Community.” The Polaris Project Blog. <http://www.blog.polarisproject.org/2011/07/22/a-follow-up-ads-and-psas-in-the-human-trafficking-abolition-community/>. Accessed on October 1, 2011.

¹⁰³ The incorrect spelling in Spanish is promoted by the Custom Border Patrol: http://www.cbp.gov/xp/cgov/border_security/human_trafficking/no_te_enganes/. The correct translation, No Te Dejes Engañar.

¹⁰⁴ Logan’s notes are that the Obama administration continued to increase yearly deportations begun under George W. Bush. Citations for the 2011 goals are Slevin, “Deportation of Illegal Immigrants under Obama Administration,” 2010; “Deportations by Fiscal Year,” 2010; Preston, “Deportations from U.S. Hit a Record, High,” 2010.

¹⁰⁵ Victims of human trafficking are required to cooperate with law enforcement in order to receive the Visas that are needed to stay legally in the United States. The T-Visa enables victims to apply for legal status (and eventual permanent residence which allows for a path to citizenship) in which it is deemed that they would suffer extreme hardship if repatriated. Trafficking Victims Protection Act § 107(f).

¹⁰⁶ “CPB Launches Human Trafficking Awareness Campaign: ‘Don’t be Fooled’ to Complement Central America/Mexico Campaign.” July 19, 2011. CPB.gov. http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/2011_news_archive/07192011_5.xml. Accessed on August 22, 2011.

¹⁰⁷ Chapter Four offers a brief critique through a case study. Although, there are few studies dedicated to indigenous people trafficked. Sarah Deer offers an examination of Alaskan Natives and Native American women trafficked in the U.S. (See Deer 2010).



Image 3.1: “Masquerade.” July 25, 2011. U.S. Customs and Border Protection, Department of Homeland Security Blue Campaign. “Don’t be Fooled.” <http://blog.dhs.gov/2011/07/videos-cbp-launches-human-trafficking.html>. Accessed on January 15, 2012.

The images disseminated by Custom Border Patrol through the Don't be Fooled Campaign illustrate U.S. national priorities; central to the anti-trafficking narrative is the role of the different state actors who have witnessed human trafficking. An image of human trafficking is produced without an original referent (the survivor). Rather, it is produced by interpretation of human trafficking. The images invoke believability. But image(s) facilitate possibilities to “bear witness to historical trauma rather than foreclose[ing] or compromise[ing] them.”¹⁰⁸ These images are not produced by survivors, but rather highlight the voice of the anti-trafficker, in this case, the anti-trafficker as law-enforcement.

4. Masquerade, World Systems, & Citizenship

“Masquerade” (Image 3.1) is a Public Service Announcement (PSA) video clip that warns migrating Latinas/os of the dangers of labor trafficking when they enter the global economy illicitly. Masquerade begins with a medium shot of people’s feet walking down stairs. Soon after, it is apparent that the many feet walking in a line belong to Latinas/os who follow behind two Euro-American men dressed in black. Over a loudspeaker, repeated over and over again: “Welcome. Here, all your dreams come true.” The dreams that migrants have of the U.S. are reminiscent of Carlos Bulosan’s *America is in the Heart* (1973).¹⁰⁹ Kandice Chuh, English and American Studies scholar illustrates how the migrant story of Allo in Bulosan’s novel is a search for a masculine identity.¹¹⁰ And in this search, there are narratives of a desire to belong to an America. Such images of a desire to be a part of the United States are not limited to representations of Asian American migrants, but also cross into the narratives that are developed about Latina/o migration. The imagery of a desire to belong to an America is produced in “the Masquerade.” The dark hallway with lights that pass overhead as the group of Latinas/os walk towards something that they hope will be life changing is entangled in a haunting – the dangers that lurk ahead. A Latino couple peers through a window, as though they are window-shopping for their own destination. A man dressed in a suit showers himself with money, which he throws into the air. The Latino man says, “I told you it was money well invested.” Where their money went is unclear – but the stereotype of Latinos and Mexicans as smuggled into the United States, suggests that the money went to smugglers¹¹¹ who organized their entry into the U.S. The woman replies: “We don’t have nothing yet” suggesting that she too hopes they will have something eventually. However, instead they are ushered through red curtains the voice in the loudspeaker changes from “Welcome. Here all your dreams come true” to one that shouts “Empty your pockets.” They become one of the many Latinos who empty their already empty pockets into bins. It is assumed that they are defrauded into their travels in which what they hoped to arrive to is an American dream, but instead find themselves participating in a masquerade of labor trafficking. This is further perpetuated with the image of their identity (passports) being withheld. The scene shifts to a medium shot of a bin filled with passports. The

¹⁰⁸ Guerin, Frances and Roger Hallas, Eds. 2007. *The Image and the Witness: Trauma, Memory and Visual Culture*. (London: Wallflower Press): 4.

¹⁰⁹ Seattle: University of Washington Press.

¹¹⁰ *Imagine Otherwise: On Asian Americanist Critique*. (Durham and London: Duke University Press, 2003): 35 - 44.

¹¹¹ See Appendix HH for the penal code for human smuggling and Appendix II for an explanation of the difference between human trafficking and human smuggling.

bin reflects another assumption of human trafficking in which a common interview question for law enforcement and advocates identifying survivors of human trafficking, “has someone taken your passport?”¹¹² In the United States, migrants without papers are vulnerable to deportation. The voice continues, “The dream is over. Now get to work” with the trafficked forced to wear masks – participants in the masquerade that exploits them.

The masquerade is two-fold – the masquerade of the American dream and the masquerade that the trafficked are forced to participate in that render invisible their exploitation. What is invoked is Mikhail Bakhtin’s concept of the “verbal masquerade” (1981).¹¹³ Bakhtin’s notion of a verbal masquerade occurs through language and discourse that does not “talk straight” to orchestrates its themes. The verbal masquerade in “Masquerade” is clear when the announcer calls out dreams but does not also announce the possibility of exploitation. And what is hidden is the reality that the trafficked themselves are a part of a masquerade that on the face is labor in factories, but under the mask, human trafficking. The image that victims eventually end up being participants in the very masquerade that they are coerced or defrauded into is shown when they are told to “put on a mask” at the end of the Public Service Announcement video clip. This is an important message in which it implies their complicity in their own exploitation. The line of workers wearing the same mask, as though they are all the same, and the language that is spoken in Spanish solidifies the homogenization of Mexicans and Latinos. Some scholars refer to this as the Mexicanization of other Latinas/os. Colonial racism homogenize Latinas/os as all the same despite their unique histories and identifications.

The transnational elements of the Public Service Announcements as moving between spaces (Central and North America) illustrate the global aspects of the masquerade that victims of human trafficking are coerced into (and participate in). Human trafficking is a manifestation of transnational processes. Globalization is characterized as a process by varying relationships between the global and local, in which there is an increase in speed and volume, shrinking space, permeable borders, reflexivity, and risk and trust.¹¹⁴ The challenge is that globalization is oftentimes viewed as monolithic through a neoliberal lens. And it assumes that nation-states are no longer the primary units of decision-making.¹¹⁵ Immanuel Wallerstein theorizes the world economic system as made up of core and peripheral zones. I find the term transnational useful

¹¹² The case of *Dann v. U.S.A.*, illuminates how traffickers withhold identification as a means to coerce a person into staying in an exploitive dynamic. Dann trafficked a Peruvian woman into her home to be a domestic worker/servant. The worker was forced to sleep on the floor, food was withheld, and her passport was taken. The anxiety of not having a passport was exacerbated by the Peruvian woman’s perceptions of the significance of her passport. In [Peru](#), it is mandatory for all citizens over the age of 18, whether born inside or outside the territory of the Republic, to obtain a National Identity Document (*Documento Nacional de Identidad*). The DNI is a public, personal and untransferable document. The DNI is the only means of identification permitted for participating in any civil, legal, commercial, administrative, and judicial acts. It is also required for voting and must be presented to authorities upon request. The DNI can be used as a passport to travel to all South American countries that are members of UNASUR.

¹¹³ Bakhtin, Mikhail. 1981. *The Dialogic Imagination: Four Essays*. Michael Holquist, Eds. Caryl Emerson and Michael Holquist, translators. (Austin, Texas: University of Texas Press): 274 - 275.

¹¹⁴ To understand globalization, John Beynon and David Dunkerly define globalization in relation to concepts such as global culture, glocalization, global media (Appadurai), global cities (Sassen), (de-)territorialization, global and local dynamics, just to name a few ways they are framing globalization. *Globalization: the Reader*. (New York: Routledge): 3 - 5.

¹¹⁵ Immanuel Wallerstein locates countries that are considered the core – U.S., Western Europe, and Japan. And semi-peripheral and peripheral countries are East Asia and South East-Asia. 1999. *The End of the World as we Know it: Social Science for the Twentieth-first Century*. (Minneapolis, Minnesota: University of Minnesota Press): 51.

when it is employed by transnational feminists to problematize locational politics of global-local or center-periphery.¹¹⁶ Therefore, I offer a framing of human trafficking a U.S. location informed by transnational perspectives. And to bring in the language of transnational to explain the circuitous relationship that occurs as people, goods, and ideas cross nation-state boundaries.¹¹⁷ This is delineated in the multiple arenas of juridical responses – local, national, and international law. Web sites, email, internet purchases, cell phones, chat rooms, have become the new site in which transactions are taking place around the world – are not just for goods, but also for people.¹¹⁸ What is clear in all scales is that human trafficking is described as a transnational crime. The transnational responses to human trafficking have led to nation-states targeting migrants who cross borders; this in effect creates a polarized perception of migrants: victim or criminal.¹¹⁹ The migrant is a transnational actor with the agency to pursue dreams and desires “shaped by the globalization of modernity.”¹²⁰ The focus in *Masquerade* is about the consequences for such pursuits that necessitate illegal or informal activities (i.e., smuggling).

Situating political economies of transnational processes is one axis for understanding systems that facilitate human trafficking. Prostitution has been considered the world’s “oldest profession” since the Renaissance.¹²¹ However, twenty-first century human trafficking into sexual economies (a.k.a. sex trafficking) does not manifest in the same way as it did in the fourteenth century. In the twenty-first century, an exchange of money for sex now may occur across the Internet. The relationship of particular industries to money, and the vulnerabilities that are created and exacerbated by social relations are central to the political economy of human trafficking. Human trafficking is a contractual relationship of debt bondage, and / or profitability that extends beyond financial gain to political, social, or environmental gain. To see the economics of human trafficking is to recognize it is fueled by poverty and social inequality,¹²² and expedited by transnational mobility. For some scholars, the profitability of human trafficking is integral to discerning human exploitation. Burmese politician and anti-trafficking advocate, Aung San Suu Kyi argues that trafficking and trade are fueled by the profit motive.¹²³ People that are trafficked are portrayed as commodities – to be bought and sold. And due to the drive by the demand, as prices go down, what is demanded in the market for human beings is diversified. Louise Shelley, a professor in public policy and law,¹²⁴ argues that the illicit activities that fuel human trafficking mirror the legitimate economy.¹²⁵ Human trafficking is shaped by a contractual relationship in which a person is in a situation of debt bondage – the

¹¹⁶ Grewal, Inderpal and Caren Kaplan. 2006. *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices*. (Minneapolis: University of Minnesota Press): 13.

¹¹⁷ Supra note 42.

¹¹⁸ Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. New York: Cambridge University Press.

¹¹⁹ Agustin, Laura Maria. 2007. *Sex on the Margins: Migration, Labour Markets and the Rescue Industry*. New York and London: Zed Books.

¹²⁰ Sealing Cheng examines Filipinas migrants in Korea’s sex industry. *On the Move for Love: Migrant Entertainers and the U.S. Military in South Korea*. (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2010): 10.

¹²¹ Nils Ringdal offers a historical tracing of prostitution in a variety of societies and time periods that range from 550 BC to the present. *Love for Sale: Global History of Prostitution*. London: Atlantic Books, 2004.

¹²² “Widespread poverty and social inequality ensure a pool of recruits as deep as the ocean.” David Batstone. 2007. *Not for Sale: The Return of the Global Slave Trade and How We Can Fight It*. (New York: Harper Collins): 10

¹²³ Aung San Suu Kyi. *Trafficking & Trade: The Impact of Globalization on Women Conference* presented by Global Partnerships for Humanity in Denver, Colorado, March 14-15, 2003.

¹²⁴ George Mason University.

¹²⁵ Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. New York: Cambridge University Press.

most common form of human trafficking.¹²⁶ Not all traffickers participate in human trafficking for the purpose of profiting off another person. Louise Shelley contends that traffickers may also be motivated for political reasons such as funding a terrorist group, a guerilla movement, an insurgency, or to provide suicide bomber.¹²⁷ The normalization of such economic exploitation has global implications. It is necessary to not solely conceptualize trafficking through a political economic lens. Whether human trafficking is new or continuation of an old system, massive, or even defined by a local and/or global economics,¹²⁸ the designation of human trafficking as a *gender problem* persists, suggesting the need to analyze gender. Gender paradigms intersect with other systems of oppression (i.e., race and class) that impact anti-trafficking strategies and paint the picture of who is trafficked.

Under the guise of awareness raising the messages conveyed by The Don't be Fooled Campaign reassert U.S. nationalisms by endorsing the image that human trafficking is equated with human smuggling; such messaging implies that to counter trafficking is to increase the policing of nation-state boundaries. The campaign warns of the danger of not just any migration, but rather, illegal migration, through a fictional portrayal of human trafficking. The campaign shows the viewer that there is an inextricable link between human smuggling and human trafficking. Even though there is overlap, there are differences and similarities that must be untangled. A person may be smuggled and trafficked, however, not all smuggling experiences lead to human trafficking. The criminal statutes characterize smuggling and trafficking differently.¹²⁹ Human smuggling is a crime against a border and human trafficking is a crime against a person. Press releases of the campaign portray the ideologies of U.S. law enforcement, "Death, disappearance, and enslavement—these too often are the futures that await illegal immigrants who mortgage their lives to human smugglers."¹³⁰ The messaging in the campaign Public Service Announcements suggest that victim's of human trafficking are smuggled people of color, and the dangers that lurk ahead of them are perpetuated by Euro-Americans. As transnational economies have created a demand for migrants to go abroad for work. Simultaneously anti-immigration, racist and sexist policies exacerbate vulnerabilities to exploitation.

U.S. responses to human trafficking exploitation make it clear that the U.S. is the dominant force with influence on how other countries respond to what is seen as a transnational crime.¹³¹ The role of the U.S. is figured as a benevolent one, and such imagery is familiar throughout U.S. history as shown in the political cartoons that occurred in the 20th century during U.S. imperialisms of the Philippines.¹³² Not only do the campaigns make central the dangers of migration, they also focus on sexuality. The campaign illustrates heterosexual representations of

¹²⁶ Caraway, Nancie. 2005 – 2006. "Human Rights and Existing Contradictions in Asia-Pacific Human Trafficking Politics and Discourse." *Tulane Journal of International and Comparative Law*. Vol. 14: pp. 295 – 316.

¹²⁷ Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. (New York: Cambridge University Press): 22.

¹²⁸ Anker, Christien van den. 2004. *The Political Economy of new slavery*. Christien van den Anker, Eds. UK: Palgrave Macmillan.

¹²⁹ See Appendix HH.

¹³⁰ *Ibid*

¹³¹ Janie Chuang describes the U.S. Trafficking in Persons Report that places countries into ranks based on how they comply with the minimum standards to combat human trafficking (Tier 1 = fully comply, Tier 2 = does not yet fully comply, but making significant efforts, and Tier 3 = are not making significant efforts to fully comply). 2006. "The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking." *Michigan Journal of International Law*. Vol. 27: 453 - 454.

¹³² *The Forbidden Book: The Philippine-American War in Political Cartoons*. T-Boli Publishing, 2004.



Image 3.2: “Bird Cage.” July 25, 2011. U.S. Customs and Border Protection, Department of Homeland Security Blue Campaign. “Don’t be Fooled.” <http://blog.dhs.gov/2011/07/videos-cbp-launches-human-trafficking.html>. Accessed on January 15, 2012.

traffickers/trafficked (traffickers as masculinized and trafficked as feminized).

5. Gender / Sexuality and the “Bird Cage”

The Don’t be Fooled Campaign circulates U.S. images of the feminine, womanhood, masculinity and manhood through a racialized lens. The images in the Blue Campaign were created in the U.S., disseminated in Central America and Mexico, and then made visible in the U.S. The U.S. anti-trafficking movement not only creates an articulation of who is the human trafficked person, but also in turn, reflects who the U.S. is. And such articulations are not contained within the nation-state boundary / limit. Sealing Cheng traces how nation-state articulations of human trafficking are impacted by international norms about human trafficking and women’s rights – such universalities facilitates a (re)articulation of “what authentic” culture is and society and notions of womanhood.¹³³ Decentering Eurocentric framings of human trafficking, Ella Shohat calls for a rethinking of the Eurocentric intellectual and “identity designations, grids, disciplinary boundaries that have produced such figures and discourses as third world women.”¹³⁴ A critical examination of the Don’t Be Fooled Public Service Announcement video clip, “Bird Cage” (Image 2.2) signifies U.S. raced and gendered perceptions of the trafficked, the trafficker, and the anti-trafficker. The traffickers in “Bird Cage” are racialized and gendered as different from those trafficked demonstrating a binary imagining of the trafficked / trafficker as feminine Third World and Masculine First World, respectively.

The focus of “Bird Cage” is sex trafficking into sexual economies. The ambiguity of the type of sexual economy the Latina is trafficked into renders open the possibility of where she may be trafficked. The venues of a sexual economy are diverse, but may be listed as follows: go-go bars, pick-up bars, night clubs, massage parlors, saunas, truck stops, restaurants, coffee shops, barber shops, brothels, escort agencies, and street.¹³⁵ Similar to Masquerade, the trafficked in “Bird Cage” is Latina, in this case a minor, and the traffickers are Euro-Americans. The Latina sits in a large birdcage crying. In this narrative, the young Latina’s sexual exploitation is never explicitly portrayed for the viewer, but rather it is signified through other symbols: clothes, makeup, and performance. Her traffickers pull her dress down her shoulders as a disembodied loudspeaker repeatedly tells her to “sing” suggesting that her exploitation is performative rather than laborious. And part of this performance includes the force of red lipstick onto her lips. The imagery of lipstick may be read as sexual power, however, the fact that she is caged and cries as it occurs invokes American cultural assumptions of lipstick that may be traced to World War II.¹³⁶ Wearing makeup during WWII indicated sexuality and women bound to sex (i.e., prostitution). Her sexual exploitation is never explicit, but rather, it is implied.

According to sociologist Kathleen Barry sexual exploitation, “objectifies women by reducing them to sex; sex that incites violence against women and that reduces women to commodities for market exchange. Sexual exploitation is the foundation of women’s oppression

¹³³ Cheng, Sealing. 2011. “The Paradox of Vernacularization: Women’s Human Rights and the Gendering of Nationhood.” *Anthropological Quarterly*. Vol. 84, No. 2: 475 – 506.

¹³⁴ Shohat, Ella. Summer 2001. “Area Studies, Transnationalism, and the Feminist Production of Knowledge.” *Signs*. Vol. 26, No. 4, Globalization and Gender: 1269.

¹³⁵ Bindman, Jo. 1998, “An International Perspective on Slavery in the Sex Industry.” *Global Sex Workers: Rights, Resistance, and Redefinition*. Kamala Kempadoo and Jo Doezema, Eds. (New York: Routledge).

¹³⁶ Dougherty Delano, Page. Spring 2000. “Making up for War: Sexuality and Citizenship in Wartime Culture.” *Feminist Studies*. Vol. 26, No. 1: 33 – 68.

socially normalized.”¹³⁷ If sexual exploitation is the objectification of female persons, then the message conveyed is effective. Eventually she begins to sing “la la la” as she cries and the sounds of her distant singing are heard reverberating through halls.

It is critical to analyze the privileging of heteronormativity in human trafficking narratives that are portrayed in public awareness videos like the “Bird Cage.” Outside the cage, Euro-American men taunt the Latina girl inside the cage. Historian Nayan Shah utilizes gender as analytic to conceptualize the “underlining [of] the dynamics of power involved in stabilizing and constraining human variation.”¹³⁸ This is not to dismiss violence against particular genders that lay within a heteronormative realm, but rather, to offer a critique that not only seeks to understand a particular gendered categorization as “victim” (victim as female and perpetrator as male). Too often, the dirty secret in anti-violence movements is privileging the narrative of men’s violence against women – a heteronormative construction. A reality in many human trafficking cases, in particular, where the demand is predominantly male,¹³⁹ is that a variety of cases illustrate homosocial violence (for sex and/or labor).¹⁴⁰ And, not only are the trafficked and trafficker gendered feminine/masculine, so too is the anti-trafficker. The voice that represents homeland security that warns migrants of the potential of exploitation and offers a resource to call the national human trafficking resource center is a male voice.

Race and gender are central visible themes in the Don’t Be Fooled Campaign. Kimberle Crenshaw refers to intersectionality as the “intersection of race and gender” as a means to “account for multiple grounds of identity when considering how the social world is constructed.”¹⁴¹ The raced and gendered image of the trafficker and trafficked distorts the raced and gendered dynamics of labor. The video clip, “Bird Cage,” shows the viewer a visibly raced and gendered contrast between the trafficker and the trafficked – white male and women of color, respectively. Meanwhile, as discussions of gender have come to the fore, scholarship on human trafficking, in particular by Kevin Bales, continues to marginalize issues of race¹⁴² suggesting that human traffickers are “color-blind.”¹⁴³ There is a constellation of power that defines human trafficking, and this includes race. As phrased by French sociologist Colette Guillaumin, in her investigation into race, sex, power and ideology, “while the reality of ‘race’ is indeed neither natural and biological, nor psychological (some innate tendency of the human mind to designate the other as a natural entity), it does nevertheless exist.”¹⁴⁴ The portrayal of a

¹³⁷ Barry, Kathleen. 1995. *The Prostitution of Sexuality: The Global Exploitation of Women*. New York and London: New York University Press.

¹³⁸ Shah, Nayan. 2011. *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West*. (California: University of California Press): 8.

¹³⁹ Hughes, Donna M. August 2004. “Best Practices to Address the Demand Side of Sex Trafficking.” *Department of State*. http://www.uri.edu/artsci/wms/hughes/demand_sex_trafficking.pdf. Accessed on January 15, 2009.

¹⁴⁰ I offer a gender analysis that locates gender as violence through a non-heteronormative lens of homosocial relations (Chapters 4 – 6).

¹⁴¹ “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” *Stanford Law Review*, Vol. 43, No. 6: 1244.

¹⁴² Bales, Kevin. 1999. *Disposable People: New Slavery in the Global Economy*. California: University of California, Press. Reprinted 2000 and 2004.

¹⁴³ Michael Omi and Howard Winant define color-blind as, “we may notice someone’s race, but we cannot act upon that awareness. . . . This analysis of the meaning of race is immediately linked to a specific conception of the role of race in the social structure: it can play no part in government action, require, recommend, or award different status according to race.” *Racial Formation in the United States: From the 1960s to the 1990s*. Second Edition. (New York: Routledge, 1994): 57.

¹⁴⁴ *Racisms, Sexism, Power and Ideology*. (New York, New York: Routledge, 1995): 107.

race difference between the trafficked and the trafficker re-inscribes racial hierarchies. That is, Euro-American oppression, and people of color are portrayed as oppressed. What is assumed about the voice in the loud speaker who represents law enforcement? The deep voice suggests male, and the absent body leads to assumptions that the rescuer is also Euro-American – white. As described by American and Black Studies scholar George Lipsitz, whiteness is “the unmarked category against which difference is constructed, whiteness never has to speak its name, never has to acknowledge its role as an organizing principle in social and cultural relations.”¹⁴⁵ Such a marking is problematic, especially when it is less visible, yet assumed. An underlying message then, is that U.S. manhood¹⁴⁶ is implicitly reasserted – the masculine Euro-American male will rescue the trafficked person of color.

By illustrating a child as sex trafficked, the Don’t be Fooled campaign tugs on existing sympathies of who is exploitable (children) and who is seen as not exploitable (adults in sexual economies). At the end of the video over a loudspeaker a male voice says: “the little girl lost her wings.” The imagery sends two messages: she is a child and she is virginal. It is estimated that fifty percent of people trafficked are adults. In spite of the cases that illustrate that adults are also sex trafficked, anti-trafficking campaigns raising awareness about sex trafficking focus on children or child like figures. There is a particular politics to campaigns such as the Don’t be Fooled Campaign that focus on the child-like figure as sex trafficked. Julia O’Connell Davidson’s *Children in the Global Sex Trade*¹⁴⁷ makes an important scholarly intervention about the discourse of child trafficking into prostitution as deflecting other critiques that may exist, such as those about governments and the role of governments in creating the conditions that lead children to survive in prostitution.¹⁴⁸ This virginity of the girl is also central. The theme of girls that are sex trafficked, which means they lose their virginity, is entangled in other themes: “losing a sense of her self or more (innocence, virginity, freedom).”¹⁴⁹ The imagery perpetuates the polarized discourse on sex trafficking which is embedded in locations of pro-prostitution / sex workers rights (sex trafficking occurs because of the marginalization of sex workers) or abolition (sexual economies by their very nature are exploitive and should be abolished).

6. Chapter Three Summary

Chapter Three frames the methods utilized in this dissertation. Central to my analysis are the sociological implications of how a person is constituted as trafficked, by the law, its enforcement, and its production through discourse (i.e., the media). I mapped sub-state, nation-state, and international laws and illustrate that the law produces knowledge and assumptions about truths – the meanings of who constitutes trafficked / not trafficked. In order to unveil the production of human trafficking categories and the invisibilities that are created as some are seen as trafficked I focused on knowledge and the law. However the law by itself does not produce categories. As illustrated in the Don’t be Fooled Campaign assumptions of human trafficked migrants are produced in the media and the enforcement of laws. What is clear is that U.S. anti-

¹⁴⁵ *Possessive Investment in Whiteness*. (Philadelphia: Temple University Press, 1998): 1.

¹⁴⁶ Gail Bederman offers a cultural historical analysis of manliness and civilization in the United States. *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880 – 1917*. Chicago and London: The University of Chicago Press, 1995.

¹⁴⁷ Davidson, Julia O’Connell. 2005. *Children in the Global Sex Trade*. UK: Polity.

¹⁴⁸ *Ibid*.

¹⁴⁹ See Note 8.

trafficking campaigns, the law, and its enforcement reinforce U.S. notions of masculinity.¹⁵⁰ Although my examination of the Don't be Fooled Campaign is like an analysis of a case study, it is an example of the methods employed in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking*.

¹⁵⁰ Gail Bederman offers a cultural historical analysis of manliness and civilization in the United States. *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880 – 1917*. Chicago and London: The University of Chicago Press, 1995.

Chapter Four: Case Study One: The Peruvian Domestic Servant

In 2010 Mabel de la Rosa Dann was convicted for trafficking “Liliana”¹ from Peru to Walnut Creek, California for the purpose of exploiting her as a domestic servant. Mabel is a Peruvian American who arranged to have Liliana enter the U.S. to be a nanny and housekeeper through visa fraud.² Liliana’s experience is described as one of the slow cook of a frog. The analysis in this chapter is inspired by the Assistant U.S. Attorney Andrew Huang’s description of the case as being one that could be linked to Huang’s mentor’s question: “Andy, how do you cook a frog?”³ Huang responded, “you put it in a pot.” His mentor clarified that to cook a frog, the frog is placed into a pot. But if you put the frog in a hot pot it will jump out of the pot. Therefore, the trick is to place the frog in a cool pot and raise the temperature slowly until you have a cooked frog. Huang linked the slow cook of a frog to the exploitation between the trafficker/victim dynamic in cases such as *United States v. Dann*. The cook is the trafficker and the frog is the trafficked. Although a dehumanizing image of the trafficked person as an amphibian, the story shifts the understandings of human trafficking. In the *United States v. Dann* case, it is not the “big” moments, but rather the accumulation of small moments that lead to the ongoing trauma. The case challenges dramatized conceptions of human trafficking that are often the standard. Media and legal accounts of the *United States v. Dann* case depict victims of human trafficking as having their right to freedom violated. In these accounts the discourse of the everyday perpetuates the invisibility of victims. Simultaneously the definitions of human trafficking shift as victims are identified. And the performance of linear narratives illustrate who the story matters for – the non-victim, the witness, the anti-trafficker. It is assumed that in order for justice to be achieved, the recourse must occur through the criminal justice system. In the discussions about freedom and / or lack of freedom, the voice of the survivor (the victim or the trafficked) is ultimately invisible or becomes visible in translation and as a performance.

There was only one physical altercation between Liliana and Mabel during the two years of exploitation (2005 – 2007). Mabel’s abuse of Liliana was primarily psychological; Liliana marked on a calendar the verbal abuse she experienced by Mabel.⁴ The narrative has had an impact on the anti-trafficking movement. But, an aspect of the story, as subtle as it seems, offers a major turning point in the story – the breaking of a radio. Kathleen Kim’s legal perspective depicts the subtle methods of control that are characteristic of human trafficking.⁵ In the case of *United States v. Dann*, the defining event was the breaking of a radio that Liliana owned – it was the one of the few objects that she personally owned. This case raised questions for me about the less visible moments that may not seem as traumatic for the non-survivor. What led to the visibility of a moment as a breaking point? What other aspects of the story are rendered invisible because of a continued looking for large moments of perceivable abuse, violence,

¹ The survivor’s name appears in public records. As a means to affirm confidentiality, this chapter will utilize a pseudonym.

² Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

³ Andrew Huang. “Prosecuting Federal Cases: Lessons Learned Since the TVPA.” *A Conference on Human Trafficking: Train the Trainer*. Pleasanton California. March 15, 2011.

⁴ “Woman indicted for allegedly exploiting nanny. Henry K. Lee. *San Francisco Chronicle*. November 20, 2008, <http://www.sfgate.com/bayarea/article/Woman-indicted-for-allegedly-exploiting-nanny-3184255.php> (Accessed on April 31, 2009).

⁵ Kim, Kathleen. Spring 2007. “Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting *United States v. Kozminski* and Understanding Human Trafficking.” *38 University of Toledo Law Review*: 943.

and/or altercation? *United States v. Dann* has impact in defining human trafficking because there are no physical scars that can be seen by the eye, and yet this story is a story of human trafficking. In writing about the *United States v. Dann* case with a transnational feminist, gender and migration, and socio-historical perspective, I invoke a nuanced reading of exploitation and how definitions of the trafficked person are constituted through a myriad of moments, dynamics, and relationships.

This particular case points to and beyond why scholars such as sociologist Mary Romero assert that domestic work must be studied: it raises a challenge to “sisterhood.”⁶ I argue that what is suggested extends beyond that of challenging “sisterhood,” to that of the homogenization of Latinos as coming to matter for their labor in low-wage jobs, in particular, domestic work. The sisterly bonds between Mabel and Liliana did not exist. Even though the defense highlighted that Mabel treated Liliana like a sister, Mabel lost the case suggesting that the courts did not buy into the “sisterly bonds” the defense portrayed in the court hearings.

Human trafficking into domestic servitude is referred to as “hidden behind closed doors.”⁷ However, sometimes the exploited domestic is able to get out from behind the closed doors. For two years Liliana dropped off her trafficker’s children at a school. Eventually a bilingual schoolteacher reached out to speak with her. To help Liliana the schoolteacher kept items Liliana entrusted to her and asked her to keep: newspaper clippings, phone cards, postings, and money she made on the side by secretly selling chocolates to survive. Liliana’s ability to rewrite the narrative of oppression by Mabel became apparent in her everyday acts of resistance to communicate even when threatened with the consequences of connecting with others. In the media, race in this case was made invisible. Race for Mabel and Liliana in Cuzco is significant to the relationship of how race and culture operate as delineated by scholar Marisol De La Cadena.⁸ And the race of schoolteachers is also invisible in media and legal portrayals, suggesting the imagery of a “white” helping hand. Scholars such as George Lipsitz suggest that “Whiteness is everywhere in U.S. culture, but it is very hard to see... As the unmarked category against which difference is constructed, whiteness never has to speak its name.”⁹ It was not “sisterhood” of feminisms that led Liliana to leave her employment with Mabel, but rather the community she had built slowly that supported her in taking those steps – other Latinas/os and white-American schoolteachers. In 2007, with the help of eight community members, Liliana was able to leave her exploitation. Liliana’s experience is epitomized a slow cook until she was able to leave; therefore, I call Liliana the anti-frog because while she slowly cooked, she was able to leave the pot.

As I have pointed out in Chapter Two and Three, the complexities of human trafficking lie in how a myriad of bodies are co-constituted. The trafficked person, the trafficker, the advocate, the witness, the non-trafficked, the anti-trafficker, as well as a collective of bodies such as NGOs (Non-Governmental Organizations), family, nation, health industries, local

⁶ Romero, Mary. 1992. *Maid in the U.S.A.* (New York: Routledge): 45, 127 – 163.

⁷ Ginny Baumann. “Slavery and Women – Theory of Change.” *Free the Slaves*. April 2007.

http://docs.google.com/viewer?a=v&q=cache:BQliKOWwc4cJ:www.freetheslaves.net/Document.Doc%3Fid%3D31+&hl=en&gl=us&pid=bl&srcid=ADGEESgAZgfMwwhgsIW5cwTVgjWR6mdv0rTXA83nHAWufN2WSDVejm pzM9- UpltwJVHl8YE1iURS1QvSvXXLhqmXjJ09pFK7PmwcZPkxecS5ut5YE6MSlvj81LaUJxcR8cKnn3AzLDt&sig=A HIEtbQQtsqpGZ9thb_Q9KDWXNQVx7E_Pg

⁸ Cadena, Marisol de la. 2000. *Indigenous Mestizos: The Politics of Race and Culture in Cuzco, Peru, 1919 – 1991*. Durham: Duke University Press.

⁹ Lipsitz, George. 1998. *Possessive Investment in Whiteness*. (Philadelphia: Temple University Press): 1.



Figure 4.1: Systems that Define Traffickers



Figure 4.2: Systems that Define the Trafficked

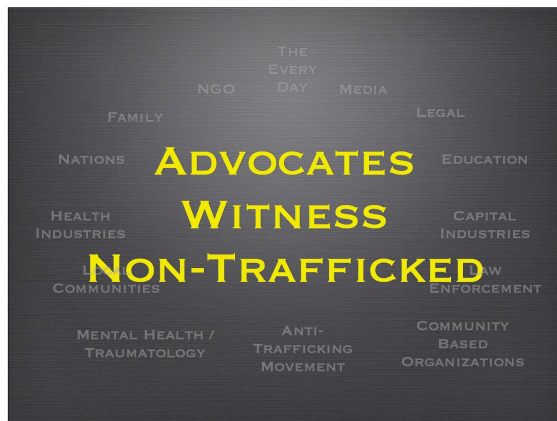


Figure 4.3: Systems that Define the Trafficker



Figure 4.4: *United States v. Dann*

communities, mental health/traumatology, the everyday, media, legal, education, capital industries, law enforcement, community based organizations, and the anti-trafficking movement co-constitute each other. They collectively define human trafficking beyond the body of the trafficked and trafficker [Figure 4.1, 4.2, and 4.3].¹⁰

Through analysis of the *United States v. Dann* case I focus on the everyday, media, and legal discourses as points of intersection and disjuncture that give rise to and redefine human trafficking [Figure 4.4].¹¹ The examination of legal and media documents is also informed by my observations of the court hearings. To make sense of human trafficking as systemic violence I unravel the nuances of human trafficking in relation to particular institutions. In human trafficking discourse, oftentimes, lines are drawn between “victim” and “perpetrator,” regardless of commonalities that link the trafficked person and trafficker. The difference between the trafficked and trafficker lie not in race and gender difference, but rather in how they are located in the context of the meta-narrative of human trafficking. Therefore, it is not their similarities that emphasized in pictures of human trafficking, but rather their differences. The discourse juxtaposes seemingly different bodies as a means to reinforce a larger movement – the anti-trafficking movement. The trafficking survivor, Liliana in particular, has a plurality of names and signification: the domestic servant, victim, Peruvian nanny – that cumulate to give meaning to a “trafficked victim.” I illuminate such significations as a means to contribute to multiple discourses on race, migration, transnational feminisms, visual culture, and policy.

Liliana’s narrative differs from common images of human trafficking cases that depend on a narrative of the passive trafficked victim.¹² Liliana also diverges from perceptions of human trafficking survivors as lacking any physical freedom. For example, Kevin Bales describes what occurred in Texas in which a domestic worker, Maria, was trafficked by another Mexican national. Maria was found by law enforcement “chained hand and foot, covered in cuts and bruises, and suffering from dehydration and exposure. She was too weak to walk and had to be carried to freedom on a stretcher.”¹³ In contrast, Liliana left her exploitation on her own with the support of community members, and the physical trauma from being trafficked was less visible.¹⁴

The *United States v. Dann* case received national recognition as a “first” in Northern California legal history.¹⁵ On October 9, 2010 Mabel de la Rosa Dann was convicted for conspiracy to commit visa fraud, visa fraud, forced labor and attempted forced labor, unlawful

¹⁰ Annie Fukushima. Presentation. “How to Cook a Frog: The Case of the Domestic Servant.” Ethnic Studies Brown Bag Series, University of California, Berkeley. May 4, 2011.

¹¹ *Ibid*

¹² Srikantiah, Jayashri. 2007. “Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law.” *Immigration and Nationality Law Review*. Volume 28: 161.

¹³ Bales, Kevin. 2009. *The Slave Next Door*. (California: University of California Press): 4.

¹⁴ The harm that Mabel enacted against Liliana is documented as financial harm, reputational harm, immigration harm, and harm against the children. The opinion piece by the judge situates financial harm as being threats to Liliana in which Mabel informed Liliana that should she leave, she would owe Mabel money. The immigration harm and abuse of legal process occurred when Mabel repeatedly threatened to send Liliana back to Peru. Mabel also threatened the safety of her own children should Liliana leave. Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

¹⁵ “Bay Area woman found guilty of trafficking nanny from Peru. Conviction is first in human trafficking trial in Northern District of California.” U.S. Immigration and Customs Enforcement. October 9, 2009. ice.gov/pi/nr/0910/091009oakland.htm

conduct regarding documents in furtherance of servitude, and harboring an illegal alien for private financial gain.¹⁶ A U.S. narrative of violence and abuse against domestic workers like Liliana is not new.¹⁷ Cases may be traced back to antebellum slavery in the United States. The *United States v. Dann* case offers an opportunity to critique how the Trafficking Victim's Protection Act (TVPA) enabled new ways to conceptualize coercion in slave and slave-like conditions. In this particular case, coercion,¹⁸ the use of threats to impose one's will over another, can be achieved through the repeated showing of a newspaper clipping by a trafficker to keep a victim in a trafficking situation. The newspaper clippings that Mabel showed to Liliana were news reports on U.S. anti-immigration and deportations.¹⁹

United States v. Dann contributes to human trafficking meta-narrative. The meta-narrative is the accumulation of collective stories that together define and give meaning to who is trafficked. Michel-Rolph Trouillot posits that history is a social process that "reveals itself only through the production of specific narratives."²⁰ The scholarly foci in migration studies in the past four decades have prioritized supportive kin and compatriots, men's migration, and political consciousness.²¹ M. Cristina Alcade, a feminist anthropologist, offers useful insight into situating violence and migration by focusing on the vulnerabilities that are exacerbated for women migrants within Peru. Through case study analysis and participant observation of working in shelters, she finds that the historical development of racisms in Peru shape the lives of Peruvians. Indigenous is associated with backwardness and rural areas in contrast to whiteness which is associated with modern and urban areas, solidifying the need to take into consideration race, class and migrant status.²²

1. Transnational Perspectives: The Story Before the U.S.

There is a story that unravels before the story of exploitation, and that is the transnational histories that have defined the relationship between the United States and Latin America, and in particular, Peru.

Orientalist perceptions and the historic raced and gendered archetypes of Latinos, specifically, Peruvians, are a part of ongoing colonialism that may be traced back to U.S. romanticization of Peru as a tourist destination in the early twentieth century. Pierre L. van den Berghe and Jorge Flores Ochoa illuminate how the 1911, "Discovery of the Lost City of the Incas" led to the western imagining of Machu Picchu as "mythical" and a "must" see/visit of the South American Grand Tours.²³ The "mystery" of Peru and Latin America perpetuate the Latina/o as the exotic. Since that time Peru's economy has depended on tourism. After the 1980s economic crisis the Peruvian economy has relied on exporting labor to the United States

¹⁶ United States District Court for the Northern District of California. Oakland. Case 08- r-00390-CW. Filed 02/04/2009

¹⁷ Grace Chang. 2000. *Disposable Domestics: Immigrant Women Workers in the Global Economy*. (Cambridge, Massachusetts: South End Press): 93 - 121.

¹⁸ U.S. Legal Definitions. <http://definitions.uslegal.com/c/coercion/>

¹⁹ Jennifer Dotzler. Panelist. "Trauma, (Re)Memory, the Witness: Human Trafficking & California." April 27, 2011. Sonoma State University.

²⁰ *Silencing the Past: Power and the Production of History*. Boston, Beacon Press (1995): 25

²¹ M. Christina Alcade. November 2006. "Migration and Class as Constraints in Battered Women's Attempts to Escape Violence in Lima, Peru." *Latin American Perspectives*, Vol. 33, No. 6, Migration, the Global Economy, and Latin American Cities: 149.

²² *Ibid* at 160

²³ Berghe, Pierre L. Van Den and Jorge Flores Ochoa. 2000. "Tourism and Nativistic Ideology in Cuzco, Peru." *Annals of Tourism Research*, Vol. 27, No. 1: 8.

and other parts of the first world.²⁴ The Othering of Peruvians has reimagined them as homogenized racialized brown bodies for their cheap labor in the United States and/or its territories.

The reasons for migration must be contextualized in the transnational economies that perpetuate the systematic demand for cheap labor from countries in the Global South.²⁵ Peru has reduced its poverty rates by fifteen percent²⁶ since 2002 and opened trade internationally.²⁷ Yet large numbers of Peruvians live and work abroad, suggesting that there is a need to go abroad to work to send home remittances. In 2010, approximately ten percent of households in Peru had a family member that worked abroad.²⁸ Peru is increasingly dependent on migrants sending home remittances. During a ten-year period (1999 – 2009), remittances increased from 670 million dollars to 2.4 billion dollars. The International Office of Migration conveyed attributed increase in remittances was due to imbalances between supply and demand for jobs and large wage disparities. It is estimated that 70% of Peruvians who migrated in the last decade did so for economic reasons. Migration is an outgrowth of the “disruptions and dislocations” that occur due to market “expansion and penetration.”²⁹

Like many Peruvian migrants, Liliana’s reason for emigration was economic. She was promised 600 dollars per month, the equivalent of three dollars and seventy-five cents per hour. Liliana continued to stay in an exploitive situation even though her below minimum wage pay “ballooned” to a debt of fifteen thousand dollars.³⁰ The need to send remittances to family members impacts why one migrates; sending remittances changes a migrant’s social status in one’s home country, even if that labor is devalued in the other country.³¹

Liliana and Mabel’s racial formations manifested differently in Peru than in the United States. Marisol de la Cadena examines the complex formation of race and culture in Peru, in particular, Cuzco. Cuzco, Peru is the original town that Liliana was from before she internally migrated to Lima to work and live with her older sister. Racial dynamics in Peru were not rendered visible in the legal arguments and the media coverage of the *United States v. Dann* case. To begin, however, I must provide an overview of a U.S.-centered understanding of *mestizo* to illuminate how in Peru, racial identifications differ. I find Gloria Anzaldua, Chicana feminist scholar, an important starting point. Anzaldua describes the multi-faceted aspects of a *mestizaje* identity, the intermixing of Spaniards and American Indians,³² as a new culture³³ that is

²⁴ Roberts, Kenneth M. 1996. “Neoliberalism and the Transformation of Populism in Latin America; The Peruvian Case.” *World Politics*. 48.1: 82-116.

²⁵ Third World is a term that came out of the Bundung Conference in 1955 that was used to refer to a number of postcolonial entities. Global South is a term that arose inspired by Third World philosophies. Siba N. Grovogui. “The Global South: A Metaphor, Not an Etymology.” *Global Studies Review*. George Mason University. Vol. 6 No. 3 Fall 2010.

²⁶ “The World Fact Book: Peru.” *The Central Intelligence Agency*. <https://www.cia.gov/library/publications/the-world-factbook/geos/pe.html>

²⁷ US-Peru Trade Promotion Agreement (PTPA) entered into force February 1, 2009.

²⁸ Actual number is 10.4%. *International Office of Migration*.

²⁹ Massey, Douglas S., Jorge Durand, and Nolan J. Malone. 2003. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. (New York: Russell Sage Foundation): 13.

³⁰ “Walnut Creek woman charged with holding Peruvian nanny as indentured servant.” Robert Salonga. San Jose *Mercury News*. November 19, 2008.

³¹ Massey, Douglas S., Jorge Durand, and Nolan J. Malone. 2003. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. (New York: Russell Sage Foundation): 62.

³² Anzaldua, Gloria. 1987, 1999. *Borderlands / La Frontera: The New Mestiza*. Second Edition. (San Francisco, California: Aunt Lute Books): 27.

to a product of the “transfer of cultural and spiritual values.”³⁴ For Anzaldúa, *mestizaje* represents a hybrid identity that challenges identity itself.³⁵ Some scholars, such as social and cultural studies scholar, Josefina Saldaña-Portillo, argue that in *Chicano* movements³⁶ in the United States and Mexico, the Indian-ness of a *mestizo* identity is fetishized and privileged.³⁷ U.S. discourse on Chicana/o identities and the *mestizo*, differs from the discussions of *mestizo* in Peru. Cultural Anthropologist Marisol de la Cadena’s historical tracing of race and culture in Peru (1919 – 1991) provides a picture of the subaltern Cuzqueños as shifting the meaning of *mestizo*.³⁸ In contrast to Chicanas/os in which *mestizo* is inextricably tied to culture, Cadena characterizes *mestizo* in Peru as “a terrain of political contestation and dialogic reformulations in which elite and grassroots intellectuals dispute meanings of identity labels and rights to equal citizenship.”³⁹ *Mestizo* refers to an indigenous person who is literate and enjoys job success and whose ranking differs consequently from *indios*, indigenous individuals who are rural and illiterate.⁴⁰ Race is tied to education. Cadena’s illustration of race and class in Lima points to another class referred to as *limeño*, in which Cadena, as a middle-class Peruvian, was never referred to as *mestizaje* because *mestizos* connoted a shift towards a different class, and her family was not willing to consider her anything but a *limeño* – a class situated as socially white. *Mestizaje*, then, is constructed as not a central part of Peruvian nationalist identities. It is implied that such tensions of racisms and class also existed between Mabel and Liliana, who were respectively originally from Lima and Cuzco.

I refer to Lilliana and Mabel as Latinas. Latina/o is a geographic reference that begins with Mexico and ends with the tip of Chile.⁴¹ U.S. cultural productions perpetuate stereotypes about Latinas/os. Latinas/os are historically situated in a complex relationship to migration and colonization.⁴² Latinas/os are a complex group that can be characterized by utilizing Lisa Lowe’s framing of Asian Americans; Latinas/os are heterogeneous, multiple, and hybrid.⁴³

³³ Gloria Anzaldúa identifies *una cultura mestiza*, which for Anzaldúa is “with [her] own lumber, [her] own bricks and mortar and [her] own feminist architecture.” *Ibid* at 44.

³⁴ *Ibid* at 100.

³⁵ Suzanne Bost presents a mixed race studies evaluation of the discourse about *mestizo* / *mestizaje* and *mulatta* / *o* in African American Studies. *Mulattas and Mestizas: Representing Mixed Identities in the Americas, 1850 – 2000*. Athens and London: The University of Georgia Press, 2003.

³⁶ *Chicanismo* – “advocated an ideology and spirit of active resistance within Mexican-American communities throughout the United States... *Chicanismo* served as a dynamically effective tool capable of mobilizing divergent struggles within the Chicano movement. By the late 1960s, cultural nationalism served a dual political purpose. *Chicanismo* provided a unifying world view for El Movimiento while, at the same time, it provided the ideological link which cut across such groups as the Raza Unida Party, the United Farm Workers, the Crusade for Justice and the student movement” Alma M. Garcia. 1997. *Chicana Feminist Thought: The Basic Historical Writings*. (New York and London: Routledge): 4.

³⁷ Saldaña-Portillo, Josefina. 2001. “Who’s the Indian in Aztlán? Re-Writing Mestizaje, Indianism, and Chicanoism from the Lacandón.” *The Latin American Subaltern Studies Reader*. Lleana Rodríguez, Ed. NC: Duke University Press.

³⁸ Cadena, Marisol de la. 2000. *Indigenous Mestizos: The Politics of Race and Culture in Cuzco, Peru, 1919 – 1991*. Durham: Duke University Press.

³⁹ *Ibid* at 318.

⁴⁰ *Ibid* at 24.

⁴¹ Rodriguez, Juana Maria. 2003. *Queer Latinidad: Identity Practices, Discursive Spaces*. (New York, NY: New York University Press): 10.

⁴² Grosfoguel, Ramon, Nelson Maldonado-Torres, and Jose David Saldívar. 2005. *Latin@s in the World-System: Decolonization Struggles in the 21st Century U.S. Empire*. (Boulder and London: Paradigm Publishers): 3 - 27.

⁴³ Heterogeneity is “the existence of differences and differential relationships within a bounded category.” Hybridity is “produced by the histories of uneven and unsynthetic power relations.” And multiplicity designates “the

Cases like Liliana’s point to how Latinas/os are homogenized, and seen as all the same. Some scholars refer to this as the Mexicanization of other Latinas/os. Xochitl Castaneda, Beatriz Manz and Allison Davenport define Mexicanization as: a survival strategy for non-Mexican during migratory and settlement in the U.S. that is used to describe the ambiguous relationship Latinas/os have with Mexico and Mexicans, and a dynamic process.⁴⁴ Colonial racism homogenize Latinas/os as all the same in spite of their unique histories and identifications.⁴⁵ Spanish is assumed to be the language all Latinas/os speak, ignoring other indigenous languages spoken by many Latinoas/os.⁴⁶ This homogenization is also due to Latinas/os being valued only for their labor in low-wage industries. The historic homogenization of Latina/o can be traced to U.S. political interventions in the Americas. A variety of policies at present (i.e., the North American Free Trade Agreement and the Central American Free Trade Agreement), have defined the relationships between the U.S. and countries south of the border. In particular the Monroe Doctrine (1823) is a historic policy that solidified the U.S. relationship to countries in the Americas. The Monroe sent a message to Europe to not interfere with the Americas, paving the way for U.S. extraction of resources and colonial relationships with the Americas.⁴⁷ Immigrant labor in the United States although valuable, is devalued. Scholars such as Mary Romero have highlighted that domestic labor may be “priceless,” even though, employers are “unwilling to pay very much for it.”⁴⁸ The devaluing of domestic work is not unique to migrant domestic workers, but reflective of socio-political realities within and between particular nation-states.⁴⁹ The demand for cheap, flexible labor augmented by social constraints (race and gender glass ceilings) explains why migrants work in laboring industries in the U.S. and carry low status. Currently twenty four percent of undocumented laborers are from Central and South America.⁵⁰ In spite of the diversity of Latinas/os, in the U.S they are homogenized due to the perception that they share a common culture and their common place as devalued labor in the political economy.

To understand the relationship between Mabel and Liliana, one needs to consider their race and class relations in Peru prior Liliana’s migration to the U.S. The narrative of Mabel and Liliana lives began before the U.S.; Liliana worked as a “nanny” for Mabel’s sister in Lima, Peru. Beginning in 2002, Mabel frequently asked Liliana if she could move to the United States

ways in which subjects located within social relations are determined by several different axes of power.” Lowe, Lisa. 1996. *Immigrant Acts: on Asian American Cultural Politics*. (Durham: Duke University Press): 67.

⁴⁴ “Mexicanization: A Survival Strategy for Guatemalan Mayans in the San Francisco Bay Area.” December 2002. *International Migration*, Vol. 1, No. 3: 102 -123.

⁴⁵ Chinchilla, Norma Stoltz and Nora Hamilton. 2001. *Seeking Community in a Global City: Guatemalans and Salvadorans in Los Angeles*. Pennsylvania: Temple University Press.

⁴⁶ Although Quechua is considered an endangered language, it has a substantial population of eight to twelve million speakers in six Latin American countries, including Peru. Hornberger, Nancy H. and Serafin M. Coronel-Molina. 2004. “Quechua Language Shift, maintenance, and Revitalization in the Andes: The Case for Language Planning.” *International Journal of the Sociology of Language* 167: 9 – 67.

⁴⁷ The Monroe doctrine upheld contradictions in purporting anti-imperialism through manifest destiny. Gretchen Murphy. *Hemispheric Imagining: The Monroe Doctrine and Narratives of U.S. Empire*. (Durham, NC: Duke University Press): 33.

⁴⁸ Romero, Mary. 1992. *Maid in the USA*. (New York: Routledge): 9.

⁴⁹ The devaluation is also historical, see chapter two.

⁵⁰ Sadowski-Smith, Claudia. September 2008. “Unskilled Labor Migration and the Illegality Spiral: Chinese, European, and Mexican Indocumentados in the United States, 1882-2007.” *American Quarterly*. Vol. 60, No. 3: 779.

to be a nanny for her children.⁵¹ Liliana repeatedly refused. However, she eventually agreed when Mabel started to experience difficulties in her marriage, and pled with Liliana to migrate to the United States. Mabel promised that Liliana would learn English and how to drive, both important skills for Liliana, who wished to succeed in Peru's tourist industry. Mabel was a naturalized American citizen of Peruvian descent who graduated from University of California at Berkeley's business school.⁵² A divorcee, she began her relationship with Liliana long distance as delineated in a letter she sent to Liliana:

I hope you are well. Here, I'm trying to do everything possible to get ahead all alone with the responsibility of three children. As you probably know, my divorce will be finalized very soon. Now the judge has ordered that I must go out and work. And I need more help than ever... I'm going try and see how to bring you over here. As you probably know, a man that my brother is acquainted with is going to get in touch with you very soon and will try to bring you. Don't tell anyone from your family...⁵³

The beginnings of this relationship illustrate the power dynamics between Mabel and Liliana that played into the two diverging narratives painted in court – Mabel as a person who went to great lengths to violate immigration, labor, and criminal laws to exploit Liliana versus Mabel as a person who treated Liliana like a family member and was a victim of Liliana's lies and attempts to receive immigration relief at Mabel's expense.⁵⁴ In general, Mabel's defense depicted Liliana as being a person whose character is to lie; her lawyers argued that Liliana lied to enter the United States in 2004, and therefore was also defrauding the government to receive immigration relief via a T-Visa.⁵⁵ In 2004, Mabel arranged to have Liliana enter the United States through fraudulent means. Mabel created a narrative in which Liliana was to pretend to help a friend of Mabel's, Silvana. Silvana, who also was in on the fraud, pretended to be frail with cancer and needed Liliana's caretaking to convince the U.S. government to issue a tourist visa for Liliana to enter the United States. The prosecution emphasized that the scheme was Mabel's design; Liliana's participation in visa-fraud was of Mabel's design and part of Mabel's scheme to ultimately traffic Liliana, even though Liliana was fully complicit. The prosecution was able to portray Mabel as the one who had the power to coordinate visa fraud. The prosecution presented a narrative that Liliana's subordination began before her entrance into the United States. The race and class dynamics that separated their experiences carried over into

⁵¹ "Bay Area woman found guilty of trafficking nanny from Peru. Conviction is first in human trafficking trial in Northern District of California." U.S. Immigration and Customs Enforcement. October 9, 2009. ice.gov/pi/nr/0910/091009oakland.htm

⁵² Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Every year the government issues T-Visas. However, the image of migrants that illegally enter the United States and then trick the system in order to receive immigration relief does not reflect general trafficking Visa trends. To date, the collective number of T-Visas issued since 2002 have not reached the cap for a single year. Between 2002 and 2010 the total number of T-Visas applied for was a mere two thousand nine hundred sixty eight; with the cap of five thousand a year, that means a little over thirty eight thousand visas that could have been issued were wasted. 1, 862 were approved and 880 denied (2002 – 2010). Alison Siskin and Liana Sun Wyler. December 23, 2010. "Trafficking in Persons: U.S. Policy and Issues for Congress. Congressional Research Service Report for Congress. And See Appendix X.

their relationship in the United States.

2. The Discourse of the Everyday

In 2005 Liliana migrated to the United States to be the domestic worker for Mabel; her situation exemplifies those of women of color working in low wage jobs, which is a part of the everyday in the United States. The everyday captures domestic workers as existing in a “shadows of affluence” in which globalization is creating “new regimes of inequalities.”⁵⁶ And, employers are able to work full time, while the pay and work that domestic workers make does not allow them the ability to even pay rent and buy groceries.⁵⁷

At present, the vast majority of women who work as paid domestic workers are from Mexico, Central America, and the Caribbean.⁵⁸ The composition of those who work in domestic service has shifted among a variety of people of color categories and migrants including Asian American, African American, and Latina/o as historicized and investigated by scholars such as Evelyn Nakano Glenn (1988), Mary Romero (1992), Grace Chang (2000), Pierrette Hondagneu-Sotelo (2007), Rhacel Salazar Parrenas (2001), and Judith Rollins (1987). The relationship between Liliana and Mabel is defined by normalized power imbalances. Judith Rollins argues that the relationship between domestic workers and their employers is “one of exploitation.”⁵⁹ Liliana’s workday began at six in the morning when she woke up and made breakfast for the Mabel and Mabel’s children. The day closed out for her at ten o’clock at night after the children were put to bed and she had tidied up the house.⁶⁰ For two years, Liliana was not paid for her labor and worked over-time of sixteen-hour workdays.⁶¹ Mabel was reported as referring to Liliana in derogatory ways as a “little girl” and “shit.” And when challenged about worker rights, Mabel was quoted in court records as telling Liliana that, “you’re a peasant. I’m giving you an opportunity here in this country.”⁶²

Mabel as the trafficker / employer and Liliana as the trafficked / domestic worker were not separate from the community. There were witnesses that were subpoenaed to testify the *Dann* trial – the school custodian, the school gardener, and another parent who began giving Liliana rides to school with the children.⁶³ Liliana was a witness to her own trauma. But, she

⁵⁶ Hondagneu-Sotelo, Pierrette. 2001. *Domestica: immigrant workers cleaning and caring in the shadow of affluence*. (Berkeley: University of California Press): 124.

⁵⁷ “Behind Closed Doors: Conditions of California Household Workers.” March 2007. A report by Mujeres Unidas y Activas, Day Labor Program and Women’s Collective of La Raza Centro Legal, Data Center, Department of Public Health.

⁵⁸ Hondagneu-Sotelo, Pierrette. 2001. *Domestica: immigrant workers cleaning and caring in the shadow of affluence*. (Berkeley: University of California Press): 13.

⁵⁹ Rollins, Judith. 1987. *Between Women: Domesticity and their Employers*. (Philadelphia: Temple University Press): 155.

⁶⁰ Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

⁶¹ The absence of pay was a labor violation, and the long hours were not; domestic workers are exempt from overtime pay. See Fair Labor Standards Act of 1938, as Amended 2011, § 213. Exemptions (a)(15).

⁶² Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

⁶³ Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9736.

was not the only witness.⁶⁴ These multiple narratives create an image of who is the trafficked person. The story of Liliana illuminates Melissa W. Wright's investigation of how women deemed as the "third world" challenge the myth that they are disposable in which the current narrative "tells us how a *normal* disposable third world woman should look, act, and be treated."⁶⁵ Liliana as the third world woman is historically locked in the narrative in the United States as the laboring brown body where labor takes place in exploitative conditions. Liliana walked the children to school every day and even made acquaintances with a schoolteacher who eventually held items for her. She also became friendly with a parent of two children who carpooled with Mabel to take Mabel's children to school. There were witnesses to Liliana's experience. As illustrated in Chapter five and six, the survivors of human trafficking often do not have witnesses who can testify to their exploitation. Liliana's exploitation highlights the nuances of how human trafficking is normalized in the everyday, but also how everyday aspects normalize exploitation.

The everyday in the case of Liliana is defined by lack – lack of standards of work, rest, food, and connection to people. Liliana was forced to sleep on the floor in the living room next to the window. The court hearings of *United States v. Dann* narrate that Liliana's passport was confiscated,⁶⁶ and she was made to "toil" under "intolerable conditions" for 15-hour workdays. Her food was rationed such that Mabel would weigh meat purchased and keep "a strict count of fruit in the house."⁶⁷ Eggs and bread were counted, to ensure that Liliana did not eat "more than her ration."⁶⁸ In order to survive, Liliana picked fruits from trees during walks on the way home from walking the children to school. A common myth of human trafficking is the requirement of physical isolation and restriction.⁶⁹ Survivors of human trafficking are not always hidden in basements, behind closed doors, or even shackled to prevent movement. And, as delineated by the narrative of Liliana, the isolation she experienced was temporal and social. Liliana's passport was withheld from her, she was not allowed to speak with anyone (Spanish or English speakers), and was coerced to stay in the exploitive situation in which she was shown newspaper clippings of deportations in the United States and told that it was safer for her to stay with Mabel. In my view, what needs to be examined is not what the story captured (a story of human trafficking) alone. No one questioned why Liliana was seen yet not *seen* for two years and not paid (July 2006 through April 2008).⁷⁰

Although Liliana's experience constituted severe human trafficking,⁷¹ domestic work more generally is undervalued, and domestic workers overall are devalued. For example, 93% of

⁶⁴ [Liliana] v. Mabelle de la Rosa Dann, Case 4:09-cv-03366 CW, Declarations by: Annie Fukushima, Avantika Rao, Jill Shenkar, Rocio Avila, Ruth Kwon, Nancy Harris, James M. Finberg, Michael Kaufman, and Tracey S. Lesetar offer testimonials to support the multiple witnesses that witnessed Liliana's exploitation. In the court hearings, Martha, Miguel and Anselma (bi-lingual witnesses – Spanish and English),

⁶⁵ Wright, Melissa W. 2006. *Disposable Women and Other Myths of Global Capitalism*. (New York, New York: Routledge): 11.

⁶⁶ "Coco Real Estate Agent Convicted of Forced Labor." CBS 5 Crime watch. October 5, 2009.

⁶⁷ "Walnut Creek woman charged with holding Peruvian nanny as indentured servant." Salonga, Robert. *San Jose Mercury News*. November 19, 2008.

⁶⁸ Judge Nancy Gertner. Filed July 22, 2011. Opinion. *United States v. Dann*. Argued and submitted May 9, 2011. *United States Court of Appeals for the Ninth Court*. No. 10-10191. D.C. No. 08-390-CW Opinion: 9723 – 9766.

⁶⁹ Some cases of exploitation do include physical acts of violence (i.e., You Mi in San Francisco, Chapter 6).

⁷⁰ Jack Gillund. "Walnut Creek Woman Charged with Forced Labor of Domestic Servant: Five-Count Indictment Also Alleges Visa Fraud and Immigration Violations." United States Department of Justice, Northern District of California. For Immediate Release. (February 9, 2009): WWW.USDOJ.GOV/USAO/CAN

⁷¹ See Appendix B.

those surveyed in the “Behind Closed Doors: Conditions of California Household Workers” report by Mujeres Unidas y Activas, Day Labor Program Women’s Collective of La Raza Centro Legal, and Data Center, (March 2007)⁷², reported that their wages were insufficient to pay for the cost of living. Moreover, domestic workers experience occupational hazards: 63% considered household work dangerous/hazardous, 75% did not receive safety equipment, 86% did not receive job safety training, and 95% were not provided health insurance. In the everyday, unsafe standards for domestic workers are the norm. Mabel’s conviction for trafficking deemed a historic legal victory in California. Although *United States v. Dann* is not the first case to receive media attention in which migrant workers were exploited,⁷³ it was one in which neither was a celebrity and what made the case shocking was that it occurred in a suburbs in California.

3. A Legal Framing: The Radio

My field experiences of working with human trafficking cases and with witnesses (ranging from anti-traffickers to those that merely stand outside of the exploitation) have led me to realize the significance of crying in the performance of a human trafficking narrative. A variety of studies in post-traumatic stress studies, trauma studies and social service assessments of trauma, show that crying is commonly documented as evidence of mental stress.⁷⁴

Whether due to narrating one’s own experience or tears of empathy from the witness, crying is not merely an emotional response to something traumatic. This is especially true when words may mask or are unintelligible for describing a person’s exploitation. My goal is not to minimize the emotional, physical, psychological trauma that survivors endure, but rather, to offer analysis of the role of tears or in some cases the absence of tears as an integral part of human trafficking narratives. As eloquently framed by Roland Barthes in his examination of love, tears have the ability to say more than words, or even to speak in ways that words are not able to.

By weeping, I want to impress someone, to bring pressure to bear upon someone (“Look what you have done to me”)... By my tears, I tell a story, I produce a myth of *grief*, and *henceforth* I adjust myself to it: I can live with it, because, by weeping, I give myself an emphatic interlocutor who receives the ‘truest’ of messages, that of my body, not that of my speech: “Words, what are they? One tear will say more than all of them” – Roland Barthes, *A Lover’s Discourse*.⁷⁵

In this section, I will highlight how tears of the survivor are a necessity in creating a successful anti-trafficking narrative. Tears produce a performance of believability and truth in a narrative.

⁷² Oakland, California, <http://www.datacenter.org/reports/behindcloseddoors.pdf> (Accessed on February 1, 2011).

⁷³ For example, a hotel maid accused the former IMF chief Dominique Strauss-Kahn of sexual assault, that which prevented his return to France. Her credibility was called to question, and most recent news is that Strauss-Kahn counter-sued the hotel maid. The public interest in the case came to the fore while Strauss-Kahn was a candidate (and now president) of France. “Former IMF Chief Dominique Strauss-Kahn is Counter-Suing a Hotel Maid Who Accused Him of Sexual Harassment, Seeking \$1 Million in Damages.” *BBC*. May 15, 2012, <http://www.bbc.co.uk/news/world-us-canada-18072141> (Accessed on May 15, 2012).

⁷⁴ “near universal problems with sleeping/nightmares, anxiety and fear and common problems with loss of appetite and controlling aggression. Many women also talked about experiencing panic attacks, memory problems, self blame... flashbacks... thoughts of suicide, self-harm and crying constantly. One woman articulately sums this up as feeling like she is ‘screaming inside all the time.’” “When Women are Trafficked: Quantifying the Gendered Experience of Trafficking in the UK.” *Poppy Project*. April 2004, <http://i4.cmsfiles.com/eaves/2012/04/When-Women-are-Trafficked,-April-2004-30380e.pdf> (Accessed on August 1, 2005).

⁷⁵ New York: Hill & Wang (1977): 182.

Discussion of the United States Attorney within the Office of Victims Crime Conference highlighted the turning point in the case.⁷⁶ According to prosecuting Assistant U.S. Attorney Andrew Huang, the breaking moment in the case for Huang came when Liliana lost access to a radio. In earlier testimonials, Liliana spoke of exploitation, however, it was with the mention of her radio that there was an emotional shift; this shift occurred for Huang as well as Liliana: “The complaint alleges Dann smashed [Liliana’s] radio and a television set, to prevent her from listening to Spanish language programs that would, quote ‘put ideas in her head.’”⁷⁷ Liliana cried for the first time when speaking about the radio. After the breaking of the radio, Mabel told Liliana, “When you come to the United States, you must suffer.”⁷⁸ The “radio” signified the last connection Liliana had with a Latina/o community, with the outside world. It was also the only item she was able to buy while living with Mabel.⁷⁹ The break of communication with the outside world perpetuated an isolation solidified by Mabel as being a normal part of the immigrant experience. And, for Liliana, it was at this point that the tears fell, for despite the fact a radio is only an object, it was her last means of knowing anything about the “outside” world. For Huang the incident was moving enough to compel him to take the case to trial. When Mabel did not plead guilty to the charges, a trial ensued.

In 2009, the case went to trial for a week before Judge Claudia Wilken.⁸⁰ According to ICE/Homeland Security Investigations, Special Agent Kit Welsh, “It’s even been a real eye-opener to me to learn of people being held in just your average suburban homes... It’s modern day slavery.” As described in Chapter Two, the term “Modern Day Slavery” is of interest here as it denotes a connection to and from *chattel slavery*, *white slavery*, and the *coolie*. Who does “Modern Day Slavery” encompass? High profile public cases suggest that Modern Day Slavery is divided into two categories: domestic human trafficking and international human trafficking; solidifying a white/brown binary, even though there has been a shift to complicate the picture of “women and children”⁸¹ who are trafficked.

4. Translating the Testimony

The testimony and its translation are vital to conceptualizing in the *United States v. Dann* case. The testimony is narrated by Liliana and represented in translation. The language translation takes place from Spanish / English. Liliana’s testimony is performed in Spanish. However, her Cuzco origins and the diversity of languages in Lima, Peru (where Mabel and Liliana were connected) invoke the possibility that Liliana’s native language may not be Spanish, but Quechua. Although Quechua is considered an endangered language, it has a substantial population of eight to twelve million speakers in Argentina, Bolivia, Chile, Colombia, Ecuador,

⁷⁶ December 2010.

⁷⁷ Case 4:08-cr-00390-CW

⁷⁸ “Peruvian Nanny Exploited in Shocking ICE Case.” KTVU. November 18, 2008.

<http://www.ktvu.com/news/18012707/detail.html>

⁷⁹ Case4:08-cr-00390-CW

⁸⁰ “Bay Area woman found guilty of trafficking nanny from Peru. Conviction is first in human trafficking trial in Northern District of California.” U.S. Immigration and Customs Enforcement. October 9, 2009.

ice.gov/pi/nr/0910/091009oakland.htm

⁸¹ In 2009 – 2010, 22%⁸¹ of the cases I worked with in the Bay Area were cases of men that were trafficked, a little higher than national estimate of 20%

and Liliana's country of origin, Peru.⁸² Regardless, the court proceedings occurred in Spanish and English. And even if Liliana was a native Spanish speaker error in the translation is still a possibility with information lost in translation. There are two types of translating that I will unpack: 1) translating an experience of trauma for non-trauma survivors and 2) the literal translation from one language to another. How Liliana and Mabel utilize translation is strategic for both. In multiple translations as conveyed by Walter Benjamin, translation involves fragments of a "greater language."⁸³ The greater language in this narration contributes to the meta-narrative of human trafficking but also proves to be a site of disruption in the re-reading of translation. The translation made visible the performance for both Liliana and Mabel.

I offer a situating of the significance of a testimonial. Lilliana offers a testimony in the court hearings; testimonies in a court translate in language how trauma impacts a person. The testimony is situated as legally authoritative, in that the witness is sworn to/affirms to *tell the truth*. To testify is to *know* one's story, a story that otherwise would be buried. The significance of a testimonial is that it creates a sequence of events, a history. This type of oral history that is a part of public record and state archives is one of the many forms of testimonials or *testimonios*. The testimonio is described by John Beverley is a document that is printed, told in the form of a first person narrator, who is the witness of the events he or she recounts, "whose unit of narration is usually a 'life' or significant life experience..."⁸⁴ The testimonio can be in the form of: autobiography, autobiographical novel, oral history, memoir, confession, diary, interview, eyewitness report, life history, novella-testimonio, nonfiction novel, or "factographic" literature.⁸⁵ I would like to add that testimonials include sound and video recordings. Testimonials are not monologues, they cannot take place in solitude, and "the witnesses are talking to somebody."⁸⁶ Testimonies have different functions and cover a variety of events.

For Liliana she is a witness to her own trauma. Dori Laub's research of testimonies and *truth* with holocaust survivor stories says: "yet no amount of telling seems to ever to do justice to this inner compulsion. There are never enough words or the right words, there is never enough time or the right time, and never enough listening or the right listening to articulate the story that can not be fully captured in *thought, memory, and speech*."⁸⁷

The reality of summarizing two-years of trauma for Liliana is an impossible feat. The narrative is constructed over time, bringing back the analogy of "slow cooking." Just as human trafficking may be one of a slow cook, the image is only able to capture in words the process, but not the intricacies of the experience. What is left is the reading of the symptoms: trauma breaks safety and connection,⁸⁸ whether that connection is to the corporeal body, and/or the body of a community and connection to other people. Liliana's testimony is in itself new: it is her ability to recount in a linear narrative that which she may want to forget, or that which she remembers in too many significant details, a sequence of events in her life that becomes a part of a larger

⁸² Quechua is a language spoken in Cuzco, Peru, Liliana's state of origin within Peru. Hornberger, Nancy H. and Serafin M. Coronel-Molina. 2004. "Quechua Language Shift, maintenance, and Revitalization in the Andes: The Case for Language Planning." *International Journal of the Sociology of Language* 167: 9-67.

⁸³ *Illuminations: Essays & Reflections*. Hannah Arendt, Ed. (New York: Schocken Books, 1969): 69 - 82.

⁸⁴ *Testimonio: On the Politics of Truth*. Minneapolis, Minnesota: University of Minnesota Press, 2004.

⁸⁵ *Ibid*.

⁸⁶ Laub, Dori. 1995. "Truth and the Testimony: Process & The Struggle." *Trauma: Explorations in Memory*. Cathy Caruth, Ed. (Maryland: John Hopkins University Press): 71.

⁸⁷ *Ibid* at 78.

⁸⁸ Haines, Staci. 2007. *Healing Sex: A Mind-Body Approach to Healing Sexual Trauma*. Ed. Felice Newman. New York: Cleis P.

narrative of movement. Liliana's testimony enables her narrative as a survivor to enter into historical record.⁸⁹

Translation is not merely the translation of an experience, but in the courts and legal system translation is a performance. During the *United States v. Dann* trial, a male interpreter translated Liliana's story. The interpreter's credibility was heightened by his ability to mimic Liliana's intonation, gestures, and pace. The illusion and attempts to delineate the real were disrupted during the court hearing when the translator oftentimes interjected when Liliana spoke. The interpreter repeatedly stated throughout Liliana's testimonial, "Your honor, the interpreter needs to ask for a repetition," "your honor can we slow down a bit," and even during Liliana's narration of the breaking point, the interpreter exclaimed, "wait, wait."⁹⁰ Thus it was not *real translation*, but rather the performance of translation. The interpreter often paused, asking Liliana to wait for the translation to take place. Multiple times he requested the judge order Liliana to slow her testimony down, thus making the story telling broken by pauses and shifts in voice. Robert Wechsler's likens the process of a literary translator, to that of a musician taking a composition and performing it in his/her own special way. The difference is "the translator knows that his performance may be the only one."⁹¹ Like the literary translator, the court translator has one performance. The interpreter's account may be viewed as a literal account, when in fact they are hearing his performance of the trafficking experience. Through the male voice and in English, Liliana's narrative is made legible and intelligible to a non-Spanish speaking audience. The voices shifted, Spanish to English to English to Spanish – a back and forth. For those who did not understand, the authoritative voice was not Liliana's, but rather that of the interpreter. The untrained ear did not catch any slippages. And to solidify the legitimacy of court translations, in this case the interpreter's skills were not on trial and never questioned.

But the testimony is constructed out of traumas / memories that are at best, fragmented, misremembered, and then constructed as linear. Psychiatrist and trauma expert Bessel A. Vander Kolk posits that memory is constructed and that traumatic experiences lead to extremes of retention and forgetting, and delayed memory retrieval.⁹² Studies show it takes multiple interviews for a trauma survivor to remember her/his trauma.⁹³ The time-space of memories is dependent on a visual, sensory, and a conceptual recollection of moments in the *past*. To remember is challenging because to forget is a survival instinct. Suppressing memory of one's exploitation so that one can avoid living in the past of traumatic memories or the hyper memory of a past impacts the narrative of a testimony. Ana Douglass and Thomas A. Vogler collection of essays in *Witness & Memory* points out that what is not remembered is "crucial for the economy of memory and for its contents as what is remembered."⁹⁴ The testimony is a frozen document that has weight in the legal sense, as a means to construct a narrative of trauma and the memories of human trafficking. The testimony may be written or oral, but when it is a

⁸⁹ Young, James E. 2003. "Between History and Memory: The Voice of the Eyewitness." *Witness and Memory: The Discourse of Trauma*. Eds. Ana Douglass and Thomas A. Vogler. New York: Routledge.

⁹⁰ Case 4:08-cr-00390-CW.

⁹¹ Wechsler, Robert. 1998. *The Art of Literary Translation*. (CT: Catbird Press): 241.

⁹² Kolk, Bessel A. Van Der. September 1998. "Trauma and Memory." *Psychiatry and Clinical Neurosciences*. Vol. 52, Is. S5: S97 – S109.

⁹³ *Caring for Trafficked Persons: Guidance for Health Providers*. Geneva: International Organization for Migration. 2009. Another publication to refer to is Stuart Turner's "Memory for Trauma" in which he describes how not all traumatic memories are available to the conscious mind (2007, 34).

⁹⁴ Douglass, Ana and Thomas A. Vogler. *Witness & Memory: The Discourse of Trauma*. (New York: Routledge): 20.

performance for trial, and the facts in the oral testimony must correlate with the written. What counts in court is the proper construction. Trauma / memories are fragmented, distorted, and include (re)envisioning. For the survivor as witness to their own trauma human trafficking testimonials depend on a narration that moves linearly with no contradictions, no points of disjuncture. The memories of the survivor are disciplined. Memories that are unclear, fragmented and filled with gaps are forced into a linear neat narrative. How does one remember that which they survived by forgetting? The court performance in *United States v. Dann* not only leads to questions surrounding authority, but also the process of translation.

Liliana needed to perform the role of a victim, even though she also participated in the criminal act of visa fraud. Liliana arrived in Northern California by fraudulently obtaining a B1 visa,⁹⁵ a visitor/tourist visa. Her intent was to stay and work for Mabel without proper work authorization a process orchestrated by Mabel.⁹⁶ Mabel's co-conspirator Silvana had also committed visa fraud by "[f]alsely stat[ing] that [Liliana] was employed by the unindicted co-conspirator" – Dann.⁹⁷ Liliana lied to Customs and Border Patrol about the purpose of her travels to the United States as being for the purpose of being a tourist, a story that was validated by Silvana, Mabel's co-conspirator.⁹⁸ Liliana participated in the construction of a fraudulent story that enabled her to receive her visa. Liliana clearly stated that she did participate in such activities, but repeated that it was "Mabel's plan." It was clear in the court hearings that the plan was Mabel's. The need to disaggregate perpetrator/victim or criminal/victim often breaks down in actual cases. Had Liliana not been convincing in her assertion that Mabel was the originator of fraud,⁹⁹ it would have created a gap in the prosecutor's case.

Mabel and the defense attorneys worked to paint an image of Mabel as a victim in two ways: as a poor monolingual citizen and as having offered a non-exploitive work environment for Liliana. Throughout the trial Mabel wore a headset in which an interpreter translated the trial for her, suggesting that she did not know the laws surrounding hiring a domestic worker in the United States.¹⁰⁰ At the Office of Victims of Crime Conference (2010), prosecution team's Assistant U.S. Attorney Andrew Huang and Department of Homeland Security Special Agent Jennifer Alderete, together with Liliana's immigration lawyer Avantika Rao (who prepared her T Visa) presented on the case. Lessons learned and a historicizing of the case was provided. During the presentation after the trial, Mabel's business card was projected onto a screen. The card revealed Mabel's self-promotion as a real-estate agent who spoke five different languages, exposing the pretense of her performance. This evidence was intended to undermine the moral character of Mabel as yet another example of Mabel's ongoing fraudulent character. It also points to a moment of contradiction. Studies show that individuals that are being prosecuted are more likely to have negative results if they utilize an interpreter because current prejudice of jurors that are non-Hispanic¹⁰¹ is that immigrants must speak English.¹⁰² Her defense depended

⁹⁵ Issued on September 8, 2005. Case 4:08-cr-00390-CW, filed 02/04/2009

⁹⁶ "B-1 Business Visa Application Guide." U.S. Immigration Support: Your Online Guide to U.S. Visas, Green Cards and Citizenship. <https://www.usimmigrationsupport.org/b1-business-visa.html>

⁹⁷ United States District Court for the Northern District of California. Oakland. Case 08- r-00390-CW. Filed 02/04/2009

⁹⁸ Co-Conspirator is referred to as SLRF. United States District Court for the Northern District of California. Oakland. Case 08- r-00390-CW. Filed 02/04/2009

⁹⁹ Count 2. *Ibid.*

¹⁰⁰ Assistant Federal Public Defender Jerome Matthews.

¹⁰¹ Two of the twelve jurors in the *United States v. Dann* were identifiably Latino.

on proving that Liliana performed “nothing more than that common household chores.”¹⁰³ The defense attempted to portray Liliana as though she were treated as a member of the family. The defense also focused on how Mabel had given gifts to Liliana for the holidays. Both Liliana and Mabel performed their victimization in the courtroom.

Translations are not limited to language translation; it encompasses an array of translating meaning. Liliana’s testimony and her exploitation is actualized not only through her own voice, but also through the interpretation of her story in the media, in the courts, and within the different sites that produce a discourse about human trafficking (including this dissertation). As conveyed by Gayatri Spivak, “It is through the significance of my body and others’ bodies that culture become gendered, economic-political, served and substantive.”¹⁰⁴ The significance of embodied experiences of violence is relational. The “survivor” as “human trafficked” has significance to an anti-trafficking movement – the movement is dependent on the existence of human trafficking victim narratives. The voices through which human trafficking is narrated – via the survivor, the witness, the non-witness – collectively create what Deleuze and Felix Guattari might call the rhizome¹⁰⁵ of human trafficking. Non-profits, governmental agencies, law enforcement, academics, community-based organization and their members, and religious entities act collectively as translators; it is never the survivor alone speaking, but rather a whole movement speaking about the trafficked experience. During the trial, the audience comprised of law students who transcribed the hearing into notes, lawyers (immigration and civil), social service providers, Department of Homeland Security agents, Federal Bureau of Investigation agents, family members, friends, advocates, students: a collective whose common circumstance was to witness the development of the case. Human trafficking is, by its very nature, exploitive, and both socially and legally defined as such. No survivor of “human trafficking” defines herself or himself as trafficked. Rather, an advocate, a lawyer, a community member, and all the other components that together comprise an anti-trafficking movement, define that person, a person like Liliana, as “trafficked.” The affirmation of a person as trafficked solidifies the definition of human trafficking and the “anti-trafficking movement.” Liliana was defined as trafficked when she “met [her] caseworker at SAGE.”¹⁰⁶ Liliana later describes her relationship with SAGE in the cross-examination, “The organization SAGE helped me, helped me with the basic things, morally, doctor, food, clothes, because that was the most important thing right then.”¹⁰⁷ At this point Liliana’s story shifts from a narrative of exploitation, to being named, witnessed as trafficked, and her experience identified as trafficked.

5. Media & a Discourse of Freedom

How do you impress upon the multiple witnesses a narrative of trauma? The news affects how the public assigns responsibility for the event and how people follow the debate and

¹⁰² Stephan, Cookie White and Walter G. Stephan. “Habla Ingles? The Effects of Language Translation on Simulated Juror Decisions.” *Journal of Applied Social Psychology*. Vol. 16., Issue 7 (July 2006): 577-589.

¹⁰³ Case 3: 10-cv-02159-RS Document 30 filed 12/22/2010.

¹⁰⁴ Spivak, Gayatri. 1989. "In a Word. Interview." *Differences*. Rpt. in *The Essential Difference*. Ed. Naomi Schor and Elizabeth Weed. Vol. 1, Issue 2: 124-156.

¹⁰⁵ “A rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles.” Gilles Deleuze and Felix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press, 1987.

¹⁰⁶ The Standing Against Global Exploitation Project, Inc.

¹⁰⁷ Case 4:08-cr-00390-CW.

think about policy.¹⁰⁸ News media are not objective¹⁰⁹ and I highlight how the collective coverage of *United States v. Dann* perpetuates a romanticized notion of human trafficking by facilitating the following ideas: 1) a clear delineation between victim and perpetrator, 2) a masculine hero and, 3) freedom is offered to those who are deemed victims. Without the visibility of the survivor, in which the camera cannot be a witness to the trauma in the war against human trafficking, news media depends on building a narrative through the witness outside of the trauma that are reflective of the values of the non-survivor witness of law enforcement, NGO, and political. And this ongoing narration creates a disjuncture surrounding the assumptions of justice and freedom.

News media coverage of human trafficking draws clear lines between the victim and the perpetrator. As illuminated in the sections on the legal and translation, victim and perpetrators are not easy lines to draw, but rather are performances necessary in the legal system. The media, as conveyed in the title of the media coverage that would bring this case from the confidential spaces of legal interviews and law enforcement to the public, emphasize the “shock” value of the Peruvian nanny human trafficking case. From the earliest media coverage of the case to the media coverage that followed the case to its closing, titles such “Peruvian Nanny Exploited in Shocking ICE Case,”¹¹⁰ “Walnut Creek woman convicted of enslaving nanny”¹¹¹ and “Coco Real Estate Agent Convicted of Forced Labor.”¹¹² The difference between the trafficker and the trafficked is also furthered in media headlines. Liliana is constructed as a nanny, Peruvian, and domestic servant. In contrast, Mabel is constructed as middle class by her occupation as a real estate agent and living in Walnut Creek. Mabel’s national origin to Peru was not visible in the media. The contrast between of poor victim and rich perpetrator define the headlines and media coverage of *United States v. Dann*, and the hero is also made clear – U.S. law enforcement. In part, this is due to prosecution being described as a “strong criminal justice response.”¹¹³

United States v. Dann was not only covered by local newspapers¹¹⁴ and national coverage, but also by press releases from the Department of Justice. Media portrayals of Liliana’s human trafficking becomes constructed as that Immigration and Customs Enforcement (ICE) will save victims from greedy perpetrators: “It is a sad reflection on human greed and heartlessness, where individuals believe they can take advantage of people from other countries and other cultures. ICE will continue to work to ensure that those who engage in these abusive practices do not go unpunished.”¹¹⁵ The language of the greedy criminal is linked to U.S. ideologies and religion – to be greedy is to be sinful. In Christian ideology, greed is a cardinal sin. The language of greed highlights how the ongoing legacies of Protestant values in U.S.

¹⁰⁸ Ott, Brian L. and Eric Aoki. 2002. “The Politics of Negotiating Public Tragedy: Media Framing of the Matthew Shepard Murder.” *Rhetoric & Public Affairs*. 5.3: 483-5045.

¹⁰⁹ Michael Shudson historicizes the assumption that the news is objective as being traced to the development of Associated Press as being the standard of objectivity in 1848. *Discovering the News: A Social History of American Newspapers* Basic Books, 1978

¹¹⁰ “Peruvian Nanny Exploited in Shocking ICE Case”. KTVU. November 18, 2008.
<http://www.ktvu.com/news/18012707/detail.html>

¹¹¹ Lee, Henry K. San Francisco Chronicle. October 10, 2009. (name of article? Full citation)

¹¹² “Coco Real Estate Agent Convicted of Forced Labor.” CBS 5 Crime watch. October 5, 2009.

¹¹³ Chuang, Janie. 2006. “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy.” *Indiana Journal of Global Legal Studies*. Volume 13, Issue 1: 155.

¹¹⁴ CBS and KTVU

¹¹⁵ Gillund, Jack. "Walnut Creek Woman Charged with Forced Labor of Domestic Servant: Five-Count Indictment Also Alleges Visa Fraud and Immigration Violations." United States Department of Justice, Northern District of California. For Immediate Release. (February 9, 2009): WWW.USDOJ.GOV/USAO/CAN

ideologies and initiatives that continue to inform law enforcement efforts in an anti-trafficking movement.¹¹⁶ The statement also constructs the hero as law-enforcement who will *ensure* the end to such criminal acts. Law enforcement as savior is an affirmation of a patriarchal narrative, and victims such as Liliana are feminized, and the hero masculine. The binary imagery of the victim and the hero renders invisible the ongoing violence due to U.S. demand for cheap labor. Instead at the forefront the victim is defined again by a lack in relation to freedoms.

The promise of freedom is central to how U.S. news media negotiates the violence of human trafficking. John Morton, the Homeland Security Assistant Secretary for ICE best identifies such linkages: “No person should ever be forced to live in a world of fear, isolation and servitude, particularly in a country that prides itself on its freedoms.”¹¹⁷ Because the U.S. is *the land of the free*, Homeland Security promises to ensure that no person is forced to live in a human trafficking situation. The hero becomes law enforcement and their relationship with prosecuting governmental entities such as the U.S. Attorney’s Office Department of Justice Criminal Division. The experience of human trafficking is described as an unfortunate happening. However, trafficking is a system that is a part of the political economy impacted by U.S. ideologies surrounding race, gender, citizenship and transnational relationships. And what is valued in media discourse is the hero as law enforcement who will fulfill the promises that come with being rescued: freedom. Victims of human trafficking are then positioned as lacking freedom instead of individuals or groups that have had their human rights violated.

6. Culture, Servitude & Freedom

There are two types of cultures that must be contended with: first, the culture of servitude as travelling and transnational, and secondly, the culture of exploitation within the U.S. that make possible relations of trafficking in the private home for transnational and national actors. Sociologist Raka Ray and Historical Anthropologist Seemin Qayum’s *Cultures of Servitude* is a necessary starting point for thinking through culture and servitude. Ray and Qayum ponder whether Kolkata’s culture of servitude travels, or if the culture of servitude is particular to Kolkata, through examples of servitude that occur in India and in New York.¹¹⁸ I find their assertion that a culture of servitude is transnational useful for the examination of *United States v. Dann*. In 1970, the number of women in domestic service in Lima ranged from 90,000 – 250,000.¹¹⁹ A majority of the women in domestic service reflect a lower class of women.¹²⁰ The culture of servitude as a class system in Peru, also travels, as illustrated in the case of *United States v. Dann*, in which Mabel was an upper class Latina from Lima.

As cultural practices travel through transnational circuits, nation-states (i.e., U.S.)

¹¹⁶ Quentin Youngberg traces the ongoing connections of U.S. policies during the Bush Administration to U.S. 1800 ideology of Manifest Destiny. “Morphology of Manifest Destiny: The Justified Violence of John O’Sullivan, Hank Morgan, and George W. Bush.” *Canadian Review of American Studies*. Vol. 35, No. 3 (2005): 315-333.

¹¹⁷ “Bay Area woman found guilty of trafficking nanny from Peru. Conviction is first in human trafficking trial in Northern District of California.” U.S. Immigration and Customs Enforcement. October 9, 2009. ice.gov/pi/nr/0910/091009oakland.htm

¹¹⁸ Ray, Raka and Seemin Qayum. 2009. *Cultures of Servitude: Modernity, Domesticity, and Class in India*. (Stanford, California: Stanford University Press): 167.

¹¹⁹ The trend of 90,000 is based on Smith’s assessment of the census data collected by the Centro Arguideoocasano de Pastoral (CAP). 250,000 is the higher end if the number of women working as domestic servants includes individuals who do not see it as an occupation and drop-in and out of the industry. Smith, Margo L. “The Female Domestic Servant and Social Change: Lima, Peru.” *Women Cross-Culturally*. Ruby Rohrlich-Leavitt, Ed. Berlin, Germany: Walter de Gruyeter Mouton & Co (1975): 164.

¹²⁰ *Ibid* at 165.

reinforce such cultural practices within their territories through a *culture of exploitation*. Cultures of exploitation are the beliefs, practices, and norms of a society that locate violence as invisible and / or normal.¹²¹ A culture of exploitation in the United States makes normal the trafficking in private homes for U.S. citizens and upper-class migrants. A central theme in human trafficking discourse is how freedom and exploitation are interdependent constructs. In the everyday, there is a demand for cheap labor. And the very nature of domestic work sets up workers to experience unequal standards of wages and work environment while their status as immigrant increases vulnerability to exploitation. Grace Chang argues that there exists an ideology that migrants are suitable for service work that most are forced to undertake.¹²²

Because the meta-narrative of human trafficking is defined by a discourse of freedom, there is a disjuncture with survivor priorities. During her testimony, Liliana never directly spoke of her concern over her lack of freedoms. Her testimony and every day activities illuminate that although she was not free while working, that she resisted her oppression. From communicating with the outside in spite of threats, and taking the stand to testify against her trafficker, Liliana exhibited her own agency. Agency is context based and understood to be the enactment and embodiment of power.¹²³ What manifested in the courts, media, and legal systems was not Liliana's lack of agency, but rather, the visibility of the constraints and enabling factors within the multiple structures through which she moved. In the anti-trafficking narrative it is always, and only, in relation to her experience of human trafficking. Other entities such as organizations that organize domestic workers parallel Liliana's experience, in that the case is not of freedom, but rather, affirmative rights while working.

There is a response to culture of exploitation through organized resistance. Organizations such as *La Colectiva* espouse a Bill of Rights calls for equal treatment: equal right to overtime pay, equal right to a safe and healthy workplace, equal right to worker's compensation, equal right to reporting time pay, equal right to notice before termination, as well as the right to uninterrupted sleep under adequate conditions, to cook one's own food, to annual cost of living wage increase, to paid vacations, and to receive paid sick days.¹²⁴ However, what needs to be included in the discourse of labor rights, are how cultures of servitude travel, and therefore a response to working conditions must not only work to create equity in work rights, but also, to address U.S. culture of exploitation and the transnational aspect of exploitation. This is necessary, especially if there is a "global movement to emancipate women and girls."¹²⁵ We need to understand the media, legal and everyday discourses foreground the desires of an anti-trafficking movement, rather than the perspective of the survivor.

7. Chapter Four Summary

Chapter Four, "Case Study One: The Peruvian Domestic Servant" is an examination of the legal and media discourse of the *United States v. Dann* case. Human trafficking is invisible when it is imagined as elsewhere or only beginning at the point of rescue, as defined by physical

¹²¹ See Appendix RR for an explanation of Culture, the trafficked, and the trafficker.

¹²² Chang, Grace. 2000. *Disposable Domestic: Immigrant Women Workers in the Global Economy*. Cambridge, Massachusetts: South End Press.

¹²³ Parson, Nia. 2010. "I am not (Just) a Rabbit who has a Bunch of Children!": Agency in the Midst of Suffering at the Intersections of Global Inequalities, Gendered Violence, and Migration." *Violence Against Women*. 16(8): 884.

¹²⁴ <http://lacolectivasf.org/billofrights/>

¹²⁵ Kristof, Nicholas D. and Sheryl Wudunn. *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*. (New York: Alfred A. Knopf): xxii.

acts of violence, that are disseminated through the media. I have worked to render visible invisible narratives through a transnational lens in which Liliana's narrative developed prior to her entrance into the United States. And human trafficking is not merely about physical forms of violence. In the *United States v. Dann*, the prosecution successfully argued that Mabel's showing Liliana newspaper stories of U.S. raids demonstrated coercion. The perceived threat of deportation was seen as enough to explain why Liliana never left Mabel in spite of years of unpaid work and verbal abuse. Central to this narrative is the testimony, which also must be analyzed as an authoritative document that is performed. And while closure appears to be offered to Liliana by witnessing Mabel's conviction, the nature of domestic work has not radically shifted to prevent exploitation or change cultures of exploitation and servitude. The racist and sexist infrastructure of industries that draw someone like Liliana into vulnerable situations continues to be one of normalcy in the United States, that which are solidified by transnational networks that compel people to migrate. And, individuals such as Liliana continue to work in the service sectors because they lack access to other jobs.

Chapter Five: Case Study Two: Korean Migrant Women

Benedict Anderson writes that the nation is, “an imagined political community – and imagined as both inherently limited and sovereign.”¹ Central to Anderson’s argument is the role the media has in creating an imagined community. In the anti-trafficking movement, the media coverage of human trafficking is astounding. Since 2009 I have collected approximately 10,500 news articles on human trafficking.² Human trafficking is a feature in the media – from film, television, Internet, news, and the press.³ If the media is a site within which the nation-state is articulated and redefined, how the media covers exploitation and criminality reflects the U.S. national identity of who belongs and who is Othered. How one is imagined as belonging or Othered is impacted by raced and gendered perceptions of how particular bodies matter. This imagining crosses time-space. For example, Women’s Studies scholar Laura Hyun Yi Kang argues that Asian / American women have come to matter “for two linked registers of transnational labor: 1) the political economies of assembly-line manufacturing, military prostitution, and sex tourism, and 2) the discursive economies of representational practices and knowledge claims about Asian women workers in those interrelated sites.”⁴ The Asian female body is an important site for linking Asia and the U.S. Korean women comes into consciousness in the media as:

Yanggongju. Yankee whore. Western princess. GI bride. *Yanggalbo*.
Yangssaekshi. GI’s plaything. UN lady. Bar girl. Entertainment hostess.
Wianbu. Fallen woman. Formerly a comfort woman. Formerly called a comfort woman. Daughter of a comfort woman. Camptown prostitute. Military bride.⁵

The *yanggongju* haunts the Korean diaspora.⁶ U.S. perceptions of Asian women in Asia cannot be disaggregated from U.S. perceptions of Asians in the United States. For sociologist and gender studies scholar, Grace M. Cho, the *yanggongju* vacillates between hyper visibility and invisibility.⁷ I provide an examination of this figure through how she is named as a sex trafficked Asian and a trafficker as “madam.”⁸ The contrasting images of victim and perpetrator is inspired by Catherine Ceniza Choy’s examination of the polarized images of Filipinas as massacre survivor (Corazon Amurao) or as criminal (Filipina Narcisco and Leonara Perez).⁹

¹ Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. (London: Verso): 6.

² I began collecting news articles in 2006, and have approximately 22,000 news articles. This does not include announcements, events, and resources. Emails I have received vary from Dignity Listserv by scholar Donna M. Hughes, WUNRN, Google alerts, USA-TIP Listserv, Salvation Army Listserv by Lisa Thompson, International Womens’ Network listservs, Federal Bureau of Investigation press releases and alerts, and personal emails through email updates I receive with individual organizations. A search for “human trafficking” on lexisnexis academic features 999 news articles.

³ For cited works, see Appendix D.

⁴ Kang, Laura Hyun Yi. 2002. *Compositional subjects: Enfiguring Asian / American Women*. (London: Duke University Press): 165.

⁵ Cho, Grace M. 2008. *Haunting the Korean Diaspora: Shame, Secrecy, and the Forgotten War*. (Minneapolis, Minnesota, University of Minnesota): 3.

⁶ *Ibid*.

⁷ *Ibid* at 33.

⁸ Also known as a *mamasan*, a woman who runs a brothel.

⁹ Choy, Catherine Ceniza. 2003. *Empire of Care: Nursing and Migration in Filipino American History*. (North Carolina: Duke University Press): 121 - 164

Human trafficking narratives in the print media and new media produce a collective image of human trafficking. The ability to speak / not speak is integral to the narrative of human trafficking. Through the cases of two You Mees and Jackie, I address Gayatri Chakravorty Spivak's question, "can the subaltern speak?"¹⁰ Spivak challenges Foucault and Deleuze's argument that the oppressed "can speak and know their conditions."¹¹ Spivak's example of India, makes visible that class and gender locations lead the subalterns to be seen as a people without history. Spivak makes the case that the subaltern cannot speak. Spivak offers questions that enable discussions that address how one speaks and how one listens. If they speak, the question rises: who will listen? Human trafficking is produced by a discourse that is invested in defining trafficking, not necessarily by the ability for those subalternized to speak. And the movement has mobilized through a discourse of victimology.¹² James C. Scott is useful for understanding how the subaltern trafficked may be heard – through situating the hidden transcripts.¹³ These hidden transcripts may be read through centering the seemingly parallel narratives of human trafficking in tandem. I examine the hidden transcripts that occur in relation to media portrayals of Koreans trafficked and Korean traffickers.

What is explored in this chapter is the development of two [Yoo Mees] and Jackie. The two "Yoo Mees" are not reflective of the real-life experiences of trauma and human trafficking, but rather a popular imagining in the media of the sex trafficked Korean. I place three different narratives next to each other – You Mi, Yumi, and Kyong 'Jackie' Roberts' – to illustrate how the current visible transcripts of sex trafficked Asians in the media reduces and simplifies the image of the sexually exploited Asian. This is further solidified by contrasting images of Korean migrants as criminal and / or victims. You Mi, Yumi, and Jackie are examples of exploitation in California, New York, and Texas. And what I find is that there exists an investment in a narrative of exploitation, in which the conceptualization of illegal / legal migrant is reduced and conflated. In naming the problem, other silences are created. I draw attention to how human trafficking is delineated as both visible and invisible at the same time. There are methodological challenges of describing the "unobserved."¹⁴ As illustrated in figure 5.1, the number of cases that are registered by law enforcement or known to Non-Governmental Organizations (NGOs) and social services is small in comparison to the perceived reality based on persons exploited and persons migrating.

¹⁰ Srikantiah, Jayashri. 2007. "Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law." *Immigration and Nationality Law Review*. Volume 87: 157 – 211.

¹¹ *Ibid.*

¹² Victimology is a scientific study of the physical, emotional, and financial harm people suffer because of illegal activities. Andrew Karmen. 2007, 2010. *Crime Victims: An Introduction to Victimology*. Seventh Edition. (Belmont, California: Wadsworth Cengage Learning): 2.

¹³ Hidden transcripts characterizes the "discourse that takes place 'offstage,' beyond direct observation by powerholders." Scott, James C. 1990. *Hidden Transcripts: Domination and the Arts of Resistance*. (New Haven and London: Yale University Press): 4.

¹⁴ Tyldum, Guri and Anette Brunovskis. 2005. "Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking." *International Office for Migration*. Vol. 43, ½: 17 – 34.

FIGURE 1
TARGETING VICTIMS OF TRAFFICKING: SUBPOPULATIONS
AND POPULATIONS WHERE VICTIMS OF TRAFFICKING CONSTITUTE
SUBPOPULATIONS (relative sizes of populations
are hypothetical and likely to vary between regions)

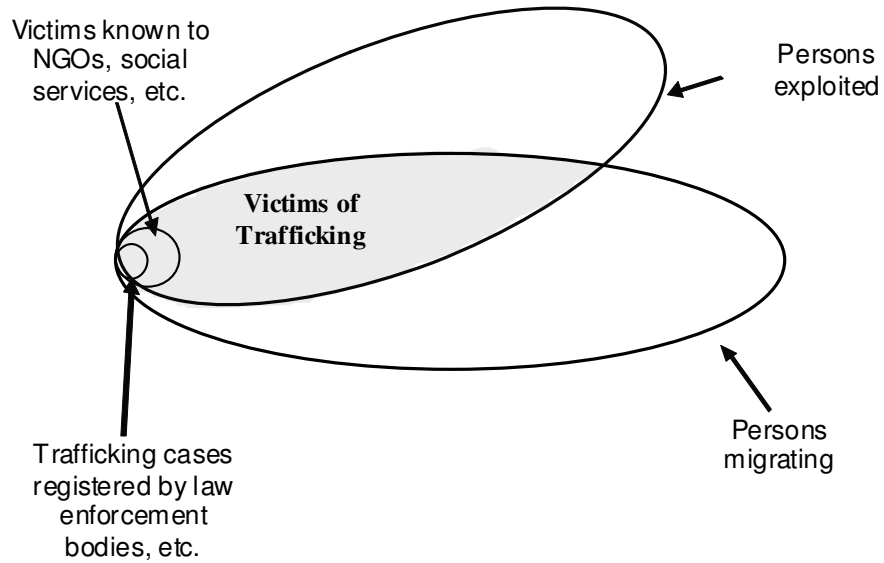


Figure 5.1: Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking¹⁵

¹⁵ Source: Tyldum, Guri and Anette Brunovskis. 2005. *International Office for Migration*. Vol. 43, ½: 23

Most human trafficking victims are invisible and therefore unobservable. Individuals that are visible and countable are limited and small in scope. Those hidden from view exist in visible sex and labor industries as well as in the private home.¹⁶ However, the popular illustration of the sex trafficked Asian rests on the contrasting image of victim and criminal. Such imagery is historically embedded in the representation of sex trafficked Asian women that is most visible in the comfort women movement.

1. Discourse about Sex Trafficked Korean Women

The comfort women have made iconic the sex trafficking of Asians in Asia-Pacific. The use of rape as a weapon of war¹⁷ is described in the militarized prostitution of an estimated 200,000 women in the Asia-Pacific that became a full-scale operation (1937 – 1945). The transnational comfort women movement called for reconciliation through the form of state-address and recognition. The development of the “Comfort Women” movement as a transnational human rights initiative began in the 1980s and has occurred largely through the work of survivors who testified to their experience. The support of the Korean council facilitated two important events: a public testimonial by Kim Hak-sun on August 1991 that was soon followed by the first class action suit against Japan by a Korean “Comfort Women” survivor on December, 1991.

Surviving “Comfort Women” in Korea organized beginning in 1992 by protesting every Wednesday in front of the Japanese Embassy, requesting that the Japanese government formally apologize for the war crimes that were committed against them. They continue to protest in which only sixty-three Korean women of a total of thousands of women around the world live to testify about the war crimes against comfort women. The same year comfort women mobilized to protest the Japanese government, Japanese historian Yoshiaki Yoshimi made visible the direct evidence of Japan’s military role in managing the “comfort stations” or brothels in spite of Japan’s continued denial of wartime atrocities. Yoshimi described the comfort women experience as a violation of human rights, sexual violence against women, racial discrimination, and discrimination against the impoverished. His work, amidst the testimonies by former comfort women fueled the on-going global movement seeking redress for “Comfort Women,” and has led to an outpouring of scholarship on comfort women.¹⁸

And in 1993, eighteen Filipina former “Comfort Women” filed lawsuits against Japan for sex crimes. The public protests, testimonials by survivors, and lawsuits made Japan’s war atrocities of sexual violence visible to the U.S. and to the world at large. The atrocities were erased in Japanese textbooks. This increasing visibility also encouraged other survivors to come

¹⁶ *Human Rights Center and Free the Slaves*. 2004. “Hidden Slaves: Forced Labor in the United States.” Berkeley, California: University of California.

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1007&context=forcedlabor&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dhidden%2520slave%2520california%26source%3Dweb%26cd%3D1%26ved%3D0CCYQFjAA%26url%3Dhttp%253A%252F%252Fdigitalcommons.ilr.cornell.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1007%2526context%253Dforcedlabor%26ei%3DgtZ0T5vTEcPg2QXQ95inDQ%26usg%3DAFQjCNHH3MSERQx-ypieCEJI8q82HQUeXw#search=%22hidden%20slaves%20california%22>. Accessed on March 29, 2012.

¹⁷ Contributions by Chung Hyun-Kyung, Aiko Ogoshi, Kiyoko Shimizu, Anne Llewellyn Barstow, Madeline Morris, and Jennifer S. Butler provide snapshots of militarisms and war, in particular. Anne Llewellyn Barstow, Ed. 2000. *War’s Dirty Secret: Rape, Prostitution, and Other Crimes Against Women*. Cleveland, Ohio: The Pilgrim Press. Also, See Chang 1997.

¹⁸ See Alice Yun Chai (1993), George Hicks (1994), Kandice Huh (2003), Dai-Sil Kim-Gibson (1999), Katherine H.S. Moon (1997), Sarah C. Soh (2008), and Margaret Stetz and Bonnie B.C. Oh (2001).

forward. Governmental and non-governmental organizations formed to provide support in Taiwan, the Philippines, the United States, South Korea, the Netherlands, China and East Timor.¹⁹

The sex trafficking of comfort women is linked to present-day militarism and prostitution. The U.S. military presence in Korea has led to high levels of prostitution, sexual violence, and rape around U.S. military bases.²⁰ The treatment of Asian women as exotic sex objects, not only as prostituted people, but also as “dispensable toys” is described in the discourse about Korean women who worked on U.S. military bases.²¹ Ji-Yeon Yuh contextualizes through interviews the history of military brides and camptown wives (a.k.a. military brides) and the stigma carried by women working in the camptowns.²² For Laura Hyun Yi Kang, military bases in countries in Asia such as Thailand or Korea both American and Asian with “English neon signs, blaring pop music, and male bodies that fill the ‘hot spots’ of military prostitution and sex tourism.”²³ Kang’s conceptualization of space and transnational bodies connects colonialism to the modes of identity formation, representation, and knowledge production. Countries such as Korea, that serves as an R-&R²⁴ stop for U.S. military personnel, impacts perceptions of Asian / American women. As demonstrated by Katharine H.S. Moon, camptowns are permanent fixtures that mediate relationships between nation-states (U.S. and Korea). The relationship perpetuated a myth, the myth that camptowns prevented rapes and crimes against women beyond the camptown zone,²⁵ while ensuring that U.S. servicemen were satisfied during their visits.

For twenty years, Koreans have continued to mobilize to make visible the historical erasures of their sexual slavery during WWII. On December 14, 2011, *CNN* captured elderly Korean women (also referred to as *halmoni*) protesting with fists raised in front of the Japanese Embassy in South Korea. Among them, younger Koreans stood in solidarity. The *halmoni* protesting were former “comfort women”²⁶; it was their “1,000th rally for justice.”²⁷

¹⁹ These organizations included: Taipei Women’s Rescue Foundation (Taiwan, 1992); Asia Center for Human Rights (Philippines, 1990s); the Task Force on Filipino Comfort Women (Philippines, 1992); the Washington Coalition for Comfort Women Issues (USA, 1992); the establishment of a home for survivors in Korea, called The House of Sharing (1992); Lila-Pilipina (Philippines, 1994); the Foundation for Japanese Honorary Debts (Netherlands, 1994); the Violence Against Women in War Network (Japan, 1998); the Shanghai Comfort Women Research Centre (China, 1999); and Forum Komunikasi Untuk Perempuan Timor Lorosa’e, or the East Timor Women’s Communication Forum (East Timor, 2000).

²⁰ Chon, Katherine and Derek Ellerman. 2004. “Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women,” *Violence against Women*, <http://www.uri.edu/artsci/wms/hughes/pubtrfrep.htm>.

²¹ Yuh, Ji-Yeon. 2002. *Beyond the Shadow of Camptown: Korean Military Brides in America*. (New York: New York University Press): 15.

²² *Ibid.*

²³ Kang, Laura Hyun Yi. 2002. *Compositional subjects: Enfiguring Asian / American Women*. (London: Duke University Press): 166.

²⁴ Rest & Recuperation.

²⁵ Moon, Katharine H.S. *Sex Among Allies: Military Prostitution in U.S.-Korea Relations*. New York: Columbia University Press.

²⁶ The “Comfort Women” have many names. In Japan they are referred to as *Jūgun ianfu*, which translates to “comfort women.” In Korean, *Chōngshindae* translates to “Women’s Volunteer Labor Corps” illustrating the coercive elements of their recruitment – recruited *Chōngshindae* assumed they would work in Japanese factories but encountered an experience they did not agree to. They are also referred to as *Halmoni* (grandmother) as a form of respect. And, similarly in the Philippines they are referred to as *Lolas* (grandmother). In English, including the Japanese translation of “Comfort Women,” they are referred to as “sex slaves” due to the mass mobilization that began in South Korea and Japan to raise awareness surrounding the exploitation of the comfort women systems.

I focus on such a discourse of sex trafficked Asian, but complicate knowledge productions of victimization and criminality by juxtaposing narratives about Asian American women – You Mi, Yumi, and Jackie.

2. [Yoo Mee 1]: You Mi in California

The San Francisco Chronicle introduced You Mi Kim to its' readership as part of a four part series entitled, "Diary of a Sex Slave" written by Meredith May. To call the narration of You Mi's²⁸ experience a diary, invokes a sense of intimacy and the participation in something intimate.²⁹ The diary form is a writer's documentation of his or her own feelings, experiences, and memories. There are popular forms that are notable for their ability to tell a story of major international events such as the Jewish holocaust. One in particular, is that of the *Diary of Anne Frank* that which has led to the reception of the diary form as an "edifying, universal message to humanity."³⁰ The diary form is for some scholars, a feminist practice.³¹ "The Diary of a Sex Slave" featured You Mi, who did not write her own story, but rather was interviewed by Meredith May through an interpreter provided by Asian Pacific Islander Legal Outreach.³² In an article, "How We Reported the Series," May presents a framing of how she and the photographer, Deanne Fitzmaurice were able to learn of You-Mi's story, "May and Fitzmaurice spent time with You Mi in the Tenderloin neighborhood in San Francisco, where she used to work in a massage parlor, accompanied her to English classes, spent time in her restaurant while she worked, and visited her at home."³³

The presentation of the interview in the form of a diary reproduces the invisibility of survivor voices. And what is also solidified is the authority of the interviewee's voice – May. May enables the reader to witness human trafficking on the one hand, and on the other, renders the voice of the survivor and the performance of a second-person narration as the authoritative voice invisible. May's own voice is hidden, yet it is the only voice that speaks – the reader never so to speak, hears You-Mi. And, "that witnessing is a form of participation, through mass mediation, in others' suffering."³⁴ In making witnesses of readers, a trope of a suffering is conveyed. What is made visible is that You Mi's experience is connected to larger anti-trafficking operations with the feature of part one of the series titled, "Sex Trafficking: San

Forthcoming publication. Annie Fukushima. "Korean Immigrant Women in America," "Role of Asian Americans in Anti-Human Trafficking Movement," and "Asian Americans and the Comfort Women Issue." *Asian Americans: An Encyclopedia of Social, Cultural, Economic, and Political History*. California: ABC-CLIO, 2012.

²⁷ "Comfort Women – South Korea – 1000th Rally for Justice." Craig Johnson. *CNN*, Xinhua, December 14, 2011, <http://news.blogs.cnn.com/2011/12/14/south-korean-comfort-women-mark-1000th-rally-for-japan-apology/> (Accessed on December 17, 2011).

²⁸ A pseudonym that the Chronicle uses to refer to You Mi.

²⁹ Van Dijck, Jose. 2004. "Composing the Self: of Diaries and Lifelogs." *Fibre Culture: Internet Theory, Criticism, Research*. Issue 3 – general issue. http://www.fibreculture.org/journal/issue3/issue3_vandijck.html. Accessed on February 1, 2011.

³⁰ Brenner, Rachel Feldhay. "Writing Herself Against History: Anne Frank's Self Portrait as a Young Artist." *Modern Judaism* 16.2. PP. 105-134.

³¹ Huff, Cynthia. Fall – Winter 1989. "'The Profoundly Female, and Feminist Genre': The Diary as Feminist Practice." *Women Studies Quarterly*. Vol. 17, No. ¾: 6 – 14.

³² "Diary of a Sex Slave The Story: How We Reported the Series." Meredith May. *San Francisco Chronicle*. A-5. October 9, 2006. <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-THE-STORY-How-we-2468544.php> (Accessed on October 9, 2006).

³³ *Ibid.*

³⁴ Rentschler, Carrie A. March 1, 2004. "Witnessing: US Citizenship and the Vicarious Experience of Suffering." *Media, Culture & Society*. 26: 296-304.

Francisco is a Major Center for International Crime Networks that Smuggle and Enslave.”³⁵ Numbers contextualize the experience of one trafficked person. It is estimated that 14,500 – 17,500³⁶ individuals are trafficked into the United States. And in California what begins with the migrant’s belief that migration will open up opportunities, turns into exploitation: “Typically they are locked inside their place of business, forced to have sex with as many as a dozen men a day... their owners confiscate their travel documents until the women pay off exorbitant sums... Women report being beaten, raped, and starved by their keepers.” The transnational dynamic of sex trafficking is strengthened by images of women in South Korea’s sex industry.³⁷ Human trafficking as a crime is meta-narrativized.³⁸ You Mi’s appearance in the “Diary of a Sex Slave” is defined by the larger context of human trafficking.

U.S. federal definition of human trafficking demonstrates multiple parts and processes that may occur, but for an experience to be defined as human trafficking it does not have to display all aspects of the legal definition (Figure 5.2). Understanding the legal definition of human trafficking is simplified by what is referred to as the AMP model, or Action-Means-Purpose Model, that breaks down human trafficking into three elements: process, means and an end (Figure 5.2). The AMP model is a model that enables a simplified reading of the law and human trafficking. The process is that a person or group recruits, harbors, moves, or obtains a person through the means of force, fraud, or coercion, for the purpose of their sex or labor. A trafficking experience may include multiple actions or just one, and multiple means or just one. A person need not experience all types of means (Figure 5.2) to be legally defined as a trafficked person. You Mi’s experience is human trafficking in that she was *recruited* from Korea through *fraud*, for the purpose of her *sex* – to work in a massage parlor. You Mi was she would be able to pay off her debt, but not told the sort of conditions she would experience when she arrived to the United States.

You-Mi’s narrative is built upon a naiveté. She grew up poor in Busan, South Korea. She had friends who had access to resources and credit cards, and is described as never seeing a credit card before, “A friend explained to You Mi that she could buy things without cash. A magic card, You Mi thought.”³⁹ You Mi’s experience was no less a case of trafficking if she was not subjected to beating or violence, but was only coerced into staying in the trafficking situation because of the fear “ICE” would deport her. You Mi must overcome her potential criminalization due to her active participation in prostitution by bringing to the fore her victimization. There currently exists a polarized image of female migrants that end up in sex

³⁵ Meredith May. *The San Francisco Chronicle*. October 6, 2006, <http://www.sfgate.com/news/article/SEX-TRAFFICKING-San-Francisco-Is-A-Major-Center-2468554.php> (Accessed on October 6, 2006).

³⁶ The trends are based on the 2006 Trafficking in Persons Report, *U.S. Department of State*, <http://www.state.gov/j/tip/rls/tiprpt/2006/>.

³⁷ See Appendix QQ for Series Images.

³⁸ A metanarrative is a grand narrative. Berkhofer, Robert F. Jr. 1995. *Beyond the Great Story: History as Text and Discourse*. Cambridge, Massachusetts: Harvard University Press.

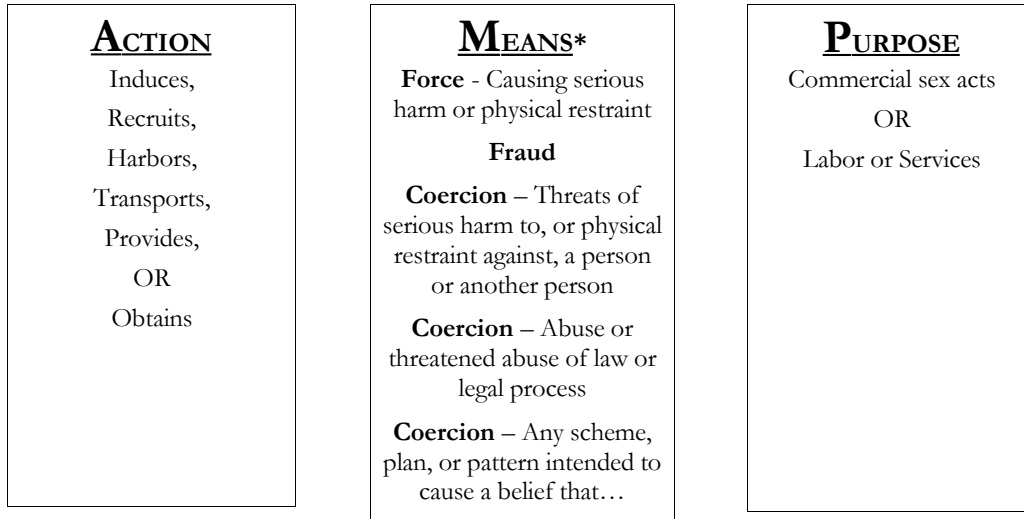
³⁹ “A Youthful Mistake: You Mi was a Typical College Student, Until Her First Credit Card Got her into Trouble.” Meredith May. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/A-YOUTHFUL-MISTAKE-You-Mi-was-a-typical-college-2487822.php> (Accessed on October 8, 2006).

The A-M-P Model

Elements of the Crime of “Severe Forms” of Trafficking in Persons

A Conceptual Model to Understand the Federal Framework of the Crime, as Defined in the Trafficking Victims Protection Act (TVPA) of 2000

Whoever Knowingly...



*Sexual Servitude of a Minor: Means (entire 2nd column) not required for minors under age 18 induced into commercial sex acts.

Other related crimes include involuntary servitude, conspiracy to commit trafficking, and benefiting financially from trafficking

Modified from Original model – MIHRC, Copyright 2003.

Figure 5.2: The A-M-P Model⁴⁰

⁴⁰ *The Polaris Project*. Modified from the original version by *Midwest Immigrants and Human Rights Center (MIHRC)*, 2003, <http://www.polarisproject.org/resources/resources-by-topic/human-trafficking> (Accessed on February 15, 2007).

industries as victim or “whore.”⁴¹ Some women in the sex industry migrate knowing the risks they take, as shown in Joanna Busca’s interview of women in Cambodia’s sex industry in Phnom Penh.⁴² Jo Doezema traces such images that position women migrants as victim / “whore,” or what she uses as “loose women” to the “cultural myth of white slavery.”⁴³ Drawing upon legal scholar Frederick K. Grittner⁴⁴ Doezema defines cultural myth of white slavery as a “collective belief that simplifies reality.”⁴⁵ According to Doezema the cultural myth of white slavery in Europe and the Americas has been embedded in contrasting images of voluntary / involuntary. White slaves as women and girls in prostitution were virginal and innocent and induced by deceit, force, or drugging to enter into prostitution.⁴⁶ It is here that Elspeth Probyn’s term of “Woman as trope” is useful. Women as trope served to “displac[e] historical women, consolidate[e] hybridity into totality, and eras[e] the doubled border into a single sign.”⁴⁷ A single sign of victimhood displaces trafficked women. The conundrum is that in an attempt to define it, human trafficking becomes a trope in spite of its definition as being related, connected, and dependent on other meanings.

What is invisible is the connection of You Mi as a trafficked victim to that of the climate of anti-immigration; central to her story is not the immigrant experience, but rather, the experience of being a victim. As such, May’s description of You Mi’s experience perpetuates what a “good” Asian immigrant is. I would like to argue that the binary of “good” and “bad” is sustained in the case of human trafficking – the Asian as “victim” is also perceived as figuring into the “Model Minority”⁴⁸ stereotype in which a “good” or “model” Asian is one that is to be saved. The model minority myth was created in the 1960s as the nation worked to narrate itself, Asian Americans continued to be other.⁴⁹ Visible tracings in the media of the Asian American “Model Minority Myth” occurred in the 1980s in a time when Asians were being celebrated as representing minority group achievement through academic and economic success.⁵⁰ The model

⁴¹ Ann D. Jordan describes the polarized image as a donna victim versus the whore victim. “Human Rights or Wrongs? The Struggle for a Rights-Based Response to Trafficking in Human Beings.” *Gender and Development*. Vol. 10, Issue 1 (July 2010): 31.

⁴² Busza, Joanna. 2004. “Sex Work and Migration: The Dangers of Oversimplification: A Case Study of Vietnam and Cambodia.” *Health and Human Rights*. Vol. 7, No 2: 231 – 249.

⁴³ Doezema, Jo. Winter 2000. “Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women.” *Gender Issues*. Vol. 18, No. 1: 23-50.

⁴⁴ Grittner, EK. 1990. *White Slavery: Myth, Ideology and American Law*. New York and London: Garland

⁴⁵ Doezema, Jo. Winter 2000. “Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women.” *Gender Issues*. Vol. 18, No. 1: 26.

⁴⁶ *Ibid* at 28 – 30.

⁴⁷ Alarcon, Norma, Caren Kaplan and Minoo Moallem, Eds. 1999. *Between Woman and Nation: Nationalisms, Transnational Feminisms, and the State*. (Durham, North Carolina: Duke University Press).

⁴⁸ Education policy scholar Stacey J. Lee defines the “model minority” as, a stereotype of Asian Americans as “successful in school because they work hard and come from cultures that believe in the value of education. Scholars and the popular press have contrasted the success of Asian American students to the underachievement of other minorities.” “Behind the Model-Minority Stereotype: Voices of High- and Low-Achieving Asian American Students.” *Anthropology & Education Quarterly*. Vol. 25, Issue 4: 413. Doobo Shim refers to the model minority stereotype as the new yellow peril. See Shim (1998) and Brown et al., (2003). And, some credit William Petersen in a 1966 New York Times Magazine article as being the origin of “model minority stereotype.” Petersen described Asian Americans as more successful than other racial or ethnic minority groups in the U.S. “Success Story, Japanese-American Style.” *New York Times Magazine* (January 9, 1966).

⁴⁹ Hsu, Ruth Y. Spring 1996. “‘Will the Model Minority Please Identify Itself?’: American Ethnic Identity and Its Discontents.” *Diaspora: A Journal of Transnational Studies*, Vol. 5, No. 1: 42.

⁵⁰ Takaki, Ronald T. 1989. *Strangers from a different shore: a history of Asian Americans*. (Boston: Little, Brown): 475 - 479.

minority myth does not displace the image of the threatening Asian, but rather, sustains it. Further Asian Americans are denied a minority status when their success is declared.⁵¹ The crux of being a “good” Asian is an invisible passive Asian. The trafficked Asian migrant person falls into such imagining. They are figured as good migrants when they are victims; this image is juxtaposed with the bad Asian who is threatening, deportable, and criminal.

Human trafficking and migration is best understood by unveiling the relationship between human trafficking and human smuggling. The goal of the U.S. Border Patrol is to combat human smuggling and human trafficking.⁵² Since 9/11, the protection of U.S. southern border has been the focus of U.S. national security.⁵³ Legal analysis by Nora V. Demleitner illuminates how the emphasis on trafficking as a “migration problem” has led to the criminalization of “victims who are charged with violating prostitution and migration laws.”⁵⁴ The distinction between good and bad migrants further creates vulnerabilities for migrants.⁵⁵ Asians are impacted by U.S. discourses on human smuggling and trafficking as these are seen as forms of irregular migration.⁵⁶ However, in naming the “problem” other gaps are created. South Korea does not fit into the stereotype of an Asian country with high poverty levels. 15% of the Korean population lives in poverty, close to 12% – the U.S. poverty level. And, in global competitiveness, South Korea is ranked number 13 out of 134 countries.⁵⁷ The demand for Korean women in the sex industry is clear in cases such as Operation Gilded Cage. Stories like *You Mi* must render visible their victimization; otherwise, they risk being seen as deportable and / or criminal.⁵⁸

You Mi is infantilized and her experience trivialized when it is described as a “Youthful mistake.”⁵⁹ The reality of human trafficking is that no one intends to be trafficked. Although age, life-experiences do not define whether one will be exploited, race, gender, class, age, and national origins exacerbate vulnerabilities (i.e., poverty). Just as many adults are trafficked as the number of children trafficked.⁶⁰ *May*’s narration of *You Mi* links her exploitation to

⁵¹ Yen Le Espiritu’s examination of the Vietnamese refugee subject in U.S. scholarship critiques the “model minority” perception of Asian Americans. “Toward a Critical Refugee Study: The Vietnamese Refugee Subject in U.S. Scholarship.” *Journal of Vietnamese Studies*, Vol. 1, No. 1 – 2 (February / August 2006): 410 – 433.

⁵² See Chapter Three and the Blue Campaign.

⁵³ In 2006, the U.S. government allotted twelve million dollars for Operation Stonegarden, a continuation of a 2005 pilot program which had the goal of increasing patrolling of U.S.-Mexico borders along Arizona, California, New Mexico, and Texas. This initiative is reminiscent of those of the 1990s: Operation Hold-the-Line (El Paso, 1993), Operation Gatekeeper (California, 1994), and Operation Safeguard (Arizona, 1995).

⁵⁴ Demleitner, Nora V. 2001. “The Law at the Crossroads: The Construction of Migrant Women Trafficked into Prostitution.” *Global Human Smuggling: Comparative Perspectives*. David Kyle and Rey Koslowski, Eds. Maryland: John Hopkins University Press: 257 – 293.

⁵⁵ Gonzalez, Wendy M. 2002 – 2003. “Human Trafficking: Criminalization of Victims in the Sex Industry.” *Buffalo Women’s Law Journal*, Vol. 19: 19 – 26.

⁵⁶ Aranowitz, Alexis A. 2001. “Smuggling and Trafficking in Human Beings: the Phenomenon, the Markets that drive it and the Organisations that Promote it.” *European Journal on Criminal Policy and Research*. Vol. 9: pp. 163 -195.

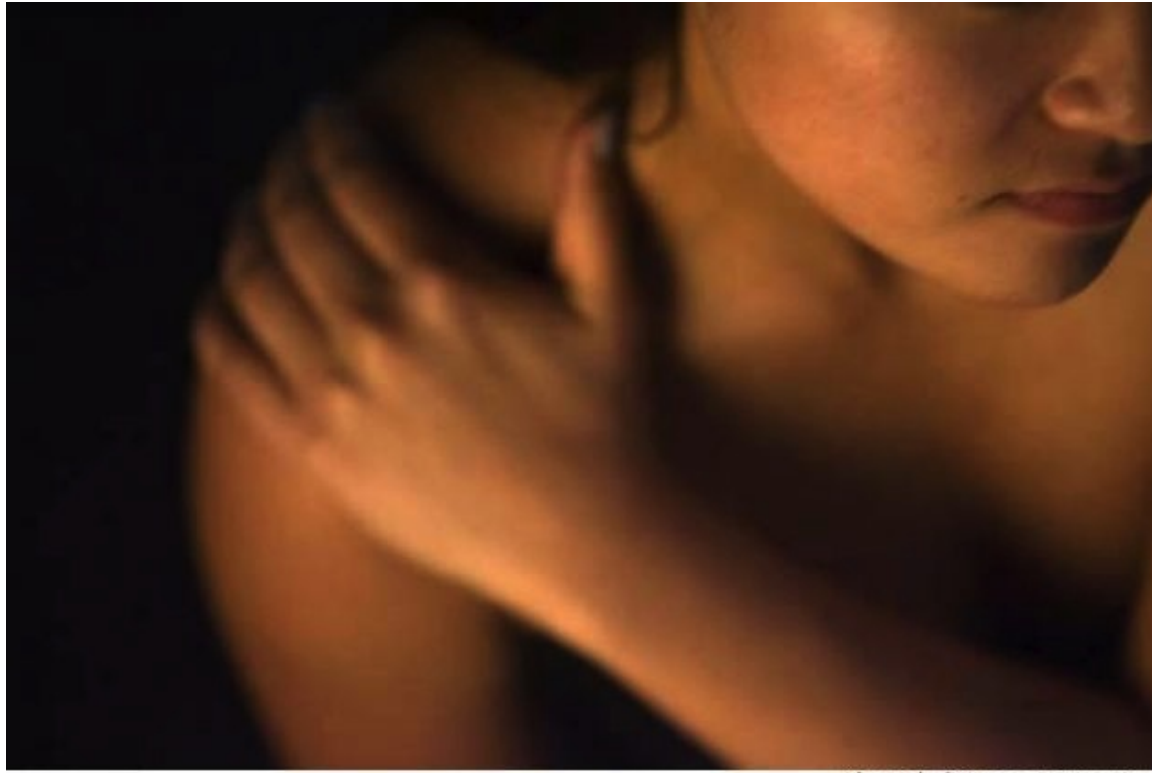
⁵⁷ “Global Competitiveness Index 2008 – 2009, Country Rankings.” *World Economic Forum*.

http://www.allcountries.org/ranks/global_competitiveness_index_2008-2009.html

⁵⁸ See Appendix WW for crimes of moral turpitude.

⁵⁹ “A Youthful Mistake: *You Mi* was a Typical College Student, Until Her First Credit Card Got her into Trouble.” Meredith May. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/A-YOUTHFUL-MISTAKE-You-Mi-was-a-typical-college-2487822.php> (Accessed on October 8, 2006).

⁶⁰ Clawson, Heather J., Nicole Dutch, Amy Solomon, and Lisa Goldblatt Grace. August 2009. “Human Trafficking into and Within the United States: A Review of the Literature.” U.S. Department of Health and Human Services.



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Image 5.1: Image of You Mi, “A Youthful Mistake”⁶¹

Office of the Assistant Secretary for Planning and Evaluation.
<http://aspe.hhs.gov/hsp/07/humantrafficking/LitRev/index.pdf>.

⁶¹ “A Youthful Mistake: You Mi was a Typical College Student, Until Her First Credit Card Got her into Trouble.”
Meredith May. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/A-YOUTHFUL-MISTAKE-You-Mi-was-a-typical-college-2487822.php> (Accessed on October 8, 2006). Also see Appendix QQ.

immaturity. In a section entitled, “A Youthful Mistake: You Mi is described as a typical college student, until her first credit card got her into trouble.” A photograph accompanies the article; a picture of a person who is potentially You Mi. The person appears to have no clothes on, is looking down to her left, her right hand holding her right shoulder. It is a “birds eye” view and close-up shot of the person in the photo. The color scheme is blacks and neutrals. The accompaniment of an image with the news article of a “Diary” suggests that to know one (i.e., the text), is to understand the other (i.e., the photo). Roland Barthes asserts that the image and language immediately lead to the problem facing semiology of images, “Can analogical representation (the ‘copy’) produce true systems of signs and not merely simple agglutinations of symbols? The image is re-presentation.”⁶² The text and image collectively paints the sex slave as innocent, naïve and financially coerced. The image of victims of human trafficking as naïve and innocent is integral to their narrative. Otherwise, they are deemed deportable as was delineated in the story about 42 Koreans who were trafficked into Dallas. 34 women were deported or are in removal proceedings⁶³ due to their knowledge that they were migrating to work in sexual economies.⁶⁴

You Mi’s narrative illuminates the contradictory relationships among voice, speaking and representation. The story that develops is from the perspective of You Mi; the voice shifts from You Mi’s thoughts and to more contextualizing “facts.” The assumed facts are: You-Mi was defrauded and subject to violence, as described in a detailed rape scene. Early in You Mi’s narrative the reader learns of the sexual violence You Mi experienced in San Francisco.⁶⁵ Lynn Higgins and Brenda Silver in *Rape & Representation* examine how rape may be read in its absence or presence, “listening not only to who speaks and in what circumstances, but who does *not* speak and why.” In the account of the rape scene, You Mi is absent; the voice is a literary strategy to give the false belief that this is You Mi. To speak is to not have any voice but the one that belongs to the speaker.⁶⁶ You Mi doesn’t speak and her inability raises the stakes of imagery and exploitation. The “voice” of the survivor is invisible in mainstream discourse, in which to *speak* and be identified poses potential consequences that also reinforce erasures. And as conveyed by Trinh Minh-ha, “Truth and meaning: the two are likely to be equated with one another. Yet, what is put forth as truth is often nothing more than *a* meaning.”⁶⁷ Although You Mi is (re)presented, she does not speak; her voice is absent and mythical. Therefore, You-Mi is not effectively represented.

Central to You Mi’s narrative is that she fit the “means” through which people are trafficked: force, fraud and coercion. As the narrative continues, You Mi is trafficked due to

⁶² Barthes, Roland. 1977. “Rhetoric of the Image.” *Image, Music, Text*. Ed. and trans. Stephen Heath. (New York: Hill and Wang): 269.

⁶³ “Sex Slaves or Capitalists? Arrest of 42 S. Korean Women in Dallas Brothel Raids Stirs Debate on How Trafficking Laws Used.” Paul Meyer. Dallas Morning News. May 8, 2006. Available at http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/DN-sexslaves_07met.State.Bulldog.7eae7bb.html.

⁶⁴ Cianciarulo, Marisa Silenzi. Spring 2008. “The Trafficking and Exploitation Victims Assistance Program: A Proposed Early Response Plan for Victims of International Trafficking in the United States.” *New Mexico Law Review*. Vol. 38: 373 – 408.

⁶⁵ The demand for prostitution and or the sex industry; the “client” base.

⁶⁶ Hooks, Bell. 1989. *Talking Back: Thinking Feminist, Thinking Black*. Massachusetts: South End Press.

⁶⁷ Minh-ha, Trinh T. 1993. “The Totalizing Quest of Meaning.” *Theorizing Documentary*. Michael Renov, Eds. UK: Routledge: 92.

“fraud”, “forced” to do things she did not agree to,⁶⁸ isolated,⁶⁹ and coerced to stay.⁷⁰ Through the narrative, You Mi becomes the definition of human trafficking. The reality is that no survivor of human trafficking self-identifies his or her own experience of exploitation as human trafficking. Instead, through legal, political and social definitions, they become a trafficked person. For You Mi, the force she experiences is rape; this leads You Mi to succumb to “work” of fifteen-hour shifts in prostitution. The element of fraud, another way to say that someone has been told lies. You Mi arrived in California due to false advertisements of work. You Mi landed in San Francisco because of a \$40,000 credit debt that she hoped to pay back by working in a “high paid” hostess job. Instead she found herself prostituted. The distinguishing between hostesses and prostituted women⁷¹ in part illustrates the stratification within the sex industry. But it is also linked to the sex industry boom in U.S. military camptowns in South Korea. Militarized prostitution is historically embedded in Japan-Korea colonial relations, after Japanese occupation ended, sexual economies defined U.S.-Korea relations.⁷² Korean hostesses worked in restaurants and bars. They were not paid by the establishment, but rather, relied on customer tips.⁷³ By trade, they did not specialize in prostitution, however, were available for sexual services. You Mi was not only defrauded and forced into prostitution, but she was also coerced in that the traffickers made threats against her family.

You Mi becomes more pronounced visually as her face is revealed through the photographs that accompany the articles. Her despair at the perceived “endlessness” of her experience is pronounced in the text. A clearer photograph of a woman appears in the third part of the series; it is assumed to be a more prominent You-Mi. The third part of the series is titled, “Bought and Sold: You Mi is put into debt bondage – life becomes an endless cycle of sex with strangers.”⁷⁴ There is a repetition of traumas, and the perception that she is not able to leave. As the reader visually sees You Mi, what is also visible is You-Mi’s exploitation.⁷⁵

You Mi is not only trafficked into prostitution, her experience encompasses human smuggling through Mexico, trafficking with networks, and multiple sites of exploitation. The smuggling of Asians across the “southern border” perpetuates the anxieties surrounding border violence and security, rendering invisible human trafficking that crosses other borders or those that do not involve border crossings.

⁶⁸ “She would be forced to have sex with dozens of men a week in seedy massage parlors, apartments and hotel rooms.” A Youthful Mistake: You Mi was a Typical College Student, Until Her First Credit Card Got her into Trouble.” Meredith May. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/A-YOUTHFUL-MISTAKE-You-Mi-was-a-typical-college-2487822.php> (Accessed on October 8, 2006).

⁶⁹ “She would live under the watchful eye of guards and surveillance cameras.” *Ibid.*

⁷⁰ You-Mi was “reminded constantly that her family back in South Korea would be harmed if she ran.” *Ibid.*

⁷¹ I use the term prostituted woman, prostituted person to describe prostitution as something that happens to people.

⁷² Political scientist Katharine H.S. Moon offers a historical examination of prostitution in Korea-U.S. relations. *Sex Among Allies: Military Prostitution in U.S.-Korea Relations*. New York: Columbia University Press.

⁷³ Lie, John. June 1995. “The Transformation of Sexual Work in 20th-Century Korea.” *Gender & Society*. Vol. 9, No. 3: 312.

⁷⁴ Meredith May. *The San Francisco Chronicle*, October 9, 2006, <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-THIRD-OF-A-FOUR-PART-2468512.php> (October 9, 2006).

⁷⁵ See Appendix QQ.



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Image 5.2: Image of You Mi, “Bought and Sold”⁷⁶

⁷⁶ Photograph 4. “Bought and Sold: You Mi is put into debt bondage – life becomes an endless cycle of sex with strangers.” Deanne Fitzmaurice. The San Francisco Chronicle, October 9, 2006, <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-THIRD-OF-A-FOUR-PART-2468512.php> (October 9, 2006).

The last image of You Mi in the *San Francisco* series is a photograph of her walking towards Golden Gate Bridge with her back facing the camera, captioned, “Free, but Trapped: In San Francisco, You Mi begins to put her life back together -- but the cost is high.”⁷⁷ You Mi was able to leave her exploitation, after she was able to pay off her debt – \$31,200. You Mi’s departure from the massage parlor is described thusly: “she had just her passport, some money and some clothes. The other women in the brothel assumed she was getting married -- the main reason most women left sex work.”⁷⁸ Their assumption that women leave working in sex industries to get married illustrates the patriarchal norms that trickles down into sex industries. Human trafficking narratives paint another picture – women leave via a law enforcement rescuer – but even when they leave on their own, it is still portrayed as being via the hands of a masculine hero.

You Mi left Sun Spa and made her way to the only person she knew, a boyfriend. May concludes You Mi’s experience as “she never truly can escape her past.”⁷⁹ You Mi works in a restaurant hiding her identity because she is afraid that her traffickers will find her. The threat of being re-trafficked is evident when the long-term consequences such exploitation has on a person are invisible. Studies on the health consequences related to human trafficking are limited.

A study about the health risks survivors of human trafficking face is described in *Caring for Trafficked Persons: Guidance for Health Providers*.⁸⁰ They include a wide range of symptoms: physical abuse, deprivation, threats, intimidation, sexual abuse, substance misuse, social restrictions, manipulation, emotional abuse, economic exploitation including, but not limited to debt bondage and few resources to pay for basic necessities, legal insecurity which for international survivors of human trafficking places them at risk for participating in criminal activity, occupational hazards, and marginalization culturally, socially, and physically.

In their assessment of nine countries and 854 people, Melissa Farley, et al., found that “prostitution” is multi-traumatic. Their study shows that 61% of those interviewed reported a current physical health problem (tuberculosis, HIV, diabetes, cancer, arthritis, tachycardia, syphilis, malaria, asthma, anemia, and hepatitis), 52% reported alcohol use and 45% reported drug use. Farley et. Al, reported that it is common for survivors of trauma to self soothe with alcohol and drugs.⁸¹

The studies on the health consequences of sexual exploitation and trafficking are never mentioned in You Mi’s story. Rather, May paints the consequence for You Mi as being unable to work with visibility – working with her head down, “For You Mi, her time as a sex slave has left a permanent bruise on her soul. A year of her life was taken away. Her innocence is gone. Her trust obliterated. Tension is woven into her personality.” The consequences that are focused

⁷⁷ Meredith May. Part 4. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-LAST-IN-A-FOUR-PART-2486203.php> (Accessed on October 10, 2006).

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ International Organization of Migration. 2009. *Caring for Trafficked Persons: Guidance for Health Providers*. International Organization of Migration. Geneva: United Nations Global Initiative to Fight Trafficking in Persons and London School for Hygiene and Tropical Medicine. Also see Gushulak and MacPherson (2000).

⁸¹ Farley, Melissa, Ann Cotton, Jacqueline Lynne, Sybille Zumbeck, Frida Spiwak, Maria E. Reyes, Dinorah Alvarez, and Ufuk Sezgin. 2004. “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder.” *Prostitution, Trafficking, and Traumatic Stress*. Melissa Farley, Ed. New York: The Haworth Maltreatment & Trauma Press: 33 – 74.

upon are those that are not visible to the eye and the breaking of her youthfulness. Such attention to You Mi's innocence perpetuates the need to rescue virginal and innocent victims.

The imagery of You Mi stereotypes what is severe human trafficking. Had she simply come to the United States through fraudulent means and been exploited for her sex, she would have still been a "victim" of human trafficking. Whether or not that would have led to a successful prosecution of traffickers is another story. As described earlier, the defining of You Mi as "youthful" early on, sets up the premise that notions of trafficking are "naïve." You Mi willingly entered into her exploitation. The narratives about human trafficking in the media do not successfully make the case that a person may be trafficked and exploited even if they choose to enter into exploitive industries, and that not all victims are the stereotype of innocence.

There is a range of scholarship on women's use of violence in the domestic violence movement.⁸² Such theorizing of women's use of violence is all too invisible in anti-trafficking scholarship. May's story of You Mi is useful for raising awareness about transnational exploitation. I argue that the inability of the larger movement and society to hear survivors' speak disembody survivors not from their own body, but from speaking within a larger body of the anti-trafficking movement.

You Mi's narrative offers a picture of a larger effort of anti-trafficking initiatives. The "diary" of You Mi, is a media portrayal of the meaning of "slavery" in the twenty-first century. You Mi's embodies crossing borders, multiple traumas, and traversing multiple cities and destinations. It is akin to many survivor stories.⁸³ However, each case is individual. Human trafficking is a crime of exploitation in which someone profits off of another person's labor, and the my analysis of You Mi's narrative as part of a larger landscape of transnational crime is reflective of this.

3. Locating You-Mi in a Larger Narrative

Contextualizing You Mi's experience in the federal investigation referred to as "Operation Gilded Cage" is necessary to provide a full picture of how not only the survivor is defined by a movement, but how the anti-trafficking movement has come to define human trafficking in the context of criminalization. Some scholars understand human trafficking as the illegal movement of people through organized criminal⁸⁴ networks.⁸⁵ Human trafficking as an organized crime is structured in a variety of ways from large groups with pyramidal structures to decentralized networks.⁸⁶

You Mi is connected to a larger human trafficking network, Operation Gilded Cage. Operation Gilded Cage exposed the human trafficking of Korean women in San Francisco. It exposed the roles of a travel agency, YJY Travel and Tour, and a cab company, Yang's Taxi,

⁸² See Chesney-Lind and Pasko (2004); Saunders (1986); and Swan and Snow (2002).

⁸³ See Appendix A.

⁸⁴ Organized crime as delineated by the Convention against Transnational Organized Crime (1999) defines an organized criminal group as "a structured group of (three) or more persons existing for a period of time and having the aim of committing a serious crime in order to, directly or indirectly, obtain a financial or other material benefit. Annex 1. Article 2.

⁸⁵ Truong, Thanh-dam. July 2001. "Human Trafficking and Organized Crime." Hague, the Netherlands: Institute of Social Studies. Working Papers.

⁸⁶ Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. New York: Cambridge University Press.

and their operation that took women from San Francisco and Oakland airports to brothels in the city.⁸⁷

On July 1, 2005 one thousand federal and state law enforcement officers were involved in a raid. Operation Gilded Cage was a nine-month investigation that led to the arrest of 45 individuals. 20 were charged on counts of “sex trafficking, harboring of illegal aliens, conspiracy to transport female Korean nationals across state lines with intent to engage in prostitution, and money laundering of individuals involved in the massage-parlor industry.”⁸⁸ The smuggling was facilitated by an organized crime group called the Jung Organization (a.k.a. The Jung Group). The Jung Group trafficked over one hundred Korean women through the Canadian border. Trafficking through the Canadian border departs from the assumption that human trafficking occurs only through the U.S. southern border.

Larger networks or trafficking rings do not always facilitate human trafficking. More common, are familial networks: involving family members or family friends.⁸⁹ The imagery of an Asian “gang” perpetuates the “othering” and villainization of Asians and the assumed crimes they are enmeshed in. Such imaginings of the Asian as the villainous “Fu Manchu” or a “yellow peril” are not new. The image of the threatening Asian is sustained in imaginings of human trafficking. Certain women are disciplined and written out of the nation’s script.⁹⁰ Sex trafficked Korean women are disciplined into being good migrants as victims or criminalized if their victim-status does not fit into a neat narrative.⁹¹ Therefore it is in the reading of how Korean women are written in scripts such as the media coverage of trafficking and prostitution that enables a situating how they have come to figure in an anti-trafficking discourse.

Operation Gilded Cage is an example of how human trafficking survivors / victims are peripheral figures in narratives of exploitation. In the State Department Press releases of Operation Gilded Cage the voices of survivors are absent. The invisibility of the survivors may be in part to the confidentiality of the active case at the time of the press releases. Prosecution is prioritized. In the June 23, 2006 indictment, *U.S. v. Young Joon Yang et al.*,⁹² the defendants were charged with having “recruited and enticed female Korean nationals to illegally enter the United States... to work as prostitutes in the United States.”⁹³ The named individuals were

⁸⁷ Jaxon Van Derbeken and Ryan Kim. July 2, 2005. “Alleged Sex-Trade Ring Broken Up in Bay Area Police Says Koreans in Massage Parlors were Smuggled in.” *The San Francisco Chronicle*. A-1.

⁸⁸ “U.S. Agents Crack West Coast Human Smuggling, Trafficking Ring: Forced Prostitution Alleged in San Francisco, Los Angeles Arrests.” Bureau of International Information Programs, U.S. Department of State, July 1, 2005, <http://www.america.gov/st/washfile-english/2005/July/20050701182254cmretrop0.2110865.html> (Accessed on August 1, 2005).

⁸⁹ Between 2009 – 2010, while working on human trafficking cases (23 comprehensive case support and 52 crisis cases) nearly forty-four percent of the women whose cases I worked with in Northern California were trafficked by someone they knew: family friend, aunt, cousin, parent, husband or boyfriend. See Appendix K and/or Appendix O.

⁹⁰ Alexander, M. Jacqui and Chandra Tapalde Mohanty, Eds. 1997. *Feminist Genealogies, Colonial Legacies, Democratic Futures*. New York and London: Routledge.

⁹¹ I offer further analysis of perfect victims in Chapter Six.

⁹² Young Joon Yang, Wu Sang Nah, Sung Yong Kim, Hang Joe Yoon, Myong Su Ahn, Nam Young Lee, Fred A. Frazier, Trong Du Nguyen, Ahdi M. Nashashibi, Young Joo Lee, Min Young Bang, In Seung Kim, Seyun Kim, Eugene Yi, Chang Soo Youn, Mo Sook Yang, Keun Sung Lee, Myung Jin Chang, Won Seok Yoo, Jimmy Gong Yan Lee, Aesun Kim, Hyeon J. Park, Anthony Gar Lau, Mi Young Sim, Kum Pae Yi, Han Lee, Hye Cha Kim, Jin Ah Kang, and Yon Suk Pang. CR 05-00385 JSW

⁹³ CR 05-00385 JSW, page 2

members of a network of organizations including brothels,⁹⁴ massage parlors,⁹⁵ taxi companies,⁹⁶ and a travel company.⁹⁷ Additionally their exploitation crossed state lines from California to Nevada, to Massachusetts. Despite the sea of names and allegations, to date, the only conviction that has occurred is that of Anthony Gar Lau, operator of the Gold Flower Steam and Sauna Spa. The U.S. District Judge Charles Breyer ordered Lau to forfeit one million dollars and imposed one year of prison with two years of probation. Although the media and Internet coverage of the case focused on it as a human trafficking case, Lau was convicted for money laundering.⁹⁸

Regardless of the largeness of the case, survivors are anonymous, suggesting that the protecting of confidentiality also renders them absent. The survivors are commonly referred to by their gender and national origins: “Korean Female National”⁹⁹ or a “Korean Speaking Female.”¹⁰⁰ The Korean women are also named as “prostitutes,” which implies from a legal standpoint their participation in crime and criminality.¹⁰¹ While the women are contextualized by their “criminal” acts as prostitute and immigrants, the individuals that exploit them are most commonly referred to by their first name. The othering and already assumed criminality of women makes “identification” a challenge, especially when the burden proof is the responsibility of the potential “victim.”

On March 8, 2007, reflecting on non-governmental organization responses to Operation Gilded Cage, Asian Women Shelter advocate, Orchid Pusey, conveyed the challenges of cultural awareness.¹⁰² When the women were interviewed by law enforcement and asked if they could leave their trafficking situation, many said they could leave.¹⁰³ Asian Women’s Shelter, Shimtuh, Narika, Asian Pacific Islander Legal Outreach, and The SAGE Project, Inc., were responders to the raids. These non-governmental organizations offered services and language advocacy to the women held in-custody. The ability of organizations to offer social services is not enough. There is a need to develop cultural awareness when framing anti-trafficking responses. Being newcomers and monolingual in Korean, how would the women know where to go? Who would help them? And, in the cold climate of San Francisco, what would they wear?

To answer these questions, the cultural practices of the anti-trafficker institutions must be examined. Cultural studies scholar Raymond Williams *Keywords: A Vocabulary of Culture and Society* (1976, 1983) describes culture as a “complicated” word in the English language.¹⁰⁴ Belief systems, philosophies, the material, the practices, behaviors, and customs of a group of people define culture. The aforementioned transcends the local, regional, national, and transnational communities and it is also historically constituted.¹⁰⁵ Culturally aware responses are not merely those that factor in the culture of those constituted as victims, but also the

⁹⁴ Suk Hee Oriental Massage and Sauna, Lucky Spa, Palm Tree Massage, Empire Health Club, Geneva Oriental Spa, Golden Flower Steam and Sauna Spa

⁹⁵ King’s Massage, Lee’s Oriental Massage

⁹⁶ Yang’s Taxi

⁹⁷ YJY Travel and Tour

⁹⁸ Lau pled guilty to one count of money laundering in violation of 18 U.S.C. 1956 § (a)(1)(A)(i).

⁹⁹ 26 references, CR 05-00385 JSW,

¹⁰⁰ 49 references, CR 05-00385 JSW,

¹⁰¹ 13 references, CR 05-00385 JSW,

¹⁰² Reference Seattle and DC task force raids on human trafficking as examples.

¹⁰³ Orchid Pusey, Annie Fukushima, Judith Mirkinson, and Joseph Fong. “Detecting the Undetected: Revealing Asian Human Trafficking in California.” *Sex Trafficking Obliteration Petition Campaign Panel*. University of California, Berkeley.

¹⁰⁴ New York: Oxford University Press, p. 87.

¹⁰⁵ See Appendix RR.

trafficker, the anti-trafficker, and the institutions the anti-traffickers. Culture impacts epistemology. U.S. racist culture continues to define survivors of human trafficking as “foreign,” as manifested in public discourse via news media and even in institutional responses. The visibility and normalization of raids as an anti-trafficking response further perpetuates the foreignness of people internationally trafficked. The raids are a local response to those assumed to be foreign. And while they may not be native to the United States, the demand for their labor and / or sex makes them figure into the United States as both desired and rejected.

The Korean American community believed the representation of You Mi negatively impacted the larger Korean community. After You Mi’s diary appeared in the *San Francisco Chronicle*, forty-four individuals representing a variety of Korean American organizations stated that, the “‘Diary’ Series is a Misleading Portrait of Korean Americans.”¹⁰⁶ The letter stated,

These front-page articles were unnecessarily ‘exploitative’ in their manner of coverage of a serious issue, and highly offensive to many people in the Korean-American community. The exaggerated headlines and lurid photos that dominated the front page of *The Chronicle* for four consecutive days gave disproportionate emphasis to a small immigrant segment of the overall Korean-American population in San Francisco and California, the vast majority of whom are well-educated professionals and hardworking families.¹⁰⁷

The Korean American communities response to “Diary of a Sex Slave” and the illustration of You Mi perpetuates the participation by Korean Americans, and Asian Americans generally, in sustaining the “model minority myth.” A list of Korean organizations resisted fully identifying with the You Mi. Some Koreans resist their portrayal. However, the visibility of Korean American writings,¹⁰⁸ artwork,¹⁰⁹ films,¹¹⁰ and organizing¹¹¹ convey that some Koreans find shared meaning and identification with the image of the sexually exploited Asian as they make meaning of it and interpret exploitation. The reader and community may never hear You Mi speak, her story, even if it is mis-represented and re-represented through May.

4. [Yoo Mee 2]: Yumi in New York

On November 27, 2010, another [Yoo Mee] Yumi made an appearance in a major newspaper. Nicholas D. Kristof published an article in the *New York Times*, “A Woman. A Prostitute. A Slave.”¹¹² This Yumi, Yumi Li, is a Korean from northeastern China who was smuggled to New York for work. The debt she accrued was \$50,000. Unlike the previous You Mi, whose mother is also a sex industry survivor, Yumi Li was coerced into prostitution through

¹⁰⁶ Helene Kim and Jeong Shin. *The San Francisco Chronicle*, October 24, 2006, B-7.

¹⁰⁷ “‘Diary’ Series is a Misleading Portrait of Korean Americans.” Helene Kim and Jeong Shin. *The San Francisco Chronicle*, October 24, 2006, B-7.

¹⁰⁸ Chang-rae Lee, *A Gesture Life* (New York: Riverhead, 1999); Therese Park, *A Gift of the Emperor* (Duluth, MN: Spin- sters Ink, 1997); Nora Okja Keller, *Comfort Woman* (New York: Viking Penguin, 1997); Ishle Park, “House of Sharing Comfort Women,” *Manoa* 13, no. 2 (2001): 51–53; and Bino A. Realuyo, “Pantoum: The Comfort Woman.”

¹⁰⁹ See House of Sharing, <http://www.nanum.org>

¹¹⁰ See Eden.

¹¹¹ See HR 121 Coalition.

¹¹² *The New York Times*. Opinion Pages. November 27, 2010, <http://www.nytimes.com/2010/11/28/opinion/28kristof.html> (Accessed on November 27, 2010).

blackmail, in which video footage of this college graduate was used to keep her in prostitution. Yumi is quoted as saying, “When they first mentioned prostitution, I thought I would go crazy... I was thinking, ‘how can this happen to someone like me who is college-educated?’ I wanted to die.”¹¹³ And, unlike the extensive coverage of You Mi, Kristof’s description of Yumi is abbreviated. No photos of “Yumi” are printed in the article, only a photo of Kristof. Central to the development of the narrative is not the “voice” of the survivor, but rather that of the witness: Kristof. The traumatized body, Yumi, invokes what David Harvey referred to as “The body as referent” – the body as an object and subject of discussion, and the site of knowledge.¹¹⁴ Yumi as trafficked is the object of discussion. The literal body of Yumi is not available, but rather her construction as a “woman”, “prostitute” and “slave” is viewed through the lens of the “witness” – Kristof.¹¹⁵

Through Yumi, “woman” is a figure with multiple meanings that cross spatially. Once in California the exploited woman is “taken” to Los Angeles or San Francisco. The interconnection between Northern and Southern California is important to understanding human trafficking. Los Angeles and San Francisco function as what Saskia Sassen defines as “global cities” (2001) they are centers of core knowledge activities in the world economy.¹¹⁶ The connection between California and New York in Kristof’s description of witnessing Yumi is that women are trafficked. Although Yumi is in New York, Kristof draws attention to the significance of human trafficking in the California region, where capital not only flows, but also bodies move. As such the global city is not a “place” but a “process.”¹¹⁷ The process of how “woman” is configured in that space is that she is “beaten”, “raped”, and “starved” and eventually “escapes.” Yumi is always portrayed as an exploited woman. Kristof is not sure of “elements” of Yumi’s story, but in her narrative she is described in contrast to men: she “told” Kristof that men “ordered” her, men requested that she “play” a role robotically, men “arrested” her, and she was a “prostitute.” The description of Yumi as a woman is also constructed in contrast to girls. Kristof locates girls in “India” or “Cambodia” that is, elsewhere. In this narrative, Yumi lacks specificity; only the details of her exploitation are visible - “she” that was “beaten,” “raped,” and “humiliated.”

Yumi’s narrative raises important questions about whether or not a person is able to be both a prostituted person and a slave. The opening line of Kristof’s article states, “Americans tend to associate ‘modern slavery’ with illiterate girls in India or Cambodia. Yet there I was the other day, interviewing a college graduate who says she spent three years terrorized by pimps in a brothel in Midtown Manhattan.”¹¹⁸ Kristof calls on his readers to recognize that what is othered as sexual slavery elsewhere in Asia is a phenomenon occurring in the United States. Yumi is figured as also being a part of this debate in which she is “A Woman. A Prostitute. A Slave.” Through Kristof, she is a woman who is a prostituted person and a slave. However, punctuations separate her assumed multiple identities. Kristof attempts to link slavery and

¹¹³ *Ibid.*

¹¹⁴ Harvey, David. Fall 1999. “The Body as Referent.” *Hedgehog Review*: 42.

¹¹⁵ “A Woman. A Prostitute. A Slave.” Nicholas D. Kristof. *The New York Times*. Opinion Pages. November 27, 2010, <http://www.nytimes.com/2010/11/28/opinion/28kristof.html> (Accessed on November 27, 2010).

¹¹⁶ A global city is a nodal point of coordination of processes and a site of production (5). New York City (Yumi’s city) and San Francisco (You Mi’s city) are global cities. Sassen, Saskia. 2001. *The Global City: New York, London, Tokyo*. Second Edition. New Jersey: Princeton University Press.

¹¹⁷ Castells, Manuel. 1996, 2000. *The Rise of the Network Society: The Information Age: Economy, Society and Culture Vol. 1*. Malden, Massachusetts: Blackwell Publishers, Inc.

¹¹⁸ “A Woman. A Prostitute. A Slave.” Nicholas D. Kristof. *The New York Times*. Opinion Pages. November 27, 2010, <http://www.nytimes.com/2010/11/28/opinion/28kristof.html> (Accessed on November 27, 2010).

prostitution through the narration of Yumi, it is a relationship that contains historical tension. The contradictory relationship between prostitution and slavery is furthered by anti-trafficking discourse. In 2009, Executive Director of Coalition Against Trafficking in Women, Norma Ramos conveyed that there are “no prostitutes”; prostitution is something that happens to people.¹¹⁹ Julia O’Connell Davidson argues that prostitution is defined by power in the exchange over money and other material “benefits.”¹²⁰ Others have argued that “not all victims of trafficking are prostitutes, nor all prostitutes victims of trafficking.”¹²¹ How Asian migrants figure in such debates is that to be trafficked is to be a slave and victim. Kristof’s portrayal of “model minority” Asian migrants sex trafficked (Yumi migrated to be an accountant in the United States) into prostitution sustains anxieties about female migrants, in particular, Asian migrants. It also reinforces the current discourse that defines who needs rescuing – good women in a bad situation. In contrast, what is implied, is that women who *choose* prostitution,¹²² are not exploited in prostitution, or do not fit into the stereotype of the model minority, therefore they are to be criminalized. Such images also reinforce for the American audience who Asian Americans are and who they should be.¹²³

Gender roles are further solidified by male/female and perpetrator/ victim binaries. It is assumed that men “pay for sex”, “buy” services, “mistake” Yumi as “working” on “her own volition”, and operate “smuggling operations.” In media portrayals of “victims” and “perpetrators”, heterosexuality is the norm. V. Spike Peterson refers to heterosexist ideology and practice as “inextricable from the centralization of political authority/coercive power” referred to as “state-making.”¹²⁴ And not only is heterosexist language informing the assumptions about victim and perpetrator, but also the rhetoric of the masculine perpetrators and the feminized victims suggest that the rescuer are men. As described by Kristof, “There are no silver bullets, but the critical step is for the police and prosecutors to focus more on customers (to reduce demand) and, above all, on pimps.”¹²⁵ Yumi is delineated as a heroine when she confronts the “pimps” after her friend was brutally victimized by a client – also referred to as the demand for prostitution.¹²⁶ Kristof questions her ability to be the rescuer: “I can’t be sure of

¹¹⁹ Statement by Norma Ramos at the End Internet Trafficking Coalition conference. *Global Disconnects: The Internet & Human Trafficking*. Students & Artists Fighting to End Human Slavery (N. California), End Internet Trafficking Coalition (USA), and Center for Race & Gender (UCB). University of California, Berkeley. February 20, 2008

¹²⁰ Davidson, Julia O’Connell. 1999. *Prostitution, Power and Freedom*. (UK: Polity Press): page.

¹²¹ See Kamala Kempadoo, Jyoti Sanghera and Bandana Pattanaik, Eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. (Boulder, Colorado: Paradigm Publishers).

¹²² Here I am referring to choice as deciding on a particular option based on a set of options. Choice for women working in the sex industry may be as limiting as the choice to be prostituted or to die of starvation and / or homelessness.

¹²³ Communications scholar Doobo Shim analyzes the historic development of Asian stereotypes that illustrate the racial ideology in American culture. “From Yellow Peril through Model Minority to Renewed Yellow Peril.” *Journal of Communication Inquiry*. 22: 4(1998): 385-409.

¹²⁴ Peterson, V. Spike. 1999. “Sexing Political Identities / Nationalism as Heterosexism.” *International Feminist Journal of Politics*. Volume 1: 41.

¹²⁵ “A Woman. A Prostitute. A Slave.” Nicholas D. Kristof. *The New York Times*. Opinion Pages. November 27, 2010, <http://www.nytimes.com/2010/11/28/opinion/28kristof.html> (Accessed on November 27, 2010).

¹²⁶ First Offender Prostitution Programs exist throughout the United States. They have been accessed by the National Institute for Justice for being a cost-effective, stable, and transferable model for reducing the demand for prostitution. The model is that men arrested for soliciting prostitution in California are offered an opportunity to attend “John School classes” for a fee. Fees, “support all of the costs of conducting the john school classes, as well

elements of Yumi's story, but it mostly rings true to me and to the social workers who have worked with her."¹²⁷ Kristof calls the reader to see Yumi as a questionable witness. This is furthered by who is seen as able to validate her narrative – social workers and the journalist (Kristof). The intimacy of friendships between survivors and the complexities of the structures of the sex industry that also lead to women abusing women and men abusing other men. Maria Lugones argues that heterosexuality permeates, “racialized patriarchal control over production, including knowledge production, and over collective authority.”¹²⁸ This includes how narrations occur in the media. The knowledge production of a “truth” is then perpetuated through the speaker. Being heard depends on “one’s standing” in hierarchies of race, class, gender, and sexuality. For the survivor of exploitation, they figure into normative understandings of race, class, and gender/sexuality.

5. The Rise & Fall of a Dallas Madam: Kyong “Jackie” Roberts

Kyong “Jackie” Roberts, also known as the Dallas “madam,” represents another common polarized image of the Asian female – the “dragon lady.” The story unfolds in the Morning Dallas News headlined, “Madam’s fall offers window into lucrative sex trade Federal agents, police team up to put dent in Dallas prostitution.” The news coverage summarizes Jackie’s career. She came to America as the “Korean bride of a U.S. servicemen more than twenty years ago and climbed from dress shop owner to modeling studio proprietor to queen of Asian brothels.”¹²⁹ The brothels that Jackie and her co-conspirator, Mi Na Malcolm, operated included massage parlors, spas, baths, saunas, modeling studios, and night clubs.¹³⁰ In a single day, Dallas police, Immigration Customs Enforcement, and the Federal Bureau of Investigation seized almost \$500,000 in cash and more than 138,000 condoms. Millions in assets were seized through the raids. Her partner Malcolm was sentenced to ten years in prison with a fine of \$460,000 after pleading guilty to “conspiracy to hold or harbor illegal aliens for purposes of prostitution, harboring illegal aliens for commercial advantage and private financial gain, and bulk cash smuggling.”¹³¹ In contrast, Jackie and her husband, San Hyon Cho, were convicted of conspiracy to structure large currency deposits and monthly rents from individuals operating prostitution and other businesses. In 2007, law enforcement received \$367,356.20 in forfeited assets from Roberts and Cho, and they were sentenced to 37 months and 30 months, respectively, to prison.¹³²

Jackies is imagined as lacking a complex history – the description of her history is reduced to her being a migrant who then became a criminal. The history of Jackie’s relationship

as subsidizing police vice operations, screening and processing arrestees, and recovery programs for women and girls involved in commercial sex.” Michael Shively et al. March 2008. “Final Report on the Evaluation of the First Offender Prostitution Program.” *Abt Associates Inc.* Department of Justice, <https://www.ncjrs.gov/pdffiles1/nij/grants/222451.pdf> (Accessed on April 15, 2009). See Appendix SS.

¹²⁷ *Ibid.*

¹²⁸ Lugones, Maria. Winter 2007. “Heterosexualism and the Colonial / Modern Gender System.” *Hypatia*, Vol. 22, No.: 206.

¹²⁹ “Madam’s Fall Offers Look at Lucrative Sex Trade.” Tim Wyatt. *Dallas Morning News*, May 10, 2006, http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/DN-sexdallas_08.met.State.Edition.1.ce0d677.htm (Accessed on May 10, 2006).

¹³⁰ *Ibid.*

¹³¹ Brothel Owner Sentenced to 10 Years for Coercing Korean Aliens into Prostitution. Department of Justice Press Release (Washington D.C., United States of America, July 18 2006). Also see Cianciarulo 2008.

¹³² Flower Mound Police Department Receives Forfeited Proceeds. Internal Revenue Service – Criminal Investigation, Dallas Field Officer Press Release (Dallas, Texas, United States of America, August 9, 2007).

to her husband is absent in the media coverage of the case. In the Korean / American community her narrative of being a military bride is embedded in secrecy and attached to a social stigma. Historian Ji-Yeon Yuh's interviews with Korean migrants provides insights into the stereotype of the Korean "military bride" whose identity is enmeshed in questions of how she met her husband. It is commonly assumed that military brides met their husbands in a camp-town while working in Korea's sex industry.¹³³ Such questions about the history of Jackie and her co-conspirator Mi Na do not come to the fore. Rather, what is made visible is how Jackie was able to shift from immigrant to perpetrator / criminal.

Narratives of victims that become criminals are not uncommon. Criminology research illuminates the overlap between offenders and victims of crime.¹³⁴ Absent in the media depictions of Jackie (and migrants like Jackie who participate in or facilitate exploitation) are the societal conditions that impel such individuals to survive by participating in criminal networks in the United States. In 2012 the PEW Research Center published a report on Asian Americans that purported their economic and social success in the United States was largely due to their cultural practice of working hard.¹³⁵ Koreans, Vietnamese, Chinese, and "Other Asians" have higher rates of poverty in comparison to Indians, Japanese, and Filipinos. And, what is also invisible, is how unlikely it would be for someone like Roberts, who had been enmeshed in sexual economies prior to migrating to be able to access education, resources, and upward mobility in the United States outside of informal economies.

The image of Asians as a threat is reminiscent of yellow peril discourse. Journalist Tim Wyatts, who covered the story, quotes Jackie as saying in response to whether or not she knew prostitution was occurring in her spas, "I don't have to answer that... You know what goes on in those places. I have to make money, like everyone else."¹³⁶ Similar to the two Yoo Mee's, Jackie's voice is invisible in the news coverage. And the threat posed by her operation and its transnational implication is clearly impressed upon the reader. The scale of her operations encompasses links across the U.S. from Texas to California and transnationally from South Korea to the U.S. via Canada and Mexico. The Dallas Morning News cites the fall of the madam as one that is part of a larger federal effort involving large-scale raids and indictments in Los Angeles and San Francisco.¹³⁷ And, the theme that is apparent in the unveiling of the raid is not the story of the "Dallas Madam", but rather, a larger network of human trafficking into the sex industry.

¹³³ Yuh, Ji-Yeon. 2002. *Beyond the Shadow of Camptown: Korean Military Brides in America*. (New York: New York University Press): 21.

¹³⁴ Judith Rumgay notes that the characteristics of individuals in a criminal justice system having prior victimization is clear in U.S. studies such as the American Correctional Association (2004) and Lawrence A. Greenfield and Tracy L. Snell's *Women Offenders* (1999). Public speaker Chong Kim, a survivor of human trafficking, on numerous occasions has testified about having to survive by participating in the exploitation of other women. Kim was trafficked into Nevada brothels and compelled to traffic other Korean women. "Human Trafficking in Minnesota: Women and Children Used for Forced Labor, Sexual Slavery." Kim Gengler. *Minnesota Women's Press*, July 8, 2009, <http://www.womenspress.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=2297>. (Accessed on July 15, 2009).

¹³⁵ "The Rise of Asian Americans." *The PEW Research Center*. June 19, 2012,

<http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/> (Accessed on June 19, 2012).

¹³⁶ "Madam's Fall Offers Look at Lucrative Sex Trade." Tim Wyatt. *Dallas Morning News*, May 10, 2006, http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/DN-sexdallas_08.met.State.Edition.1.ce0d677.htm (Accessed on May 10, 2006).

¹³⁷ *Ibid.*

The Dallas Morning News states federal authorities took 40 women were taken into custody to ascertain who was or was not a trafficking victim; individuals seen as victims were aided and those as criminals were deported. Only five of the 42 arrestees were eligible for human trafficking benefits that are referred to as a “T-Visa”¹³⁸ that enables survivors to stay in the United States legally, work, and receive cash-aid and medical assistance through the Office of Refugee & Resettlement. 34 of the 42 were deported. Only one of the traffickers, Mi Na, was sentenced to ten years plus for illegally harboring and aiding an alien for the purposes of prostitution. Invisible in media discussions about human trafficking is the vulnerability migrants face when they are identified not as victim, but as criminal during a law enforcement raid of a potential human trafficking ring.¹³⁹

A culturally aware lens is absent from the media portrayals of Jackie – the lack of a cultural understanding about debt and the shame of debt perpetuate invisibilities for the migrant (as trafficker and/or as trafficked).¹⁴⁰ The women were described as working in debt and their passports were taken to guarantee they would pay their traffickers. Their mobility was limited and they were under constant surveillance with cameras.¹⁴¹ It is necessary to situate how global capitalism and increased debt enables vulnerabilities to exploitation and prevents a person from leaving an exploitive situation. In differing cultures, the repercussions of being in debt are oftentimes enough to psychologically keep one in their exploitation. Therefore, there is a need to further contextualize cultural discourses about debt among Asian / American labor in the United States.

In the strategies to combat violence, popular discourse oftentimes focuses on the mode within which someone is trafficked, and not the systems that drive it – the demand.¹⁴² Kevin Bales, who is a visible academic and activist in the anti-trafficking movement, simplifies human trafficking as slavery. He writes “Slavery... is a social and economic relationship, it is a relationship marked by extreme differentials of power, by violence, and by exploitation, but it is still a relationship between two people. As a relationship it exists within a context of social, economic, and moral expectations... it is important to recognize that the ‘consumers’ of trafficked people operate within a moral economy that allows them to rationalize this activity.”¹⁴³

¹³⁸ See Appendix X.

¹³⁹ These migrants are at risk for deportation and criminalization. Political scientists Rebecca Bohrman and Naomi Murakawa assert that immigration and crime control, “has not only grown in parallel fashion, they have become more interlocking.” “Remaking Big Government: Immigration and Crime Control in the United States.” *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*. Julia Sudbury Ed. (New York and London: Routledge, 2005): 115. See Sudbury (2005) for further explanation of the prison industrial complex as a system that the “government provides a steady flow of imprisonable bodies as fuel for the transnational prison-industrial complex” (xxiii).

¹⁴⁰ A discourse of debt is not central to the argument, however, it is one element that is invisible in discussions of exploitation. I am inspired by the recent work by Jodi Kim who chaired a panel that I was a part of, “Cross-Traffic” at the *Changing Boundaries and Reshaping Itineraries: An International Conference on Asian American Expressive Culture* (June 9 – 11), hosted by Beijing Foreign Studies University. Kim’s paper, “Debt, the Shifting Grammar of Life, and Manjula Padmanabhan’s Harvest” (June 10), offered a brief analysis of a discourse of debt.

¹⁴¹ *Ibid.*

¹⁴² The demand are individuals who consume labour/services. A study by the International Office of Migration focuses on two particular sectors – domestic work and prostitution. See Appendix TT.

¹⁴³ “Understanding the Demand of Human Trafficking. Dr. Kevin Bales is Director of *Free the Slaves*, Washington DC, and Professor of Sociology at the University of Surrey Roehampton, London. He serves as a consultant to the United Nations Global Program on Trafficking in Persons, and is the author of *Disposable People: New Slavery in the Global Economy* (California:1999).

http://lastradainternational.org/lsidocs/520%20bales__understanding_the_de.pdf

I argue that systems of patriarchy, racism, and classism (citizenship and economic) normalize human trafficking as both visible in society, and invisible as part of the discourse that is infused in anti-immigration and racist policies.

Chapter Five Summary

The two Yoo Mees and Jackie are the *Yanggongju* vacillating between being hyper visible and invisible, in U.S. The representation of the *Yanggongju* as trafficked and trafficker in the media has led to her being boxed into categories that are reductive, but reflective of U.S. race and gender norms – victim / criminal; lotus blossom / dragon lady. The case of the two “Yoo Mees” and “Jackie”, perpetuate this invisible / visible paradigm of human trafficking. I illustrate how the Asian as trafficked and / or criminal is dependent on the ability to be observed and the inability to be observed at the same time. Their hypervisibility may be traced through a colonial history that led Asian American women to be exploited as comfort women and then as women in the sex industries of camptowns. Without trivializing the ongoing need for a movement opposed to “violence against women,” I showcase a reading that attempts to disrupt stereotypes. The two Yoo Mees are both constructed in the context of heterosexual violence yet women also participate in systemic violence. The case study of Jackie is useful for illustrating the complexities of how the Korean female body has come to figure in media discourse as criminal. Through examining the two Yoo Mees, I find that the American media renders visible victimization as a lotus blossom and criminality as a dragon lady. Also made invisible, is how such imaginings contribute to the perpetuation of Asians as the yellow peril in the twenty-first century.

pathetic victim⁷ and the heroic victim.⁸ And the notion of an ideal victim emerged out of the work Nils Christie⁹ as described by sociologist Sandra Walklate.¹⁰ The ideal victim¹¹ maintains the binary assumption that some victims are un-deserving of exploitation while others deserve their victimization. Walklate offers a sociohistorical development of the “victim” as tied to crime activities, which suggests that individuals become victims through policy and application of social labels.¹² “Ideal Victims” are also constructed through narratives in the media. However, I find legal scholar Jayashri Srikantiah useful for situating victimhood with the language of “perfect.” Jayashri Srikantiah validates how the iconic anti-trafficking victim is a perfect victim.¹³ A perfect victim is perceived as lacking agency and as innocent of participating in criminal activity.¹⁴ Srikantiah draws upon Walklate to chronicle perfect victims as ideal victims. I find the language of perfect victim useful in that it automatically offers the possibility of being a perfect victim or not a victim at all. The language of perfection mirrors my personal anecdotal experiences that I had while working with the anti-traffickers in my fieldwork. Oftentimes law enforcement investigators used the language of “perfect victim” to describe survivors of human trafficking whose victimization was accompanied by clear evidence beyond his or her own testimony.¹⁵ To be a perfect victim it is dependent on the victim’s ability to construct a narrative of trafficking. The burden of proof also falls upon the witness of the victim (i.e., case worker, law enforcement, health care provider) to effectively identify her / him as a human trafficking case.

The categorization of a trafficked person as a “perfect victim” is signified by anti-trafficking discourse and at the same time signifies the discourse of the movement. Here I draw upon Roland Barthes concept of the semiological system. This system is comprised of language and meta-languages that give meaning to concepts¹⁶ such as “victim.” Trafficker, trafficked and human trafficking are relationally described by and inextricably linked to other forms of violence (child abuse, physical/psychological abuse, domestic violence intersect with human

⁷ The pathetic victim in general is innocent of any wrong doings, helpless, and experiences unspeakable suffering, paralleling the image of the ideal victim. Diana Tietjens Meyers. “Two Victim Paradigms and the Problem of ‘Impure’ Victims.” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*. Vol. 2, No. 2, (Summer 2011): 265.

⁸ Heroic victims represent such a high moral standard that most of us can only dream of living up to it. Diana Tietjens Meyers. “Two Victim Paradigms and the Problem of ‘Impure’ Victims.” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*. Vol. 2, No. 2, (Summer 2011): 267.

⁹ Srikantiah draws upon Nils Christie to suggest that the perfect victim is the ideal victim whose suffering is not due to his or her own fault. “Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law.” *Immigration and Nationality Law Review*. Volume 87 (2007): 211.

¹⁰ “Changing Boundaries of the ‘Victim’ in Restorative Justice: So Who is the Victim Now?” *Handbook of Restorative Justice: A Global Perspective*. Dennis Sullivan and Larry Tifft, Eds. (New York, New York: Routledge, 2006): 273 – 285.

¹¹ “A person or a category of individual who – when hit by crime – most readily [is] given the complete and legitimate status of being a victim.” Christie, Nils. 1986. *From Crime Policy to Victim Policy: Reorienting the Justice System*. (London: Macmillan): 18.

¹² Walklate, Sandra. 2007. *Imagining the Victim of Crime*. (New York: Open University Press): 28.

¹³ Srikantiah, Jayashri. 2007. “Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law.” *Immigration and Nationality Law Review*. Volume 87: 157 – 211.

¹⁴ *Ibid.*

¹⁵ Annie Isabel Fukushima. *Lead Trafficking Case Manager & Programs Coordinator*, The SAGE Project, Inc., April 2009 – March 2011. And, *Technical Assistance provider & Trainer*, Sacramento Coalition and Contra Costa County Coalition, funded by Office of Refugee & Resettlement, June 2009 – March 2011

¹⁶ Barthes, Roland. 1957. *Mythologies*. Translated by Annette Lavers. (Paris: Editions du Seuil): 115.

trafficking).¹⁷ And multiple institutions participate in anti-trafficking initiatives that solidify the perception of a perfect victim as a status quo so as to simplify and make sense of an already abstract image. Media images of the physical abuse that victims experience are problematic in that it sustains simplistic understandings of human trafficking.¹⁸ To understand the constitution of a perfect victim calls for a critiquing of existing narratives and the situating the multiple systems that impact meaning.

Multiple forces facilitate human trafficking. There are push-pull factors that necessitate one to migrate: economic need, dislocations stemming from war, famine, limited employment, and cultural reasons.¹⁹ The push-pull factors of migration are useful for situating migrants in a transnational structure, even though it does not enable an understanding of individual desires, hopes, and concerns.²⁰

In spite of the complex reasons why one migrates (and must), an important disjuncture occurs when conceptualizing the international migrant who experiences exploitation. Their narratives are dependent on their construction as innocent and therefore perfect. To be anything else is risky in an anti-immigration climate. This is due to the conflation of trafficked migrants with *illegal migration*. Scholars such as Joseph Nevins (2002), Mae Ngai (2004), Jonathan Inda (2006), and Eithne Luibheid (2008), to name a few, have unpacked how *illegal* migration is decided by the nation-state. If the illegal migrant is contextualized by nation-states, then U.S. ideologies and practices create tension for victims of human trafficking by perpetuating an ideological standard of the perfect victim. For the international victim of exploitation, the stakes are high. The consequence of not being a perfect victim exacerbates vulnerabilities of being seen as a criminal (i.e., committing visa fraud is a felony) and therefore deportable or barred from re-entry. Anti-immigration policies such as the Illegal Immigration Reform and Immigrant Responsibility Act (1996) affirm that the U.S. is tough on immigrants who break federal laws and commit federal offenses; these individuals risk being barred permanently from re-entry into the United States.²¹ Criminalization for the undocumented migrant means that Homeland Security Intelligence may subject them to conditions, “as severe as we apply to our worst criminals.”²² Treatment of immigrants is then characterized by debates about moral character and proving that one is a perfect victim, and not about human rights.

¹⁷ The human trafficking power and control wheel diagrams the forms of abuse that trafficking victims experience that are similar to domestic violence victims: intimidation, emotional abuse, isolation, minimizing, denying, and blaming, sexual abuse, use of privilege, economic abuse, coercion, and threats. See Appendix VV. Also included in Appendix VV is the original power and control wheel developed by Ellen Pence at the Domestic Abuse Intervention Project, in the 1980s. Ellen Pence describes the making of the domestic violence wheel, “Ellen Pence, “Battered Women’s Movement Leader,” December 6, 2009, <http://www.youtube.com/watch?v=r9dZOgr78eE> (Accessed on December 26, 2009).

¹⁸ For example, historian Micheline Lessard describes human trafficking at the China-Vietnam border and the image of victims kidnapped as not new and historically defined. Human trafficking at the China-Vietnam border dates to before the establishment of Indo-China in 1885. Lessard, Micheline. 2009. “‘Cet ignoble trafic’: The Kidnapping and Sale of Vietnamese Women and Children in French Colonial Indochina, 1873 – 1935.” *French Colonial History*. Vol. 10: 3.

¹⁹ Aiko, Joshi. 2002. “The Face of Human Trafficking.” *Hastings Women’s Law Journal*. Vol. 13: 31 – 52.

²⁰ Agustin, Laura Maria. 2007. *Sex on the Margins: Migration, Labour Markets and the Rescue Industry*. (New York and London: Zed Books): 17 - 18.

²¹ Fragomen, Austin T. Jr. “The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An Overview.” *International Migration Review*. Vol. 31, No. 2 Summer 1997: 438 – 460. Also see Appendix VV.

²² Johnston, Ellis M. “Once a Criminal, Always a Criminal – Unconstitutional Presumptions for Mandatory Detention of Criminal Aliens.” *Georgetown Law Journal* Vol. 89 (2000 – 2001): 2596.

In this chapter I elucidate how trafficked Filipinas in feminized global industries characterize notions of perfect victims. The theoretical framing is followed by case studies, Cindy and Tess, as a means to provide a close read of human trafficking and the notion of a perfect victim. Analyzing these cases, I argue that victims are then problematically deemed as victim or not a victim due to perceptions of choice, illegal migration, and existing narratives of who is constituted as trafficked.

I chose the case of Cindy and Tess due to the commonality between Cindy and Tess – the commodification of intimacy. The commodification of intimacy is defined by Nicole Constable as, “the ways in which intimacy or intimate relations can be treated, understood, or thought of as if they have entered the market: are bought or sold; packaged and advertised; fetishized, commercialized, or objectified; consumed or assigned values and prices; and linked in many cases to transnational mobility and migration, echoing a global capitalist flow of goods.”²³ Intimate labor is work for an employer in which there is personal face-to-face contact, and the worker responds to fulfilling the needs expressed by the recipient. Cindy is employed as a domestic worker. As for Tess her work bridges the gap between a domestic work and the sex industry. I have selected these cases due to the need to juxtapose similar, yet different forms of trafficking within a single ethnic group (Filipino in this case). This enables an understanding of perfect victims.

1. Setting the Stage: The Service Sector, Global Economy, and Human Trafficking

The works of Catherine Ceniza Choy (2003) and Rhacel Salazar Parrenas (2001) provides historical analysis of how immigration and labor are intrinsically tied to global economies. The Philippines is a major exporter of people as hundreds of thousands of Filipinas/os migrate abroad for work to countries such as the United States, Japan, United Arab Emirates, and Hong Kong. How the Philippines figures into the global economy is historically shaped by relationships to locational centers²⁴ in the Global North. Although California is not a *global city*, California is central to the landscape of migration flows between the United States and countries located in Asia and Latin America (in particular Los Angeles, and to a lesser extent, San Francisco). The flow of Filipino migrants and material goods from the Philippines to East Asia, the Americas, and Europe dates to the 1500s.²⁵ This is due to Spain’s colonial history in the Americas and the Asia-Pacific, in particular, the Philippines, Guam, Mariana Islands, Palau, Micronesia, and parts of Taiwan.

The Philippines has historical significance for the U.S. and its expansion of its territories, resources, and nation. In the late nineteenth century U.S. colonial authority over the Philippines was solidified in 1898 with the signing of the Treaty of Paris by which the Philippines, Guam, Puerto Rico, and Cuba became U.S. territories. This treaty redefined U.S. relations to the Asia-Pacific. In 1900 Senator Albert Beveridge is cited as saying:

Our largest trade henceforth must be with Asia. The Pacific is our Ocean. The power that rules the Pacific, therefore is the power that rules the world. And with

²³ Constable, Nicole. June 12, 2009. “The Commodification of Intimacy: Marriage, Sex, and Reproductive Labor.” *The Annual Review of Anthropology*. Volume 38: 49 – 65.

²⁴ Saskia Sassen assessment of global cities is due to increased capital. Saskia Sassen. 2001. *The Global City: New York, London, Tokyo*. Second Edition. (New Jersey: Princeton University Press): 35.

²⁵ Slack Edward R. Jr. “The *Chinos* in New Spain: A Corrective Lens for a Distorted Image.” *Journal of World History*. Vol. 20, No. 1, March 2009: 35 – 67.

the Philippines, that power is and will forever be the American Republic.²⁶

The centrality of the Philippines in U.S. history is described in the events that led to and occurred during the Philippine-American War (1899 – 1902). Historian Paul Alexander Kramer chronicles the colonial violence and racism that took place prior and during the war. The attitudes towards Filipinos were one of fear and benevolence. The incorporation of the Philippines into the United States included anxieties of the “hordes” of Filipinos that would migrate to the United States.²⁷ Other images were contrasting from the Filipino as a savage to the Filipino as educable.²⁸ When Filipinos resisted U.S. occupation, photographs of dead Filipinos were “trophies among U.S. journalists and soldiers.”²⁹ In 1902 the conflict ended with the capture of president Emilio Aguinaldo and the establishment of the Organic Act of 1902 that gave the U.S. authority over the Philippines. Unlike other countries in the Asia-Pacific who had been barred from migrating to the U.S. with the passage of Chinese Exclusions (1882) and the Asiatic Barred Zone Act (1917) Filipinos were able to migrate to the U.S up until 1934. The image of the Philippines as a part of the American Republic did not lead Filipinos to be greeted with open arms. Large portions of Filipino migrants 1920s – 1930s were unskilled agricultural workers who experienced a society that viewed them as “unassimilable” and “brown monkeys.”³⁰ The passage of the 1934 Tydings McDuffie Act signified Philippines independence and also located Filipinas/os as perpetual foreigners in the United States.

The treatment of Filipinos in the United States is connected to U.S. history of colonization of the Americas and treatment of people of color as second-class citizens in general. How Filipinos have come to matter in the United States is in their role first in agricultural production and later with low service work. The treatment of Filipinos and the demand for their labor is reflective of what Aime Cesaire characterizes as the relationship between the colonizer and the colonized. The colonized are the “instrument(s) of production.”³¹ The U.S no longer formally colonizes the Philippines. The manifestations of colonial relations explain the relationship between the Philippines and the U.S. Ethnic Studies scholar Rhacel Salazar Parrenas best describes the migration and colonialism in her 2008 publication *The Force of Domesticity: Filipina Migrants and Globalization*, “migrant flow of domestic workers suggests a contemporary colonial trade relationship with poor countries, sending neither raw materials nor manufactured goods but rather a (female) labor supply of care workers to richer countries.”³² The trade relations in conjunction with U.S. racist and sexist practices create vulnerabilities for Filipina/o migrants.

The twenty-first century image of Filipinos is as transnational migrants – Filipinos are

²⁶ Albert J. Beveridge, Senator. “U.S. Senator Albert J. Beveridge speaks on the Philippine Question.” U.S. Senate. Washington D.C. January 9, 1900.

²⁷ Paul A. Kramer. *The Blood of Government: Race, Empire, The United States & the Philippines*. (North Carolina: The University of North Carolina Press, 2006): 119.

²⁸ *Ibid* at 127.

²⁹ *Ibid* at 126.

³⁰ Rhacel Salazar Parrenas. “‘White Trash’ Meets the ‘Little Brown Monkeys’: The Taxi Dance Hall as a Site of Interracial and Gender Alliances between White Working Class Women and Filipino Immigrant Men in the 1920s and 30s.” *Amerasia Journal*. Volume 24, Issue 2: 115 – 134.

³¹ Cesaire, Aime. 1972. *Discourse on Colonialism*. Translated by Joan Pinkham. (New York: Monthly Review Press): 6.

³² *The Force of Domesticity (Nation of Newcomers: Immigrant History as American History)* NYU Press short. Kindle Edition. (Kindle Locations 893-894).

constantly on the move. In 1960 a mere 104,843 Philippine-born individuals lived in the United States. By 2008, Filipinos in the U.S. numbered 1,684,802 people (an increase of approximately one-thousand five-hundred and seven percent).³³ California hosts the highest numbers of Filipino born nationals – forty-six percent³⁴ of the Filipino population in the U.S.³⁵ There is a demand for Filipinos in laboring industries, in which in order for capitalism to continue to thrive, the labor of Filipinos is devalued. This (de)valuation has created susceptibilities to exploitation for Filipino migrants in the Philippines and abroad. The production sites for Filipinos are traceable in global care chains: “a series of personal links between people across the globe based on the paid or unpaid work of caring.”³⁶ Analyzing the care chain of domestic work is useful, and I broaden it to include chains that are determined by exploitation – human trafficking. Migrant Filipinos are seen as “new national heroes” due to their essential roles in the economic and political stability in the Philippines.³⁷ In 1974 the Philippines enacted an official policy to combat domestic unemployment through supporting Overseas Filipino Workers. In 2008 it was estimated that 8.7 million migrants from the Philippines sent back to the Philippines more than twelve billion dollars each.³⁸ The focus on statistics renders migrants as faceless objects of study, an objectification that disables an understanding of migrants as complex transnational agents.

Domestic work and care industries, and the relationship such industries have to exploitation is a part of the U.S. cultural ideological landscape; this is apparent in recent media representations of maids and childcare workers and cleaners. The media coverage of the demands for the “helping hand” as care givers, maids, and nannies is embedded in U.S. cultural productions such as films,³⁹ television shows,⁴⁰ and cartoons.⁴¹ It also manifest in “real life” incidents that fall under public scrutiny in major newspapers and newscasts. In 2011 Dominique Strauss-Kahn, former chief of the International Monetary Fund, was accused of raping a hotel

³³ Another estimate for 2010, is that Filipinos number 2.3 million. This would be a two-thousand and ninety-three percent increase from 1960. “The Rise of Asian Americans.” *The PEW Research Center*. June 19, 2012, <http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/> (Accessed on June 19, 2012): 42.

³⁴ Actual: 46.7%

³⁵ Aaron Terrazas and Jeanne Batalova. “Filipino Migrants in the United States.” *Migration Policy Institute*. US in Focus. April 2010. <http://www.migrationinformation.org/usfocus/display.cfm?ID=777> (Accessed on September 29, 2011).

³⁶ Hochschild, Arlie Russell, “Global Care Chains and Emotional Surplus Value.” *On the Edge: Living with Global Capitalism*. Will Hutton and Anthony Giddens, Eds. (London: Jonathon Cape, 2000) 130 - 131.

³⁷ Rodriguez, Robyn M. July 1, 2010. “Migrant Heroes: Nationalism, Citizenship and the Politics of Filipino Migrant Labor.” *Citizenship Studies*. Vol. 6, Issue 3: 341-356.

³⁸ Center for Migrant Advocacy and Friedrich Ebert Stiftung. June 2009. *The Philippines: A Global Model on Labor Migration?* Second Edition.

<http://www.google.com/url?sa=t&rct=j&q=center%20for%20migrant%20advocacy%20and%20friedrich%20ebert%20stiftung.%20%20june%202009.%20%20the%20philippines%3A%20%20a%20global%20model%20on%20labor%20migration%3F%20%20second%20edition.&source=web&cd=2&ved=0CFMQFjAB&url=http%3A%2F%2Fcenterformigrantadvocacy.files.wordpress.com%2F2012%2F06%2Fthe-philippines-a-global-model-on-labor-migration.doc&ei=6AkXUI65BIjXrAGahIDADg&usq=AFQjCNFuCP4LUJA3Llce0dV9Ppa7vG8U0g> (Accessed on July 15, 2011).

³⁹ *Maid in Manhattan*. Dir., Wayne Wang. Revolution Studios, 2002. Film.

⁴⁰ *Mad Men*. AMC, 2007. Television Series; *The Brady Bunch*. Paramount Television, 1969. Television Series; and *The Jeffersons*. 1975. Television Series.

⁴¹ *The Jetsons*. Hanna Barbera, 1962. Television Series.

worker from West Africa in a New York hotel.⁴² Celebrity cases such as Kobe Bryant allegedly raping a hotel worker⁴³ and Arnold Schwarzenegger having a sexual relationship with a domestic worker during the worker's employment within his home perpetuate⁴⁴ images of women of color as laboring and sexually pleasing. Maid cases illustrate the treatment of women of color in service sectors and the consequences when immigrant workers speak publicly about their experiences of sex / abuse. The image of domestic workers as a threat to their female employers or as passive and (sexually) available evokes that domestic work is not merely about labor, but also carries cultural norms and assumptions about intimacy and sex.

This image of intimacy and sex demands of Filipinas stems from the 1980s. Neferti Tadiar describes the beginning of the Ferdinand Marcos authoritarian regime as, "in this misogynist, homophobic and racist worldview, pussy is not only what the Philippines *has*, it is what the Philippines *is*."⁴⁵ U.S. presence in the Philippines led to the development of sexual economies in U.S. military bases.⁴⁶ U.S.-Philippine relations are described by Neferti Tadiar as the prostitution of the nation (the Philippines) through feminized labor.⁴⁷ Prostitution⁴⁸ of the Philippines is not simply about Filipina women working in sexual economies, it is also symbolic of the status of the Philippines in the global economy. It is illustrative of the feminized commodification of Philippine labor. Filipinas represent feminized labor through their participation in domestic work and sexual economies.

Filipinos working abroad are vulnerable to perilous situations. E. San Juan Jr. provides a snapshot of the scope of the dangers:

Over four million more leave, without proper/legal travel and work permits, for unknown destinations. About 3-5 coffins of these [Oversea Filipino Workers] arrive at the Manila International Airport everyday. Obviously the reason is not for adventure or tourism, or even for an exciting, less constrained life.⁴⁹

The number of Filipino women pushed to work abroad increased in the twenty-first century due to the lack of viable opportunities in the Philippines. In 2009, seventy-one thousand Filipino women left the country to work as workers / helpers in private households; they made up twenty-

⁴² "The Maid's Tale." Christopher Dickey *Newsweek Magazine*. July 25, 2011:

<http://www.thedailybeast.com/newsweek/2011/07/24/dsk-maid-tells-of-her-alleged-rape-by-strauss-kahn-exclusive.html> (accessed on September 28, 2011).

⁴³ "Kobe's Sitting Pretty; Five years after rape charges, Bryant again becomes an appealing endorser." Tim Lemke. *The Washington Times*. C01. May 13, 2008.

⁴⁴ "Mildred Baena, Arnold Schwarzenegger's mistress breaks silence." *CBS / Associated Press*, June 14, 2011. http://www.cbsnews.com/8301-31749_162-20071135-10391698.html (accessed on September 28, 2011).

⁴⁵ Neferti Xina M. Tadiar. 1998. "Prostituted Filipinas and the Crisis of Philippine Culture." *Millennium – Journal of International Studies*. Vol. 27, No. 4: 927

⁴⁶ A survey done by women's research institution estimated that 55,000 women were in prostitution in Angeles and Olongapo alone. Sturdevant, Sandra Pollack and Brenda Stoltzfus, Eds. 1992. *Let the Good Times Roll: Prostitution and the U.S. Military in Asia*. New York, New York: The New Press.

⁴⁷ Neferti Xina M. Tadiar. 1998. "Prostituted Filipinas and the Crisis of Philippine Culture." *Millennium – Journal of International Studies*. Vol. 27, No. 4: 927 – 954.

⁴⁸ Neferti Tadiar defines the prostituted woman as, "the figure for the sacrifice of one's moral integrity, conceived as feminine sexuality, and the trammeling of one's sovereignty, conceived as masculine authority – looses which the 'culture, as a result of its state-keepers betrayal, now suffers.'" *Ibid* at 928.

⁴⁹ E. San Juan Jr. "Overseas Filipino Workers: The Making of an Asian-Pacific Diaspora." *The Global South*. Vol. 3, No. 2, Fall 2009.

one percent of the newly hired in the top ten job categories abroad.⁵⁰ As Filipina migrants filled jobs demanding cheap labor, U.S. anti-immigration sentiment marked by the passage of laws such as Senate Bill 1070, Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) 1996 and California's Proposition 187, suggesting that migrants are free to work in the U.S. (and desired as laborers) albeit with limited rights. The lack of support systems in U.S. governmental and non-governmental institutions creates and sustains vulnerabilities for workers and immigrants traveling abroad. These vulnerabilities have led immigrants experiencing violence such as maltreatment, sexual harassment, rape, and human trafficking. And, not only are individuals impacted by transnational violence, their families are too. When workers sustain separation from their family children suffer. Currently there are two million children left behind in the Philippines without mothers.⁵¹ In particular these vulnerabilities are apparent in limited upward mobility or lack of diverse job opportunities. Cases that I supported as an advocate in my fieldwork led me to witness migrants being re-exploited after initially having left their trafficking because the industries they were trafficked into were the only industries in which they were raced and gendered eligible for employment.⁵²

Exploitive industries produce what is referred to as a "slavery footprint" across nation-state boundaries. A slavery footprint is a pattern of systemic violence that may be tracked transnationally through multiple institutions. The slavery footprint is similar to other systems that map footprints, such as the carbon footprint of U.S. militarisms. These footprints are exemplified by service industries (i.e., sex and labor). According to the 2011 Trafficking in Person's Report, a strategy for countries to prevent human trafficking occurs through, "acknowledging and addressing its own 'slavery footprint.'" By stopping procurement of goods made and services provided on the backs of forced laborers each government can drastically shift the economic policies that perpetuate modern slavery."⁵³ However, economic policy is only one strand of the matrix of conditions that lead to exploitation. The status of a country's human rights policies and practices also create vulnerabilities.

Beginning each year the United States evaluates countries for their response to human trafficking.⁵⁴ Countries are placed in Tier 3 if it is ascertained that they do not comply with the minimum standards of addressing human trafficking and are not making meaningful attempts to

⁵⁰ "World March of Women." *Coalition Against Trafficking in Women Asia Pacific*. March 8, 2011. <http://catwap.wordpress.com/> (Accessed on September 29, 2011).

⁵¹ *Ibid.*

⁵² Annie Fukushima and Cindy Liou. "Weaving Theory and Practice: Anti-Trafficking Partnerships and the Fourth 'P' in the Human Trafficking Paradigm." *Human Trafficking is Global Slavery*. Stanford Human Rights Journal, 2012.

⁵³ "Moving Toward a Decade of Delivery – Prevention." *Office to Monitor and Combat Trafficking in Persons: Trafficking in Persons Report 2011*. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2011/166768.htm>

⁵⁴ TIER 1: Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards. TIER 2: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards. TIER 2 WATCH LIST: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. TIER 3: Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so. <http://www.state.gov/j/tip/rls/tiprpt/2011/164228.htm>.

do so.⁵⁵ The United States Department of State Office to Monitor and Combat Trafficking in Persons perceives of the Philippines as a top ten country of origin for victims of human trafficking. In fiscal year 2010 the Philippines was listed as one of the top ten countries of origin for foreign victims.⁵⁶ In 2011 the Philippines moved up in TIP ratings from level Tier 3 Watch to Tier 2. Although the Philippines is improving in its anti-trafficking responses, the country's success is dependent on how it is figured in the global economy in an era that can be referred to as a postcolonial state.

The case of Cindy and Tess is useful for micro-analysis of the transnational structures that facilitate human trafficking from the Philippines to the United States. I provide a nuanced reading of systemic violence through different forms of trafficking – labor and sex. Both cases are exemplary of transnational violence that is normalized by a pattern of U.S. – Philippine relations. However, within the U.S. context they differ in how they are constructed as either human trafficked and perfect victims / or imperfect victim and not trafficked.

2. Cindy & Tess

Cindy's case received a wide range of media coverage that revealed her name. Tess's nicknames (two separate nicknames, one identified from law enforcement and lawyers and the other from her traffickers) appeared in legal court documents. I have chosen not to use their real names. Rather than reproduce the public exposure of the survivor, I draw attention to the lessons learned from their narratives. Cindy and Tess are both recognized as human trafficking victims and both survivors were recognized as human trafficking victims by federal authorities (law enforcement recognized Cindy's victimization and Tess received immigration relief as a victim of human trafficking). The outcomes of the two cases diverged greatly: Cindy's abuser was recognized as a trafficker while Tess's abusers were recognized as human smugglers. I do not want to uphold the law as the only site of narrative production, but it is important to discuss these two cases next to each other. As Cindy's narrative became headline news, Tess's story was altogether invisible to the public at large because there was no media coverage of her trafficking. I examine Cindy and Tess and their experiences of exploitation as a *perfect victim* and an *imperfect victim*, respectively.

3. The Case of Cindy: The Perfect Victim

THELMA GUTIERREZ, CNN CORRESPONDENT (voice-over): From New York to Los Angeles, a secret labor force is hard at work in the fields, garment shops, restaurants, even in some homes. We're not just talking about undocumented workers.

DAN STORMER, RUIZ'S ATTORNEY: Slavery is alive and well. Trafficking of slaves is alive and well.

GUTIERREZ: We're talking about modern-day slaves living and working in this

⁵⁵ "Tiers: Placement, Guide, and Penalties for Tier 3 Countries." *Office to Monitor and Combat Trafficking in Persons*. October 11, 2011. <http://www.state.gov/g/tip/rls/tiprpt/2011/164221.htm> (accessed on September 29, 2011).

⁵⁶ The top countries of origin for foreign victims in FY 2010 were Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador, and the Dominican Republic. "Country Narratives: Countries Through Z – United States." *Office to Monitor and Combat Trafficking in Persons: Trafficking in Persons Report 2011*. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm>

country without pay and against their will.⁵⁷

The interview between Dan Stormer, one of the prosecuting attorneys that represented the human trafficking survivor “Cindy,”⁵⁸ and *CNN* correspondent Thelma Gutierrez, portrays human trafficking as impacting the United States from coast-to-coast. In this high profile human trafficking case, James and Elizabeth Jackson (a.k.a. The Jacksons) fell under public and legal scrutiny. They were prosecuted for trafficking a Filipina, Cindy, into domestic servitude. This case made headline news in 2004.⁵⁹ James Jackson was the former vice president of legal affairs at Sony Pictures and Elizabeth was his wife. Less visible in the media was that Elizabeth is also a Filipina; in a survey of the media coverage, Elizabeth’s national origin was only identified in Filipino media networks.⁶⁰ In contrast, Cindy’s ethnic identity was clearly described in the media. Cindy was a former schoolteacher⁶¹ who was brought to work in the Jackson’s home in Culver City, California in 2001. Her migration to California led her to leave her children behind in the small village where she had grown up in the Philippines.⁶² Although Elizabeth was also a Filipina, Cindy and Elizabeth were defined by difference in class; this class difference between the employee and the employer exacerbated the power dynamics and exploitation.⁶³ Michael J. Gennaco, a member of the board of directors for the organization that aided Cindy, Coalition Against Slavery & Trafficking, describes the significance of class: “Class differences...are used by traffickers to exploit victims.”⁶⁴ Cindy left her abusers a year after her employment in 2002. Thereafter, in 2003, a lawsuit was filed by Cindy’s attorney against the Jacksons for involuntary servitude, violation of the California Labor Code, false imprisonment and invasion of privacy.

Cindy fits the bill of a perfect victim due to the visibility of force, fraud *and* coercion in her trafficking experience. The fate of the Jacksons in 2004 depended on whether or not a jury would find them guilty of trafficking sixty year-old Cindy into domestic slavery through force, fraud, and/or coercion (the elements needed to legally prove human trafficking). On August 25, 2004, a headline on the front page of Santa Monica Daily Press read, “‘Slave’ case rests in the hands of jury.” Cindy’s experience encompassed all elements of force, fraud, and coercion. Cindy was brought to the U.S. on false pretenses. Originally Cindy was offered a job as a traveling companion and caretaker for Elizabeth Jackson’s mother. Instead, she was immediately transferred to the Jackson home to be the Jackson’s maid.⁶⁵ Cindy was forced to

⁵⁷ “The World’s largest employment category for children under 16 is domestic work in the homes of others.” Transcripts. Anderson Cooper 360 Degrees. *CNN*. January 24, 2007.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ “Pinay’s Former Bosses Plead Guilty to Human Trafficking.” Yong B. Chavez. *Filipino Online*. August 22, 2007. <http://filipinonline.blogspot.com/2007/08/pinays-former-bosses-pleads-guilty-to.html>

⁶¹ “Hollywood Executive Treated his Filipina Maid like a Slave.” Andrew Gumbel. *Independent on Sunday*. First Edition, Foreign News (September 12, 2004): 21.

⁶² “The World’s largest employment category for children under 16 is domestic work in the homes of others.” Transcripts. Anderson Cooper 360 Degrees. *CNN*. January 24, 2007.

⁶³ “Hollywood Lawyer, Pinay Wife in Slavery Conviction File Bankruptcy.” Janet Napales. *GMA News*, February 6, 2008, <http://www.gmanetwork.com/news/story/79553/pinoyabroad/hollywood-lawyer-pinay-wife-in-slavery-conviction-file-bankruptcy> (Accessed on February 6, 2008).

⁶⁴ *Ibid.*

⁶⁵ “Hollywood Lawyer, Pinay Wife in Slavery Conviction File Bankruptcy.” Janet Napales. *GMA News*, February 6, 2008, <http://www.gmanetwork.com/news/story/79553/pinoyabroad/hollywood-lawyer-pinay-wife-in-slavery-conviction-file-bankruptcy> (Accessed on February 6, 2008).

“sleep on a dog bed and work long hours”⁶⁶ and after a year during which she toiled for 18 hours a day, she was paid \$300. In the sentencing of Elizabeth Jackson, U.S. District Judge Dale Fisher opined, “It seems [Elizabeth] treated her dog much better than she treated her victim [Cindy].”⁶⁷ Cindy’s victimization is central to the power dynamics that impact the relationship between traffickers and trafficked. Their difference is portrayed in media coverage of the court hearings, one of which stated, “Ruiz dressed in a blue suit, looked down through most the closing arguments on Tuesday, while Elizabeth Jackson sat upright and seldom glanced at the Jury.”⁶⁸ Cindy’s experience also constituted force in which she underwent many abuses included never being taken to a doctor,⁶⁹ physical abuse by Elizabeth Jackson, who was said to have regularly slapped and pulled Cindy’s hair.⁷⁰ Additionally, Cindy was coerced to stay in her exploitive situation. The Jacksons frequently threatened to call the police and immigration authorities, telling Cindy that she would be “locked up” and would “never see her family again.”⁷¹ Cindy’s experience embodied the image of exploitation. During her employment with the Jacksons, she was not mobile and free to move without surveillance, and she was isolated in that talking with other people was discouraged.⁷² The turning point for Cindy occurred in February 2002 when she was hit in the mouth with a water bottle; in response she fled to a neighbor’s house to ask for help.⁷³

Cindy is a perfect victim because the prosecutor was able to convict one of her traffickers on human trafficking charges (forced labor), which suggests the case was without a doubt human trafficking. The image of a perfect victim is dictated by assumptions about immigration, how the experience fits in a larger anti-trafficking narrative. The fact that prosecutors are able to close a human trafficking case (like Cindy’s) with human trafficking charges implies that legal system sees the case as a perfect victim case. The charges against the Jacksons sent a message about acceptable and unacceptable exploitation: certain illegal types of exploitation lead to heavier penalties, while acceptable exploitation results in a lower conviction to no conviction and in some cases, fines. Elizabeth Jackson faced more severe charges than her codefendant and husband, James. Charges against James Jackson were dismissed⁷⁴ except for charges of *illegal harboring of an alien*.⁷⁵ James Jackson was ordered to perform 200 hours of community service

⁶⁶ “‘Slave’ case rests in the hands of jury.” Geneva Whitmarsh. *Santa Monica Daily Press*. Vol. 3, Issue 24. August 25, 2004.

⁶⁷ “Couple sentenced in maid abuse case.” *USA Today*. January 29, 2008: http://www.usatoday.com/news/nation/2008-01-29-2013858599_x.htm (Accessed on September 28, 2011).

⁶⁸ “‘Slave’ case rests in the hands of jury.” Geneva Whitmarsh. *Santa Monica Daily Press*. Vol. 3, Issue 24. August 25, 2004.

⁶⁹ “Couple sentenced in maid abuse case.” *USA Today*. January 29, 2008: http://www.usatoday.com/news/nation/2008-01-29-2013858599_x.htm (Accessed on September 29, 2011).

⁷⁰ “Couple Sentenced for Slavery of Pinay.” Cynthia De Castro. *The Asian Journal Blog*. January 29, 2008: Asianjournal.com

⁷¹ “Maid Who Won Suit Against Sony Executive Decries Slavery.” Laura Wides. *Sacramento Bee*. September 3, 2004: <http://www.genderberg.com/phpNuke/modules.php?name=News&file=article&sid=9>

⁷² “‘Slave’ case rests in the hands of jury.” Geneva Whitmarsh. *Santa Monica Daily Press*. Vol. 3, Issue 24. August 25, 2004.

⁷³ “Hollywood Executive Treated his Filipina Maid like a Slave.” Andrew Gumbel. *Independent on Sunday*. First Edition, Foreign News (September 12, 2004): 21.

⁷⁴ “Couple Sentenced for Slavery of Pinay.” Cynthia De Castro. *The Asian Journal Blog*. January 29, 2008: Asianjournal.com (Accessed on September 29, 2011).

⁷⁵ “Couple sentenced in maid abuse case.” *USA Today*. January 29, 2008: http://www.usatoday.com/news/nation/2008-01-29-2013858599_x.htm (Accessed on September 29, 2011).

and to pay a fine of 5,000 dollars.⁷⁶ James Jackson was convicted for knowing that Cindy's visa had expired, and still allowing her to work in their home. It was the relationship between Elizabeth and Cindy that defined the experience as trafficking. In contrast, Elizabeth Jackson faces forty-six months in prison on charges of forced labor.⁷⁷

In the civil case, Cindy was awarded \$825,000 in damages.⁷⁸ Her lawyer is quoted as saying in response to restitution, "You can't give her dignity back, but our system deals in dollars. Can it be \$1 million? Yes. Can it be \$2 million? Yes." Although it could have been \$2 million, Cindy was awarded \$825,000 in damages. Prior to the case going to trial, the Jacksons filed for bankruptcy.⁷⁹ Cindy is not guaranteed to see any of the money when there are no assets or money to pull from. After two and half weeks, the case was closed.⁸⁰

Not only is Cindy constructed as a perfect victim; she is also the heroic victim. The Manila Times placed a positive spin out the outcome by declaring, "The decision puts exploitative employers on notice that their abuse of domestic help will not be tolerated."⁸¹ Cindy is positioned as a heroic victim because of her role as a "new hero" for the Philippines, and her heroism on behalf other survivors. In the *Sacramento Bee* Cindy is quoted as saying, "Slavery still exists, and I want to tell victims they should not tolerate it and should not be afraid to seek help."⁸² Cindy participates in anti-trafficking discourse and the movement's call to rescue victims. This present day paradigm perpetuates the ability for survivors to leave, and even heroically help others leave.

Cindy is portrayed as a perfect victim because her narrative is dependent on her portrayal as being helpless – law enforcement and Non-Governmental Organization are portrayed as her rescuers even though she fled her own exploitation. Similar to other trafficking narratives, the role of law enforcement in combating human trafficking is clear. Julie Myers Homeland Security Assistant Secretary for U.S. Immigration and Customs Enforcement says that her agency's goal is to "send a message to those who traffic in human beings that ICE is committed to protecting those who cannot protect themselves." And the Coalition to Abolish Slavery & Trafficking has made visible their role in helping Cindy to become a certified nursing assistant.⁸³ Such retraining for another occupation is depicted as crucial for survivors of human trafficking to take steps towards healing.

Trafficking to the United States is rendered visible by cases that are able to fit the definition of involving individuals whose "choices" were denied. Cindy's lack of choices made her a perfect victim. Her visible lack of choice was dictated by the force, fraud and coercion she experienced that kept her in her exploitation for the year. Immigration status impacts whether

⁷⁶ *Ibid*

⁷⁷ "Former California Couple Pleads Guilty to Human Trafficking Charges." *Department of Justice*. Case # 07-637.

⁷⁸ "Couple Sentenced for Slavery of Pinay." Cynthia De Castro. *The Asian Journal Blog*. January 29, 2008: Asianjournal.com (Accessed on September 29, 2011).

⁷⁹ "Hollywood Lawyer, Pinay Wife in Slavery Conviction File Bankruptcy." Janet Napales. *GMA News*, February 6, 2008, <http://www.gmanetwork.com/news/story/79553/pinoyabroad/hollywood-lawyer-pinay-wife-in-slavery-conviction-file-bankruptcy> (Accessed on February 6, 2008).

⁸⁰ "Filipina Who Says She was a Slave Wants Family Here." K. Connie Kang. *Los Angeles Times*. September 6, 2004.

⁸¹ "Hollywood executive treated his Filipina maid like a slave." Andrew Gumbel. *The Independent*. September 12, 2004. <http://www.independent.co.uk/news/world/americas/hollywood-executive-treated-his-filipina-maid-like-a-slave-545878.html> (accessed on September 29, 2011).

⁸² Laura Wides. "Maid Who Won Suit Against Sony Executive Decries Slavery." *Sacramento Bee*. September 3, 2004: <http://www.genderberg.com/phpNuke/modules.php?name=News&file=article&sid=9>

⁸³ *Ibid*

one is seen as a perfect victim, Cindy's age and her limited English set the stage for her to be seen as a perfect victim who was in need of rescue.⁸⁴ The case rested on not only the violence that Cindy experienced, but also on the fact that though she was illegal. She was able to illustrate how she illegally migrated even though it was not by her own volition. As the story unravels it is clear that what is integral to Cindy's narrative is her victimization.

Cindy is depicted as a perfect victim, and yet there are still gaps in her story: gaps of addressing the complicity of communities in exploitation and the limited changes to the structure that creates vulnerability (i.e., job access in a career Cindy had training in). Cindy is an example of the normalization of a laboring third world poor existing in first world centers such as the United States. The slavery footprints that cross from the Philippines to California parallel general labor demands that local communities participate in. Annalisa Enrile, Gabriela Network USA chairperson, best describes how systemic the transnational dynamics of exploitation flow when she says, "I think it's to our benefit that we are made aware that things like this are not only done by menacing foreigners."⁸⁵ In the case of Cindy, her trafficker is also a Filipina. I do not delve deeply into mothering third world women; it must be noted in thinking through the class dynamics between Cindy and her employer. Discussions about transnational mothering are absent in Cindy's narrative in the media and legal discourse. Her physical absence from home necessitates new modes of showing her motherhood through remittances and gifts, telephone, and support systems from family members.⁸⁶ Scholarly illustrations of migrant mothers focus on transnational motherhood through the context of migration, separation and reunification. Not only is there a demand for Filipino laborers in the United States, Filipinos themselves such as Elizabeth Jackson, are complicit in the exploitation of other Filipinos. Filipinos may not speak about the violence or abuse they experience by another Filipino due to a sense of being in debt to that person for helping them. In the analysis of slavery footprints between the Philippines and the United States, it is not merely about the demand for cheap laboring bodies in the United States. Local communities participate in such exploitation. The challenge is that as even though there are attempts to help survivors of human trafficking to leave the systems of violence in the industry in which Cindy worked, Cindy, and survivors like her, are not set up for automatic job success, which creates their vulnerability to begin with. Cindy was a schoolteacher in the Philippines, however, even after she left her exploitation, she entered into stereotypical industries that Filipinas may be found in, instead of finding employment in education and teaching.

4. The Case of Tess: Challenging the Perfect Victim Stereotype

Annually 150,00 women are trafficked into Japan's sex industry. They are among the

⁸⁴ Harold, Marc M. 2006 – 2007. "A New Kind of Traffic(king) Cop on the International 'Beat' of Human Trafficking." *Charleston Law Review*, Vol. 97: 97 – 122.

⁸⁵ "Pinay's Former Bosses Plead Guilty to Human Trafficking." Yong B. Chavez. *Filipino Online*. August 22, 2007. <http://filipinonline.blogspot.com/2007/08/pinays-former-bosses-pleads-guilty-to.html> (Accessed on September 29, 2011).

⁸⁶ Fresnoza-Flot, Asuncion. 2009. "Migration Status and Transnational Mothering: The Case of Filipino Migrants in France." *Global Networks*, Vol. 9, Issue 2: 252 – 270.

millions in Asia trafficked for sex annually.⁸⁷ Within the Philippines it is estimated that 100,000 children are trafficked into prostitution.⁸⁸ Janice Raymond illuminates a growing movement to reduce prostitution and trafficking for prostitution.⁸⁹ The movement to combat human trafficking has sparked important changes to legislation in the United States. The case that is analyzed in this chapter falls outside the labor trafficking and sex trafficking divides, even though the expectations of Filipinos and sexual services is defined by U.S. perceptions of the Philippines.⁹⁰ Cases that become visibly “news worthy” are those like the “Two Swedes jailed for life for running a Philippine cybersex den.”⁹¹ Bo Stefan Sederholm and Emil Andreas Solemo were found guilty of trafficking charges. While such cases of transnational sex trafficking have made news headlines, they eventually are forgotten and are viewed as located as elsewhere.

The case that will never make headline news is the case of *United States v. Lundbergs*.⁹² In a survey of the media coverage, to date, no media coverage of the case exists. This case highlights ongoing invisibilities of sexual exploitation and servitude of maids in which Eric and Susan Lundberg (the Lundbergs) trafficked a Filipina to California – “Tess.”

“The Lundbergs” are a married couple and have been married since 1969.⁹³ Prior to being convicted, Eric Lundberg was an attorney and former police officer and his wife, Susan, a schoolteacher. Upper-middle class whites living in Concord, California they also had what the courts referred to as a “sexually extroverted lifestyle.” While sex tourists to the Philippines the Lundbergs recruited Tess to work as a maid in their home in Concord, California for a nominal amount of money.⁹⁴ Tess grew up in an impoverished town in the Philippines and she ended up working in the sex industry to support her family.

The case of Tess departs from common narratives of labor exploitation and domestic servitude in the public discourse. The defendants’ sentencing memorandum suggested that sexual contact with Tess was “consensual” and should be stricken from the record. Whether a person is sex trafficked, labor trafficked or sex and labor trafficked, perfect victims are historically understood as those who lack choices. As part of their evidence, family members of the Lundbergs submitted supporting documents to show that Tess was treated “like part of the family” and that her abuse was “doubtful.”⁹⁵ In the closing of the case hearing, it was judged on November 18th, 2009 at the Northern District of California U.S. District Court, that:

⁸⁷ The Bangladeshi–Pakistan and Nepal–India estimates come from the Centre for Women and Children Studies, 1997, *Fact-Finding National Workshop on Trafficking in Women and Children*, Dhaka, Bangladesh, May 23–25, p. 33. However, a report from the Lawyers for Human Rights and Legal Aid (LHRLA) on *Trafficking of Women and Children in Pakistan: the Flesh Trade Report 1995–96* puts the figure higher at 100–150 Bangladeshi women per day trafficked into Pakistan. The Philippines and Thai-to-Japan numbers come from the Coalition Against Trafficking in Women, Asia-Pacific Map Project, *Trafficking of Women for Prostitution in the Asia Pacific*, CATW-Asia Pacific, Manila, 1996.

⁸⁸ Daguno, Irene, 1998. “Migration and Trafficking of Filipino Women for Prostitution.” *Halfway through the circle: The lives of eight Filipino women survivors of prostitution and trafficking*. Jose, Doreen and Erpelo, Marilyn T., Editors, (WEDPRO, Quezon City): 1–16.

⁸⁹ Raymond, Janice M. September-October 2002. “The New UN Trafficking Protocol. Women’s Studies International Forum. Volume 25, Issue 5: 491-502.

⁹⁰ The demand for sex in the Philippines is a transnational phenomenon that is historically constituted by U.S. militarisms and colonization of the Philippines.

⁹¹ May 11, 2011. BBC News: Asia-Pacific. <http://www.bbc.co.uk/news/world-asia-pacific-13356721>

⁹² *USA v. Eric Gwynn Lundberg and Susan Randall Lundberg*. November 18, 2009: Case4:09-cr-00661-CW

⁹³ *Ibid*

⁹⁴ The courts describe the Lundbergs sexual lifestyle as a “sexually extroverted lifestyle.” They do not describe the sex tours

⁹⁵ *USA v. Eric Gwynn Lundberg and Susan Randall Lundberg*. November 18, 2009: Case4:09-cr-00661-CW

In spite of backgrounds that suggest they should have known better, the defendants fraudulently brought [Tess] to this country for the nominal purpose of performing domestic duties in the defendants' home. While [Tess] had advance notice of the defendants' sexually extroverted lifestyle, the defendants took advantage of the situation and quickly and frequently integrated [Tess] into their sexual lifestyle. The government recognizes that there exists considerable dispute as to the frequency these sexual interactions and the degree of pressure placed upon [Tess]. The defendants' actions were undoubtedly exploitative, especially when considered in the context of [Tess's] background and the defendants' stature in the United States. Nevertheless, it is *not* accurate to characterize the defendants' actions as coercing the victim to partake in their sexual activities through force or threats.

In the judgment of the case, the facts are described as, "lurid and indicative of exploitation."⁹⁶ Tess's exploitation could not be proven in the criminal case and the Lundbergs were never convicted or even charged with trafficking charges. Still, Tess received a T-Visa,⁹⁷ which is a visa that victims of human trafficking are able to apply for.⁹⁸ The decision to prosecute for human trafficking or not is dictated by the evidence: careful interviews of witnesses and survivors,⁹⁹ photos,¹⁰⁰ signifiers of exploitation that are captured and held onto by a survivor whether it is marking of day of abuse on a calendar¹⁰¹ or the paper tracking of money owed and not paid. On August 5, 2009 the Lundbergs pled guilty to one count of harboring an illegal alien for the purpose of private financial gain.¹⁰² Susan Lundberg was sentenced to eighteen months imprisonment and three years supervised release and Eric Lundberg was sentenced to twelve months and one day imprisonment and three years supervised release. And the survivor was awarded \$2,400 in restitution.

The case was not simply about money. At the same time, the small award in the United States v. Lundbergs simply did not make sense. Tess experienced fraud in that she was promised employment as a domestic worker, to be paid \$200 per month for domestic housekeeping duties.¹⁰³ The \$2,400 Tess was awarded was for, "the loss of wages for her partner"¹⁰⁴ because of

⁹⁶ United States v. Eric Gwynn Lundberg and Susan Randall Lundberg. No. CR 09-00661. United States' Sentencing Memorandum, November 18, 2009. United States District Court of California, Oakland Division.

⁹⁷ See Appendix X.

⁹⁸ United States v. Eric Gwynn Lundberg and Susan Randall Lundberg. No. CR 09-00661. Transcript of proceedings, November 18, 2009. United States District Court of California, Oakland Division.

⁹⁹ "Moving Toward a Decade of Delivery – Prosecution." *Office to Monitor and Combat Trafficking in Persons: Trafficking in Persons Report 2011*. U.S. Department of State. <http://www.state.gov/g/tip/rls/tiprpt/2011/166772.htm> (Accessed on September 29, 2011).

¹⁰⁰ In the case of Maria photos were taken to document "one of her eyes bloodied and infected and thick welt and scars on her skin where the chains had cut into her. She had not eaten in four days." Kevin Bales and Ron Soodalter. *The Slave Next Door: Human Trafficking and Slavery in America Today*. California: University of California Press, 2009): 4.

¹⁰¹ Court hearing of Lilliana during the Dann v. USA (2010).

¹⁰² 18 U.S.C. § 1324(a)(1)(A)(iii) and (B)(1)

¹⁰³ United States v. Eric Gwynn Lundberg and Susan Randall Lundberg. No. CR 09-00661. United States' Sentencing Memorandum, November 18, 2009. United States District Court of California, Oakland Division.

¹⁰⁴ Tess had a baby and a boyfriend.

the child care situation, and a BART-related expense.”¹⁰⁵ Although Tess was identified as a victim of human trafficking by Office of Refugee & Resettlement, in the criminal proceeding the prosecutor could not prove that her sexual exploitation was coercive. Therefore, the only area of contention in the eyes of the courts was back wages owed her for her work as a domestic worker and the possibility of money for mental health services. It was never questioned that had she worked fulltime forty hours a week the wages owed were not just nominal, it was below the minimum wage standard of \$8 an hour for \$1,280 per month;¹⁰⁶ \$200 per month of pay was never questioned and only referred to as “nominal.” And, if Tess also provided other services, the prosecuting attorney, Andrew Huang, made it clear that he was unable to calculate hours worked.

In cases involving restitution for labor, restitution cannot be merely defined by wages owed for labor. A financial reparation as wage labor is limiting especially for cases in which there is no labor to compensate for, just the psychological trauma that follows exploitation. Civil cases mean another drawn out legal procedure that does not necessarily “take back the pain” caused to victims. As illustrated by the work of Asian Pacific Islander Legal Outreach, survivors of human trafficking who have a successful criminal case may also seek damages in a civil suit.

The restitution did not include mental health services. The defense and the prosecution had agreed not to honor restitution for mental health services because they assumed that Tess did not want therapy. Jessica Goldsberry, representing probation supported the defense and prosecution by stating, “she doesn't want to talk to anybody right now. She doesn't think it will help right now.” Goldsberry summarized Tess’s statement, as saying “I don't want people to know all of my problems. No one in my family has received counseling or therapy. They can't afford it.” Tess’s statements did not assert that she did not want therapy, but rather, implied a cultural disconnect with what therapy meant and her financial constraints of being able to access it even if it was offered.

Tess did not represent “perfect victims” because of her ability to choose to migrate and her knowledge of the Lundberg’s “sexually extroverted lifestyle” prior to her moving in to work as a domestic worker. The case did not move into the media realm, I argue, because it did not fit into the simplistic imagining of human trafficking as non-contradictory. Tess was a sex industry worker in the Philippines, and the issue of choice became one that made defining sexual slavery no longer simple. To participate in prostitution is defined as a crime of moral turpitude and grounds for deportation and a ten-year bar on re-entry into the United States for those convicted.¹⁰⁷ The power dynamic between the Lundbergs and Tess was never questioned. Tess’s role as a sex industry survivor prior to entering the United States made the severity of her sex exploitation suspect, even though Tess was awarded a T-Visa as a trafficking victim. Pictures of Tess smiling with the Lundbergs were seen as evidence that no coercion had taken place. Testimonies implied that Tess “was happy” with the Lundbergs.¹⁰⁸ And no mental health assessments of Tess were provided in the courts. Human trafficking is traumatic and understanding how one survives is not easy; survivors of sex trafficking oftentimes exhibit post-

¹⁰⁵ United States v. Eric Gwynn Lundberg and Susan Randall Lundberg. No. CR 09-00661. Transcript of proceedings, November 18, 2009. United States District Court of California, Oakland Division.

¹⁰⁶ “Minimum Wage Laws in the States.” Wage and Hour Division, Department of Labor. January 1, 2011. <http://www.dol.gov/whd/minwage/america.htm> (Accessed on September 29, 2011).

¹⁰⁷ See Appendix VV.

¹⁰⁸ USA v. Eric Gwynn Lundberg and Susan Randall Lundberg. November 18, 2009: Case4:09-cr-00661-CW

traumatic stress disorder.¹⁰⁹ Trauma breaks a person's safety and connection.¹¹⁰ For the survivor of exploitation, a smile may be the only way to survive because not to leads to worse consequences.

5. A Question of Choice

There is a need to compare labor human trafficking cases with those where labor and sex trafficking intersect. The goal in doing so is not to conflate sex trafficking with that of labor trafficking. The comparison offers an opportunity to understand when victims are seen as perfect and lacking choice and imperfect because of their ability to choose. The stereotype of human trafficking survivors as passive is embedded in the discourse to differentiate victims from unlawful economic migrants and it is effective for a prosecutorial story.¹¹¹ Currently, a victim of human trafficking is identified when there is force, fraud or coercion in their experience.

Tess was a victim of human trafficking even though her history of participating in a sex industry made her victimization questionable. The judge described, "there exists considerable dispute as to the frequency these sexual interactions and the degree of pressure placed upon [Tess]."¹¹² Tess wrote a victim impact statement for the judge, however, her statement was never read out loud in the court hearings. And, any allegations or inferences of any improper sexual activities were "stricken from the final report."¹¹³ The inability to see Tess's experience as rape, sexual exploitation or sexual violence reflects the challenges of collecting such evidence. To not see Tess as a sexual crime victim personifies what is referred to as "prostitute myths" that are characteristic of the attitudes towards women in the sex industry. An interdisciplinary study of the perceptions of prostituted people describes the prostitute myth as: 1) prostitutes can not be raped; 2) no harm is done to prostitutes when they are assaulted or harassed; 3) prostitutes deserve to be raped; and 4) all prostitutes are the same.¹¹⁴ Rape myths permeate in legal cases and the assumptions that are made about prostituted individuals.¹¹⁵

The debates about choice are informed by U.S. understandings of perfect victims as innocent and non-contradictory. Recent filmic renditions from *Trade* (2007) to *Human Trafficking* (2005) continue to portray victims of human trafficking as innocent, child-like and having their passport taken. Even with limited options, or with the lack of choices, people have agency. And choice is always present, even when this means choosing to be exploited over

¹⁰⁹ Sadruddin, Hussein, Natalia Walter, and Jose Hidalgo. 2005. "Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses." *Stanford Law & Policy Review*. Vol. 16:2: 379 – 415.

¹¹⁰ Haines, Staci. 2007. *Healing Sex: A Mind-Body Approach to Healing Sexual Trauma*. Ed. Felice Newman. New York: Cleis P.

¹¹¹ Srikantiah, Jayashri. 2007. "Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law." *Immigration and Nationality Law Review*. Volume 87: 160.

¹¹² United States v. Eric Gwynn Lundberg and Susan Randall Lundberg. No. CR 09-00661. United States' Sentencing Memorandum, November 18, 2009. United States District Court of California, Oakland Division.

¹¹³ *Ibid*.

¹¹⁴ Cotton, Ann, Melissa Farley, and Robert Baron. 2002. "Attitudes Toward Prostitution and Acceptance of Rape Myths." *Journal of Applied Social Psychology*. Vol. 32, Issue 9: 1791.

¹¹⁵ "In an example of this bias, a California judge overturned a jury's decision to charge a customer with rape, saying that "a woman who goes out on the street and makes a whore out of herself opens herself up to anybody." One juror interpreted the judge's decision as a refusal to give rights to prostitutes (Arax, 1986). Because of the difficulty in obtaining testimony from those who are addicted or homeless, and because of bias against those in prostitution, district attorneys and police tend to place a low priority on prosecution of those who rape prostitutes (Gross, 1990)." Melissa Farley and Vanessa Kelly. "Prostitution: a critical review of the medical and social sciences literature." *Women & Criminal Justice*. 2000, Vol 11 (4): 29-64.

something worse (i.e., death). Counter-trafficking strategies must target the underlying conditions that impel people to accept dangerous labor migration assignments.¹¹⁶ Regardless of the choices that led to their exploitation, no one chooses to be exploited.

Filipinos are organizing to increase their rights as workers in households through pan-ethnic¹¹⁷ solidarities such as the California Household Worker Rights Coalition whose lead organizations is comprised of Filipinos,¹¹⁸ Latinas/os¹¹⁹ and other immigrant based organizations.¹²⁰ Cindy's rights as a worker were clearly denied. Her case greatly contrasted with the case of Tess whose ability to show choice in working in exploitative industries (i.e., the sex industry) mattered as a means to diminish that exploitation her happened.

To look for narratives of perfect victimization is to fail to see the complexities of experiences that weave between exploitation, agency, and change. That is, although Tess and Cindy are both global actors, their vulnerabilities lay not in their ability to be agents of social change or agents that make choices. But, how they are located in global economies due to their race, class and gendered/sexed experiences and the perception that they have choice (or not) is significant for understanding how violence and exploitation is possible to begin with.

6. Chapter Six Summary:

Chapter Six, "Case Study Three: Filipinas Trafficked into California" challenges the perfect victim stereotype through the narrative of Cindy and Tess. Filipinas, as global actors and diasporas, already have an uphill battle of exposing the exploitation they experience due to the rendering normal and invisible their transnational labor in intimacy. As highlighted by Aida F. Santos, women's bodies are the last colony of patriarchy.¹²¹ The imbrication of colonial legacies in the present makes its way across the Pacific to the United States. Colonial legacies give shape to present-day constructs of victimhood. This is best described in the discourse of "perfect victims." Central to the establishment of victimhood is immigration status, how the individual's narrative figures into the metanarrative of human trafficking (is it a fit or does it create ambiguity and therefore is not seen as human trafficking), and whether or not she was able to exert choice (which is problematically equated with agency). In comparing the case of Cindy and Tess whose immigration status and racialization and gender are the same, their narratives departed in that Cindy's story figured well into the metanarrative of human trafficking and her lack of choice was portrayed as clear. Tess differed greatly in that her narrative of choosing to work in sexual economies did not figure well into the possibility that she could have been sex trafficked (even though she received a T-Visa). Choice was up for debate in Tess's narrative in that it was assumed that she chose to migrate, and therefore was deemed embodying the antithesis to a perfect victim, as an imperfect victim. And agency is the ability to act - in the everyday or even within structures. Because Cindy's choice was clearly denied, she fit the prototype of a human

¹¹⁶ Chuang, Janie. 2006. "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy." *Indiana Journal of Global Legal Studies*. Volume 13, Issue 1: 137 – 163.

¹¹⁷ Panethnicity is a political-cultural group made up of peoples of several, distinct, tribal or national origins. Yen Le Espiritu. 1992. *Asian American Panethnicity: Bridging Institutions and Identities*. Philadelphia: Temple University Press.

¹¹⁸ Filipino Advocates for Justice and Pilipino Workers Center

¹¹⁹ Coalition for Human Immigrant Rights of Los Angeles, Mujeres Unidas y Activas, and Women's Collective of La Raza Centro Legal.

¹²⁰ Graton Day Labor Center, People Organized to Win Employment Rights

¹²¹ Sturdevant, Saundra Pollack and Brenda Stoltzfus, Eds. 1992. *Let the Good Times Roll: Prostitution and the U.S. Military in Asia*. New York, New York: The New Press.

trafficking narrative of being in indentured servitude, and her traffickers facilitated her migration – she is an example of the “perfect victim.” In contrast, Tess’s experience did not fit the bill for a perfect victim. Her narrative did not fit the metanarrative of human trafficking. Tess worked in the sex industry in the Philippines prior to her migrating to the U.S. In the eyes of the prosecutorial law, Tess was not a perfect victim. Tess exemplifies the imperfect victim, due to her choosing to migrate to the U.S. and her history of participating in sexual economies.

Chapter Seven: Conclusion

“Freedom, it’s in our DNA” – Demi & Ashton Foundation (DNA Foundation).

In *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* I have discussed the various discourses that produce the image of the trafficked person as visible, yet invisible in the media, legal, and social systems. Human trafficking discourse produces categories of people and manifests in the media, legal systems, and socially. Human trafficking narratives produce meaning about the trafficked, the trafficker, and the anti-trafficker as raced, gendered, and sexed. As I have been working in the field and collecting materials about anti-trafficking initiatives, I found an email that is useful for closing remarks. On April 20, 2010, a briefing at Capitol Hill in Washington D.C., “Domestic Sex Trafficking of Children” was promoted. Among the featured speakers, Actor and Anti-trafficking activist Demi Moore, survivors of domestic sex trafficking, and “experts” on commercial victimization of children.¹ Sponsors for the brief included House Majority Leader Steny Hoyer (D-Maryland), Senate Assistant Majority Leader Richard Durbin (D-Illinois), the Rebecca Project for Human Rights, and the Demi & Ashton Foundation. In the mobilization to combat trafficking, state actors (policy makers and implementers, educational institutions, governmental, non-governmental, law enforcement, health institutions) are also collaborating with celebrities to take their message to a U.S. audience in a way that is accessible and familiar.² Also, a visible issue in the twenty-first century continues to be the anxieties about U.S. citizens trafficked within “our own backyard.” However, in a climate of anti-immigration, homophobia, and the war on women,³ migrant women continue to be susceptible to exploitation. As such, the anti-trafficking movement has created a visibility of trafficked people. Yet many continue to be unseen. A discourse is produced that frames trafficking as slavery, therefore to end slavery necessitates the restoring of freedom. Individuals and structures define the discourse of freedom. Although the email I received was disheartening as funds to aid migrants are shrinking,⁴ I found the Demi & Ashton Foundation (now referred to as the DNA Foundation) made an interesting statement. Interesting because their slogan states, “Freedom, it’s our DNA.”⁵ Although their

¹ Please Save the Date for a Briefing on Domestic Sex Trafficking of Children (Personal Communication on April 20, 2010).

² Celebrities featured in the film *Call + Response*, Cornel West, Madeleine Albright, Daryl Hannah, Julia Ormond, Ashley Judd, Nicholas Kristof, Moby, Natasha Bedingfield, Cold War Kids, Matisyahu, Imogen Heap, Talib Kweli, Five For Fighting, Switchfoot, members of Nickel Creek and Tom Petty’s Heartbreakers, Rocco Deluca (<http://www.callandresponse.com/about.php>). Also seven celebrities were featured in their activism against trafficking: Talib Kweli, Ashley Judd, Diane von Furstenberg, Emma Thompson, Mira Sorvino, and Ricky Martin. “7 Celebrities Speak Up Against Human Trafficking: Celebrity Activism.” Jesse Schmitt. *Yahoo Voices*, March 29, 2010, <http://voices.yahoo.com/7-celebrities-speak-against-human-trafficking-5723320.html> (Accessed on March 29, 2010).

³ <http://stopthewaronwomen.com/>

⁴ To date the Trafficking Victims Protection Act has not been reauthorized. Since its inception, it has historically passed as a bipartisan law. <http://www.endslaveryandtrafficking.org/news/nine-months-and-counting-where-does-trafficking-victims-protection-act-stand>

⁵ demiandashton.org. Demi Moore and Ashton Kutcher founded the DNA Foundation (Demi & Ashton) with the belief that “freedom is a basic human right.” Their projects include “Real Men Don’t Buy Girls” campaign, efforts to create a trafficking free internet (DNA Tech Task Force – Creating a Trafficking Free Internet), programs that support border policing as a method of combating trafficking through the Maiti Nepal Border Guard Program, partnerships with the Department of Homeland Security, law enforcement training, legislative advocacy, and supporting survivors. Also See, Jaida Pinkett, “Actress Urges Action Against Human Trafficking.” *Andres Gonzalez*. Associated Press, *Los Angeles Sentinel*, July 20, 2012,

slogan is a play on Demi and Ashton, the language of freedom in anti-trafficking discourse must be interrogated. And to say it is “our DNA” raises an issue and assumption – is freedom innately a part of the human condition? To consider a discussion, it is important to locate what DNA is especially when it is placed in relation something philosophical, contextual, and a practice.

Francis Crick offers a definition of DNA:

One can say... that the elucidation of the genetic code is indeed a great achievement. It is, in a sense, the key to molecular biology because it shows how the great polymer languages, the nucleic acid language and the protein language, are linked together,” “The Genetic Code: Yesterday, Today, Tomorrow.”⁶

Key to Crick’s definition of DNA is that it is the linking of languages. Therefore, in order to make sense of freedom as “our” DNA, it must be understood as a language linked to other languages. I situate the language of freedom in *Asian and Latina Migrants in the United States and the Invisible / Visible Paradigm of Human Trafficking* as being defined in a two-fold fashion: by its opposite and relationally. Firstly, freedom is constituted by its’ opposite: slavery.⁷ Slavery manifests itself as invisible in the everyday and yet a visible phenomenon that appears in news media, and even on television. And, secondly it is linked relationally. I attempted to link freedom to other languages, or what I refer to as discourse: labor, migration, and sexual economies.

To understand the DNA of freedom necessitates understanding how it is produced and is manifested in structures that link individuals together as a collective – institutions, the state, the nation-state, and the international community. In 2011, political scientist Robert Pastor declared that the DNA of the Americas is slavery.⁸ Pastor’s argument illuminates how slavery is embedded in “America” as a concept. Slavery played an important role in making the United States.⁹ This spatial massiveness of how slavery permeates a continent and shaped the formation of America situates the individual’s access freedom and slavery in a larger context.

To say that freedom is an individual DNA and that slavery is systemic and structural produces a crisis. If the “our” is a group of people with a DNA that embraces freedom, and they encompass the majority, who defines this freedom, how is it practiced in the everyday? How does one negotiate when their freedom may deprive another of theirs? Freedom is an ideology that governs U.S. citizens, so much so, the assumption is that freedom and having freedom is innate to who we are. And that naturally our commitment is to abolish all forms of slavery. However, I have found that there may be a political commitment to ending slavery, but in our U.S. structures, the abolition of slavery has yet to be actualized.

The discussions of the DNA of us / U.S. as freedom is represented in the metanarrative of human trafficking. This metanarrative reproduces the image that individuals or groups of people trafficked lack freedom, and this freedom must be restored. Such imaginings of the twenty-first

http://www.lasentinel.net/index.php?option=com_content&view=article&id=9352:actress-urges-action-against-human-trafficking&catid=60:news&Itemid=150 (Accessed on July 20, 2012).

⁶ *Cold Spring Harbour Symposium on Quantitative Biology*, 1966, 31, 9.

⁷ Morgan, Edmund S. 2003. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W.W., Norton & Company.

⁸ Pastor, Robert A. 2011. *The North American Idea: a vision of a continental future*. New York: Oxford University Press.

⁹ Horton, James Oliver and Lois E. Horton. 2005. *Slavery and the Making of America*. New York, New York: Oxford University Press.

century un-free person has led to mass mobilizations to “rescue” the poor “third world,” woman / child, an “other.” In this grand narrative, *her* rescuer is a Euro-American man who like the prince on his white horse, will rescue her from her exploitation. Or, it is the helping hand of a good Christian woman as delineated in the discussions of early twentieth century purity crusades to rescue the trafficked other. Because as posed by Demi & Ashton Foundation, our DNA is freedom, therefore “naturally,” it must be restored if it is denied or taken. But as I have traced in U.S. immigration, labor, and sex economies who is visible as exploited is racialized, gendered, and sexed. Through a close readings of case studies of women trafficked from Peru, South Korea, and the Philippines in homosocial relations and couples that traffic women, illustrate how freedom and slavery is a layered issue, one that can not be reduced to simply how one lacks freedom and therefore is trafficked.

7.1 Reflections: the Invisible / Visible Paradigm of Human Trafficking

The categorization of individuals as trafficked is produced through legal definitions of human trafficking that have social implications. Therefore I have offered a method that is impacted by legal studies, sociology (a method of participant observation as well as theories in sociology). Human trafficking is a specific legal term that came into fruition in 1999 and was implemented in 2000, as delineated by the Trafficking Victims Protection Act (2000) in the United States. Drawing upon legal scholars such as Janie Chuang, Jennifer Chacon, and Anne T. Gallagher I illustrated how the contradictions and shifting understandings of human trafficking is portrayed in practice of the law. Case studies offer a historical moment within which the paradigm of human trafficking may be further analyzed, critiqued and complicated. However, policies of labor, migration, and sexual economies have brought to the fore the tensions about what is freedom. Freedom is embedded in notions of rights, which are enabled when a person has access to citizenship. For the racialized and sexed migrant, freedom is not always a right. Especially when freedoms are rights afforded to citizens. And central to U.S. modern systems is an economic system – capitalism – that which has led to contradictory relationships with labor and migration. The freedom to profit and the freedom to buy (freedom towards), does not necessarily open up the full possibilities of freedom (freedom from) – freedom from an exploitative environment, or freedom from using one’s body for production to survive in the global economy. In conceptualizing human trafficking as constituted by a myriad of discourses (labor migration, sexual economies, and freedom), what then manifests is what I refer to as an invisible / visible paradigm of human trafficking.

The invisible / visible paradigm of human trafficking is: 1) a dialectic between visible and invisible human trafficking, 2) patterned on historical assumptions of those that are also raced, gendered, and classed, 3) jumps scales from the state, the nation-state to the international, and 4) is produced through socio-political, cultural, and juridical processes. The invisible / visible paradigm of human trafficking does not expose human trafficking, but rather reaffirms systems that situate human trafficking as below the surface, yet a part of the everyday. The contradictions have led to individual experiences that are coded as human trafficked, while others are Othered and criminalized (not trafficked). This invisible / visible paradigm solidifies and renders normal a notion of a “perfect victim.” I have argued that perfect victims are mythical, and that all victims are imperfect, fallible and contradictory. However, to see a victim as not perfect is to poke holes at a system that is based on logics that support race, gender, and sex difference. And there is much at stake in making visible the dynamics in the anti-trafficking movement that reproduce invisibilities.

Campaigns continue to form throughout the United States, both community based and state based. The landscape of California is diverse, however, “millions” are organizing in the assumption of regional solidarity and priority. In 2009, an Non-governmental organization called California Against Slavery, formed as a “non-partisan human rights organization” with the mission of “defend[ing] the freedom of every child, woman, and man by empowering the people of California to fulfill [their] obligation to stop human trafficking...”¹⁰ The goal of CAS is to pass policies that will make “human trafficking the riskiest criminal business in California... to protect victim and prevent and prosecute the crime of human trafficking.” As human trafficking has become a visible social issue, the initiatives to address such a complex phenomenon, as learned from the domestic violence movement, take such a complex issue and simplify it to rally the masses against such violence. However, what is the cost? What is at stake in reducing human trafficking from a complex issue to one that necessitates merely focusing on policies and law enforcement as the answer? The cost is that diverse responses that address the multi-issues within which human trafficking intersect with is made peripheral and those who survive exploitation continue to experience the criminal justice system.

What is visible in law enforcement strategies are the perception that Latinas/os illegally migrate to the United States. Such imagery perpetuates anti-immigration as the response (and problematically so). To propel the imagery of victimization, the anti-trafficking campaign strategies have focused on Latinas sexually exploited and Latinos in U.S. labor industries that mask exploitation. What is invisible is the reality that the girl that is sex trafficked grows up to be an adult surviving in sexual economies and that migrants that participate in the masquerade of labor trafficking, are not offered opportunities and upward mobility. And that as Latinos are imagined as undocumented migrants, they are the reason why for the first time ever, minorities are now the majority; 56% of the U.S. population are ethnic and racial minorities.¹¹

In writing about what is visible and invisible in human trafficking, I challenge common narratives of human trafficking that begin with exploitation; I traced a history prior to exploitation through the case of Liliana. Since her case closure, Liliana was featured in a news article with her immigration lawyer.¹² In spite of the “first time” ever trial for human trafficking in Northern California, her lawyer, Avantika Rao described, “[Liliana] and I met with law enforcement agents and the U.S. Attorney’s Office on at least a dozen occasions during which [Liliana] provided physical evidence as well as testimony with regards to the crime.”¹³ Although Liliana received her T-Visa, Rao was “absolutely devastated by [law enforcement’s] decision [not to provide supporting documents for Liliana’s T-Visa], especially because they implied that they did not trust my client and did not view her case as important.”¹⁴ The challenges of partnerships and the differing perceptions of success also impact how one becomes categorized as trafficked. The varying perceptions of success impact identification of victims of human

¹⁰ <http://californiaagainstsavery.org/about/mission/>

¹¹ Passel, Jeffrey, Gretchen Livingston and D’Vera Cohn. “Explaining Why Minority Births Now Outnumber White Births.” *Pew Research Center*. May 17, 2012, <http://www.pewsocialtrends.org/2012/05/17/explaining-why-minority-births-now-outnumber-white-births/> (Accessed on May 17, 2012).

¹² “U.S. Visas Aid Trafficking Victims, At Their Peril.” Ambika Kandasamy, *SF Public Press*, February 22, 2012, <http://newamericamedia.org/2012/02/us-visas-aid-trafficking-victims-at-their-peril.php> (Accessed on February 22, 2012).

¹³ *Ibid.*

¹⁴ “U.S. Visas Aid Trafficking Victims, At Their Peril.” Ambika Kandasamy, *SF Public Press*, February 22, 2012, <http://newamericamedia.org/2012/02/us-visas-aid-trafficking-victims-at-their-peril.php> (Accessed on February 22, 2012)..

trafficking. In the *United States v. Dann* case categorization was also performed: through crying and court performances. Although it is unclear as to what was lost in translation, understandings of freedom manifested in law enforcement and legal illustrations of the case. And what is clear is that Liliana is defined as trafficked in the media, legal, non-governmental and governmental discourse, and her narrative beyond experiencing exploitation is unknown. Regardless, the anti-trafficking movement does not determine Liliana's future, she does.

As Liliana's case offers an examination of trafficking as crossing time-space, the hypervisibility of the exploitation of Koreans and its' invisibility at the same time, posed as an opportunity to further examine hauntings of exploitation. The Asian female body is an important site for linking Asia and the U.S. Although she has many names, I focused on the two *You-Mees*, and Jackie. Both Yoo-Mees are sex trafficked survivors and Jackie is perpetuated as a dragon lady who utilizes her sexuality to shift in class mobility from "military bride" to a madam. Jackie was convicted for trafficking South Koreans to the U.S. through the U.S.-Mexico border, that which further perpetuates particular anxieties surrounding the border, national interest and security. These case studies illuminated the relationship between immigration and criminalization. Some individuals are seen as victim and therefore eligible for protections in the United States, where as others (as in the case of Jackie) are criminal and therefore deportable. Not only is there a binary of victim/criminal, but this imaginings of victim / perpetrator, are reproduced due to stereotypes and tropes of raced and sexed people. The Korean American community heavily critiqued the story of You Mi because she do not purport a "model minority" stereotype." And Jackie further solidified the dragon lady stereotype that is all too common in U.S. media and filmic representations of Asian women.¹⁵

Through the examples of Cindy and Tess, I illustrated the problematic imagining of "perfect victims." Human trafficking, a paradigm of invisibility and visibility is solidified by notions of "perfect" victimhood. This is accomplished by placing next to each other two human trafficking cases: domestic servitude and domestic servitude with alleged sexual slavery. The case of the Tess illustrates the challenges in current anti-trafficking discourse, since she did not fit into a "perfect victim" narrative like Cindy. She was contradictory and fallible in which she had a history of working in the sex industry and came willingly. These two case studies illustrate the assumed relationship between agency and choice.

A haunting perseveres transnationally and makes its way to the United States. As You Mi, Yumi, Jackie, Cindy, and Tess are headline news one day, they are the past the next. The follow-up to where are they now and how are they doing is silent as Asian Americans continue to be imaged as model minorities succeeding in the United States, even though Koreans have the highest poverty rate in comparison to other Asian ethnics and U.S. general population (15% compared to U.S. overall population, 13%)¹⁶ and Filipinos, in contrast are economically successful in the United States, yet still vulnerable to exploitation. Asian Americans, are resisting their representation as a binary imagining,¹⁷ and actively participating in redefining the

¹⁵ Elaine Kim's *Slaying the Dragon* is a film that traces the history of the representation of Asian and Asian American women in film, network television, and the media. *Slaying the Dragon: Reloaded*. Dir. Elaine H. Kim. Asian Women United, 2011.

¹⁶ "The Rise of Asian Americans." *The PEW Research Center*. June 19, 2012, <http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/> (Accessed on June 19, 2012): 52.

¹⁷ Elaine Kim's *Slaying the Dragon* is a film that traces the history of the representation of Asian and Asian American women in film, network television, and the media. *Slaying the Dragon: Reloaded*. Dir. Elaine H. Kim. Asian Women United, 2011.

anti-trafficking landscape.¹⁸

7.2 Redefining Asians and Latinas/os as the Anti-Traffickers

To answer who is the trafficked person in the twenty-first century and how do they matter, I have that the trafficked person is a categorization of people that is informed by race, gender, and sexed perceptions, the trafficked person is a representation of exploitation, and the trafficked person is reproduced through narratives about human trafficking. However, Asian and Latinas/os are continually redefining the human trafficking discourse not only as victims / perpetrators, but also as anti-traffickers. Their roles in the movement are not passive, but rather active and constantly reworking how particular raced and gendered people in the U.S. matter.

Latinas/os are visible in the anti-trafficking movement organizing to build collaborations to end human trafficking. Marisa Ugarte, a Mexican American, is the Executive Director for the Bilateral Safety Corridor Coalition, an interdisciplinary response to human trafficking. Before her work in the U.S., Ugarte founded the Binational Crisis Line in Tijuana and a Domestic Violence Crisis Center for the Sistema Nacional para el Desarrollo Integral de la Familia, Tijuana (DIF Tijuana).¹⁹ In 1993, The Coalition of Ommokalee Workers formed in Florida, comprised of mainly Latino, Mayan Indian and Haitian immigrants.²⁰ They formed to organize Latinos working in agriculture and to end “involuntary servitude in the fields.” In 2008, they had an important victory, which led to the prosecution of nine slavery operations in Florida and the “liberation” of 1,000 workers. And, La Raza Centro Legal was the representing immigration firm for the first ever prosecution of human trafficking in Northern California.

Although there are few Latina survivors who speak about the exploitation they experienced, the Coalition to Abolish Slavery & Trafficking, formed a Caucus of survivors (2003). A prominent survivor of human trafficking is Maria Suarez.²¹ Maria grew up in an adobe mud flat in rural Timbuscation, of Michoacan. At sixteen-years old- she migrated to live with her sister in Sierra Madre, California.²² After her arrival she was recruited by a woman for domestic work, but instead she was sold-off by her recruiter to an older Euro-American male for \$200.²³ For five years she was in sexual slavery and forced to work in the home as a domestic worker. She fled her exploitation when her neighborhood killed her trafficker, and was instead convicted.²⁴ Maria was sentenced to 25 years to life in state prison for first-degree murder.²⁵ After her release from jail on parole in 2004, she was imprisoned by U.S. Immigration Customs Enforcement to be deported. Jessica Dominguez, an immigration lawyer, Patricia Valencia (Suarez’s niece) and Olivia Wang (Free Battered Women – a statewide coalition that advocates on behalf of incarcerated survivors), organized to free Maria. This led to Dominguez organizing a legal team – Charles Song, legal director (CAST) and Andres Bustamante, a criminal and

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¹⁹ http://www.bsccoalition.org/marisa_ugarte.html

²⁰ <http://www.ciw-online.org/about.html>

²¹ <http://www.castla.org/maria>

²² “How Three Attorneys Rescued a Former Sex Slave From Deportation.” *The Daily Journal – California*, December 1, 2004.

²³ “The Silent, Invisible Victims: Human Trafficking Happens Everyday, But Many are Unaware of it.” Monique Lewis. *Viewpoints: Riverside City College*, May 27, 2010, <http://www.viewpointsonline.org/news/the-silent-invisible-victims-1.1486505#.UBytVOBF7IQ> (Accessed on may 27, 2010).

²⁴ *Ibid.*

²⁵ “How Three Attorneys Rescued a Former Sex Slave From Deportation.” *The Daily Journal – California*, December 1, 2004.

immigration defense attorney. Dominguez is quoted as describing Maria, “Maria is the icon of hope for so many women who find themselves in this situation. This case tells other victims of trafficking that it's okay for them to speak up, that it's okay for them not to be afraid, and that there is protection out there.”²⁶ Maria’s story and testimonial appeared in *Sold in America* (2009),²⁷ in the testimonials on the CAST website.

Latinos are organizing to change U.S. policies that impact trafficked migrants and raising awareness about exploitation. This includes organizing to address policies that impact Latinos crossing U.S. borders such as Border Angels: Angeles de la Frontera, who make visible border crossings and vulnerabilities border crossers face.²⁸ And, they are changing the face of representation in their active participation in media as seen in Kate del Castillo’s acting as a brothel facilitator in *Trade*, as “Laura” and her participation in the “Esclavos Invisibles” (Invisible Slaves) Campaign that speaks to abuses in Mexico and Guatemala.²⁹ As Castillo is working to change the face of the anti-trafficker in campaigns, Ricky Martin developed a foundation that seeks to end child exploitation that which is the Ricky Martin Foundation states is a result of human trafficking and modern day slavery.³⁰

Similar to their Latino counterparts, Asian diasporas are redefining the anti-trafficking movement as well. In 1995, the public was horrified when it came to the fore that seventy-one Thai nationals had been held in slavery for seven years in a garment factory in El Monte, California. The Thai women and men were forced to work as much as twenty-two hours each day in poor conditions, to live in unlivable conditions with eight to ten crowded into a room where rats crawled over them while they slept, and were under constant surveillance by their traffickers. Sixty-seven of those trafficked were women. They left behind families in impoverished rural villages in Thailand from which they emigrated. The case highlighted the problematic practices in U.S. laboring industries for Asian immigrants. After homeland security raided the factories, the Thai workers were treated like criminals and sent to a deportation center. In response to such dangerous practices of U.S. companies and the maltreatment of immigrants in the United States, Asian Pacific American Labor Alliance, the Asian Pacific American Legal Center, Coalition for Human Immigrant Rights of Los Angeles, the Korean Immigrant Workers’ Advocates, Thai Community Development Center, and UNITE were among the organizations to advocate for the Thai workers.³¹ The organizing led to successful criminal and civil cases, and raised awareness surrounding the need to advocate for the human rights for Asian migrants. In 2010 Henry Ong, in collaboration with the Thai Community Development Center, turned the

²⁶ *Ibid.*

²⁷ “Maria Suarez (Sex Slavery Survivor & Anti-Trafficking Advocate).” Bill Butler, *Amazing Women Rock*, 2007, <http://amazingwomenrock.com/maria-suarez-sex-slavery-survivor-a-anti-trafficking-advocate> (Accessed on December 1, 2011).

²⁸ “Human Trafficking Topic of Hispanic Conference.” *Missing Persons Advocacy Network: Providing Knowledge and Guidance to Families of Missing Children and Adults*, May 1, 2010, <http://missingpersonsnetwork.org/2010/05/human-trafficking-topic-of-hispanic-conference/> (Accessed on May 1, 2011).

²⁹ “Kate del Castillo Joins Fight Against Human Trafficking in Latin America.” *Fox news, Latino*, August 2, 2012, <http://latino.foxnews.com/latino/politics/2012/08/01/mexican-actress-joins-fight-against-people-trafficking-in-latam/> (Accessed August 2, 2012).

³⁰ <http://rickymartinfoundation.org/mission.html#>.UBy5heBF7IQ

³¹ Su, Julie A. and Chanchanit Martorell. “Exploitation and Abuse in the Garment Industry: The Case of the Thai Slave-Labor Compound in El Monte.” *Asian and Latino Immigrants in a Restructuring Economy: The Metamorphosis of Southern California*.

case into a play.³²

Asian Americans and Asian Diasporas are organizing to address violence, this includes initiatives that point to the tensions within the Asian American community and the Lakireddy Bali Reddy v. USA case is a testament to such. Two months after a 17-year-old girl died from carbon monoxide poisoning in an apartment Reddy³³ owned, newspapers unveiled to the public that Reddy had run a sex trafficking ring for 15 years.³⁴ It came to the fore that he trafficked girls ages twelve to fourteen years old from India to Berkeley, California, where they were exploited for labor in his restaurants and apartment building, as well as sex slaves. The Indian girls were of a lower caste - “Untouchables.” In response to the Reddy case, an organization formed to educate the community about the violence against South Asians as well as violence within the South Asian community – Alliance of South Asians Taking Actions (ASATA).³⁵

Asian American survivors of human trafficking are also speaking out about their exploitation. Chong Kim experienced a life of human trafficking that started in 1994 where she was forced to perpetuate “Asian” stereotypes while being sex trafficked in Oklahoma and eventually in Nevada.³⁶ Kim continues to speak and is currently working on a film project to raise awareness about human trafficking, featuring Jamie Chung playing Kim in the film *Eden*.³⁷ And in 2010, Minh Dang’s story changed the face of who an Asian American sex trafficked person is – they are not all migrants. Dang is a second generation Asian American raised in San Jose who was trafficked by her own parents. Her father and mother sold her for sex in which they told her that it was a part of her filial responsibilities. Minh estimates that her parents made \$2 million from sex trafficking her, which enabled them to buy two homes and send to remittances to Vietnam. Few Asian run survivor organizations exist, but the work of the Coalition to Abolish Slavery and Trafficking in Los Angeles has a survivor Caucus that was conceived in 2003.

Not only are Asian American informing the movement as survivors, but also most notable are how they are impacting U.S. national agendas in policy, organizing, and direct services. The Polaris Project³⁸ is the U.S. National Human Trafficking Resource Center that provides the national hotline for human trafficking, direct services, and leads U.S. anti-trafficking advocacy for policies. In 2002, Katherine Chon, a Korean American, and Derek Ellerman, a bi-racial Asian American founded the Polaris Project. They embarked on a journey to mobilize what would become the leading national agency in the United States to fight human trafficking after they had read a newspaper article about six Asian women brought to work in

³² Ong, Henry. 2010. *Fabric*. Los Angeles: Company of Angels. <http://blogging.la/2010/07/12/'fabric'-a-play-about-of-human-trafficking-and-slavery-based-on-the-1995-el-monte-story/>. Accessed on January 3, 2012.

³³ Reddy, an immigrant from India received a Masters Degree in Engineering from the University of California, Berkeley. From engineer, to restaurant owner, to real-estate magnate, Reddy was the largest property owner in Berkeley, receiving one million dollars per month in rental income.

³⁴ “How an Infamous Berkeley Human Trafficking Case Fueled Reform.” Viji Sundaram. *SF Public Press*, February 16, 2012, <http://sfpublicpress.org/news/2012-02/how-an-infamous-berkeley-human-trafficking-case-fueled-reform> (Accessed on February 16, 2012).

³⁵ <http://www.asata.org/>

³⁶ Kim, Chong. “Nobody’s Concubine.” *Not for Sale: Feminists Resisting Prostitution and Pornography*. Christine Stark and Rebecca Whisnant, Eds. Victoria, Australia: Spinifex Press Pty Ltd: 102 – 105.

³⁷ “Out of the Shadows.” Oliver Saria. *KoreAm: The Korean American Experience*, June 2012, <http://iamkoream.com/june-cover-story-new-jamie-chung-film-brings-attention-to-sex-trafficking/> (Accessed June 18, 2012).

³⁸ They named their initiative after the Underground Railroad that helped slaves run-away to the south in the 19th century abolition movement by following the North Star – Polaris Project.

massage parlors that were fronts for brothels in the United States. They were inspired to do something about human trafficking after reading that the investigating officer stated that the case was like slavery.

Although I have written critically about human trafficking as a phenomenon that is constituted by individual actors and state institutions that reinforce categorization, I have been moved by the social justice mobilizations to address the violence in *our* lives. I have painted a comparative aspect of human trafficking by juxtaposing Asian and Latinas/os comparatively. However there are common threads that weave their raced and gendered experiences together – this manifests in how they are represented, categorized and narrativized as trafficked victims or criminals. Asian and Latinas/os have parallel experiences in that they are raced, classed, and gendered within the United States by systems that continue negotiate, redefine, and reimagine freedom and slavery in the twenty-first century for the migrant. As I have worked to render visible that which is invisible, I also recognize that as some stories move to the fore, other narratives continue to be hidden. Therefore, scholarly research on human trafficking and migration must continue to unravel the many matrices of power and knowledge that continue to constitute who is seen as trafficked and how these individuals are categorized and represented. This necessitates an interdisciplinary and intersectional practice and theory that enables one to read the text between the lines in visible narratives.

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APPENDICES

APPENDIX A

Survivor Autobiographies

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APPENDIX B

Definitions, The Trafficking Victims Protection Act (2000)

- (8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—
- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 - (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- (9) SEX TRAFFICKING.—The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. (Page 8).
- (13) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).
- (14) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

APPENDIX C

Policy Archive *Abbreviated*

United States of America Federal Laws

Fair Labor Standards Act of 1938, as Amended 2011, § 213.

The Business Transparency on Trafficking and Slavery Act. H.R. 2759

The Page Act

The Trafficking Victims Protect Act

The Violence Against Women Act

The White Slave Traffic Act / The Mann Act

California

An act to amend Section 186.8 of, and to add Sections 236.6, 236.7, 236.8, 236.9, 236.10, and 236.11 to, the Penal Code, relating to human trafficking. SB 1133. Senator Leno, Alquist, Cannella, Lieu (Introduced February 21, 2012). As of August 1, 2012, Pending.

Babysitter's Bill. AB 889.

California Alliance to Combat Trafficking and Slavery. SB 180.

Californians Against Sexual Exploitation Act. Proposition 35.

Disclosure of trafficking or domestic violence shelter. Penal Code 273.7.

Distribution of proceeds from forfeiture sale, AKA California Control of Profits of Organized Crime Act (See 186.2 (a)(28))

Infringement of personal liberty or attempt to assume ownership of person. Penal Code 181.

Human Services: Immigrants. S.B. 1569.

Human trafficking: seizure of assets. AB 2466. Assembly Member Blumenfield (Introduced February 24, 2012). As of August 1, 2012, Pending.

Human Trafficking. Penal Code 236.1

Human Trafficking. A.B. 17.

New Controls for Massage Establishments. Planning Code Section 101.1, San Francisco.

Seizure of Property in a Human Trafficking Case. SB 677.

Trafficking in Persons. A.B. 22.

Training and guidelines for handling human trafficking complaints. Penal Code 13519.14.

Hawaii

Labor Trafficking. Penal Code 707-781

New York

The Safe Harbor for Sexually Exploited Children Act

Texas

Texas Human Trafficking Prevention Task Force. SB 24 and HB 47

APPENDIX D

Media Archive

Films

Documentary

- Anonymously Yours. Dir., Gayle Ferraro. Aerial Productions and University of California Extension Center for Media and Independent Learning, 2002.
- Born into Brothels: Calcutta's Redlight Kids. Dir. Zana Briski and Ross Kauffman. Per. Kochi, Avijit Halder, and Shaanti Das. Redlight Films, HBO/Cinemax Documentary, Sundance Institute Documentary Fund, Thinkfilm, 2004.
- Call + Response. Dir. Justin Dillon. Featuring Madeleine Albright, Kevin Bales, and David Batstone. Fair Trade Pictures, 2008.
- Cargo Innocence Lost. Dir. Michael Cory Davis. Per. Elen Koleva and George Zlatarev. Journey Film Group, 2008.
- Cracked, Not Broken. Dir. Paul Perrier. Open Door Films. 2007.
- Dirty Money: Business of High End Prostitution. CNBC. 2008.
- Dying to Leave. Dir. Chris Hilton and Aaron Woolf. Per. Rachael Blake. Hilton Cordell & Associates, 2003.
- Food Inc. Dir. Robert Kenner. Per. Michael Pollan, Eric Schlosser, and Richard Lobb. Magnolia Pictures, Participant Media, and River Road Entertainment, 2008.
- Hummingbird. Dir. Holly Mosher. Hollywoodnt Productions, LLC, 2004.
- Lives for Sale: A Documentary on Human Trafficking. Dir. Gayla Jamison. Maryknoll and Lightfoot Films and Odyssey Networks, 2010.
- Living Along the Fenceline. Dir. Lina Hoshino and Gwyn Kirk. Women for Genuine Security 2011.
- Not for Sale. Dir. Marie Vermeiren. Coalition Against Trafficking in Women and the European Women's Lobby, 2006.
- Not for Sale: The Documentary. Dir. Robert Marcarelli. The Not for Sale Campaign, 2007.
- Not My Life. Dir. Robert Bilheimer. Narrator, Glenn Close. Worldwide Documentaries, 2011.
- Red Leaves Falling. Dir. Monica D. Ray. Stairway Foundation, Neko Animation Studio Manila, Wild Fire and Hit Sounds Studio, 2009.
- Responding to Victims of Human Trafficking: A Training for Victim Service Providers. Dir. United States Department of Justice Office of Justice Programs and Office of Victims of Crime. SafeHorizon, 2003.
- Sacrifice, The Story of Prostitutes from Burma. Dir. Ellen Bruno. BrunoFilms, 1998.
- Say I Do: Unveiling the Stories of Mail Order Brides. Dir., Arlene Ami. CTV, Telefilm Canada, British Columbia Film, and the National Film Board, 2002.
- Sexual Assault Response Teams: Partnering for Success. Office of Justice Programs and Safe Neighborhoods, 2005.
- Silence Broken: Korean Comfort Women. Dir. Dai Sil Kim-Gibson. Dai-Sil Productions, 1999.
- Sold in America. Dir. Chelo Alvarez-Stehl. Chelo Alvarez-Stehl and Cari Lutz, 2009.
- Streetwise Kids. Journeyman Pictures, 1996.

The Corporation. Dir. Mark Achbar and Jenniver Abbott. Big Media Corporation, 2003.
 The End of Poverty? Dir. Philippe Diaz. Per. Martin Sheen, John Christensen, and William Easterly. Cinema Libre Studio, 2009.
 The Price of Sex. Dir. Mimi Chakarova. 2011.
 Tin Girls. Dir. Miguel Bardem. Produce+/Canal+, New Atlantis, 2003.
 Trading Women. David A. Feingold. Per. Autumn Dornfeld, Angelina Jolie, Michael Nathanson. Ophidian, 2003.
 Trafficked: Slavery in America. Dir. MSNBC. Per. Meridith Vieira.
 Very Young Girls. Dir. David Schisgall and Nina Alvarez. Swinging T. Productions, 2007.
 Women for Sale. Dir. Nili Tal. Create Space, 2009.

Dramas

Amazing Grace. Dir. Micahel Apted. Per. Ioan Gruffudd, Albert Finney, and Michael Gambon. Fourboys Films, Walden Media, Bristol Bay Productions, Ingenious Film Partners, and Roadside Attractions, 2006.
 Amistad. Dir. Steven Spielberg. Per. Djimon Hounsou, Matthew McConaughey, and Anthony Hopkins. Dreamworks SKG and Home Box Office, 1997.
 Beloved. Dir. Jonathan Demme. Per. Oprah Winfrey, Danny Glover, and Thandie Newton. Clinica Estetico, Harpo Films, and Touchstone Pictures, 1998.
 Blood Diamond. Dir. Edward Zwick. Per. Leonardo DiCaprio, Djimon Hounsou, and Jennifer Connelly. Warner Bros. Pictures, Virtual Studios, Spring Creek Productions, Bedford Falls, Initial Entertainment Group, and Lonely Film Productions GmbH & Co. KG, 2006.
 Criminal Minds. "Supply & Demand." Molly McNaughton, David Naylor, and Karolyne Oak, Producers. CBS, 2011.
 Dollhouse. Creator Joss Whedon. Per., Eliza Dushku, Harry Lennix, and Fran Kranz. 20th Century Fox Television and Boston Diva Productions, 2009 – 2010.
 Holly. Dir. Guy Moshe. Per. Ron Livingston and Chris Penn. City Light Pictures, 2006.
 Human Cargo. Dir. Brad Turner. Per. Kate Nelligan, Nicholas Campbell, and Bayo Akinfemi. Force Four Entertainment and Howe Sound Films, 2004.
 Human Trafficking. Dir. Christian Duguay. Per. Mira Sorvino, Donald Sutherland, and Robert Carlyle. For Sale Productions (Muse), Muse Entertainment Enterprises, RHI Entertainment, 2005.
 Hustle and Flow. Dir. Craig Brewer. Per. Terrence Howard, Ludacris, and Anthony Anderson. Paramount Pictures, 2005.
 Kiss of the Dragon. Dir. Chris Nahon. Per. Jet Li, Bridget Fonda and Tcheky Karyo. Europa Co., Twentieth Century Fox Film Corporation, Quality Growth International Ltd., Current Entertainment, Immortal Entertainment and Canal+, 2001.
 Lilya 4-Ever. Dir. Lukas Moodysson. Per. Oksana Akinshina, Artyom Bogucharskiy, and Pavel Ponomaryov. Memfis Film, Det Danske Filminstitut, Film I Vast, Nordisk Film-TV-Fond, Svenska Filminstitutet, Sveriges Television, and Zentropa Entertainments, 2002.
 Machine Gun Preacher. Dir. Marc Forster. Per. Gerard Butler, Michelle Monaghan, and Michael Shannon. Presented by Relativity Media; in association with Virgin

- Produced, 1984 Private Defense Contractors, Mpower Pictures, ITS Capital, and Merlina Entertainment; and produced by GG Filmz, MGP Productions, Moonlighting Films, Safady Entertainment; and as apparatus by Apparatus Productions, 2011.
- Maria Full of Grace. Dir. Joshua Marston. Per. Catalina Sandino Moreno, Guilied Lopez, and Orlando Tobon. HBO Films, Fine Line Features, and Journeyman Pictures, 2004.
- Miss Bala. Dir. Gerardo Naranjo. Per. Stephanie Sigman, Noe Hernandez, and Irene Azuela. Canana Films, Consejo Nacional Para La Cultura y Las Artes, Eficine 226, Fondo de Inversion y Estimulos, Fox International Productions, Instituto Mexicano de Cinematografia, Nuevo Negocios DM San Luis, Promecap, and 2011.
- Nikita. Creator, Craig Silverstein. Per. Maggie Q., Shane West, and Lyndsy Fonseca. Sesfonstein Productions, Wonderland Sound and Vision, Warner Bros. Television, and Nikita Films, 2010.
- Slumdog Millionaire. Dir. Danny Boyle and Loveleen Tandan. Per. Dev Patel, Freida Pinto, and Saurabh Shukla. Celador Films, Film4, and Pathe Pictures International, 2008.
- Svetlana's Journey. Dir. Michael Cory Davis. Per. Gergana Djikelova, Maxim Gentshev, and Elvira Ivanova. Topform Studio Inc., 2004.
- Taken. Dir. Pierre Morel. Per. Liam Neeson, Maggie Grace, and Famke Janssen. Europa Corp., M6 Films, Grive Productions, Canal+, TPS Star, All Pictures Media, and Wintergreen Productions, 2008.
- The Guardian. Dir. David Hollander. Per. Simon Baker, Alan Rosenberg, and Raphael Sbarge. David Hollander Productions, Gran Via, CBS Productions, Sony Pictures Television, Columbia TriStar television, Rosecrans Productions Inc., and Sony Pictures Entertainment, 2001.
- The Jammed. Dir. Dee McLachlan. Per. Emma Lung, Veronica Sywak, and Saskia Burmeister. Film Victoria, Jammed Films, and The Picture Tank, 2007.
- The Whistleblower. Dir. Larysa Kondracki. Per. Rachel Weisz, Monica Bellucci, and Vanessa Redgrave. Samuel Goldwyn Films, 2011.
- Trade. Dir. Marco Kreuzpaintner. Per. Kevin Kline, Kathleen Gati, and Paulina Gaitan. Lionsgate, Roadside Attractions, Centropolis Entertainment, VIP 4 Medienfonds, Brass Hat Films, Reelmachine, 2007.
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-

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San Francisco Brothel Owner Sentenced to One Year in Prison for Money Laundering: Owner Forfeits \$1,000,000. United States Department of Justice, United States Attorney Scott N. Schools press release (Northern District of California, United States of America, March 7, 2007).

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Students, Community Organizations Will Walk Against Human Trafficking to Raise Awareness and Advocate for Anti-Human Trafficking Policies. Vietnamese Alliance to Combat Human Trafficking Press Release (Westminster, California, United States of America, April 19, 2006).

Two Egyptian Nationals Plead Guilty to Holding Domestic Worker in Involuntary Servitude. United States Department of Justice, Debra Wong Yang, United States

Attorney, Press Release No. 06-089 (Central District of California, United States of America, June 29, 2006).

APPENDIX E

Culture (Art/Literature)

Art

Cartoon

Dan Arch. Borderland: Seven Stories as Told by Victims of Human Trafficking. 2010.
<http://www.archcomix.com/trafficking/>
Traffick, Inc. Graphic Novels. <http://www.kickstarter.com/projects/meetjustice/art-and-advocacy-human-trafficking-in-the-usa>

Floral

Christie, Gayle. Rosa's Story. Pressed Floral Collage,
<http://www.florage.com/articles/Rosas-story.html>

Museum Exhibit

"Between A Rock and a Hard Place: A History of American Sweatshops, 1820 – Present." Peter Liebhold and Harry Rubenstein, Curators. Smithsonian Institution's National Museum of American History (NMAH) and Office of Exhibits Central (OEC), American History Museum, April 22, 1998 – December 10, 1998, <http://americanhistory.si.edu/sweatshops/index.htm> (Accessed on March 1, 2012).
National Underground Railroad Freedom Center. Invisible, Permanent Exhibit. Cincinnati, Ohio, <http://www.freedomcenter.org/>

Painters

Stark, Christine. Christinestark.com
Bloom, Beth. Diary of a Sex Slave. <http://www.bethbloomdesigns.com/paintings>
Glenn Ibbitson. Consignment. <http://www.smokingbrushfineart.com/consignment.html>

Photography

Kids with Cameras. Calcutta, India. <http://www.kids-with-cameras.org/kidsgallery/>
Matsui, Tim. 20080311_PNH_001.jpg. Tim Matsui Multimedia Storytelling. 5120X3143 Pixels. Cambodia Human Trafficking, Labor Migration.
Silverstein, Judy. "Alone." Crossing the Bridge. Judy Silverstein Photography, Ltd. alone1.jpg, 384X576 Pixels, www.judysilverstein.com, (Accessed on April 20, 2006).
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Performance

- Computers are a Girls Best Friend. Praba Pilar. February 20, 2009.
<http://www.change.org/petitions/attend-global-disconnects-the-internet-human-trafficking>
- Fabric: The Story of El Monte. Henry Ong, Playwright, 2010,
<http://www.traffickingproject.org/2010/07/fabric-story-of-el-monte-ca-72.html>
- My Real Name. Carol Chehade, Playwright. November 16, 2007, University of California, Berkeley.

Public Exhibit

- Bought & Sold: the Exhibit. Artworks for Freedom.
<http://artworksforfreedom.org/index.php#/bought-sold--the-exhibit/LockedInTrickedOut>
- Gift Box: Things Are Not Always What they Seem. UN.GIFT, Stop the Traffik,
<http://ungiftbox.org/>, 2012.
- National Anti-Trafficking Art Exhibit in Hanoi. Vietnam, 2012,
<http://mtvexit.org/blog/mtv-exit-launches-the-first-ever-national-anti-trafficking-art-exhibition-in-hanoi-2/>
- Slavery in the Everyday. Students & Artists Fighting to End Human Slavery. Worth Ryder Gallery.
- The Journey Against Sex Trafficking. Emma Thompson, UNODC, 2008,
<http://www.unodc.org/unodc/en/press/releases/2008-02-06-2.html>
- We, Asian Sex Workers, SF Sex Worker Film and Arts Festival, July 14, 2007 – July 22, 2007, <http://www.sfstation.com/we-asian-sex-workers-art-exhibit-e70161>

Literature & Journalist Writings

Flores, Theresa. 2010. *The Slave Across the Street*. Ampelon Publishing.

Keller, Nora Okja. 1998. *Comfort Woman*. Penguin Books.

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Lee, Chang-Rae. 2000. *A Gesture Life: A Novel*. Riverhead Trade.

Morrison, Toni. 1987. *Beloved: a novel*. New York: A.A. Knopf.

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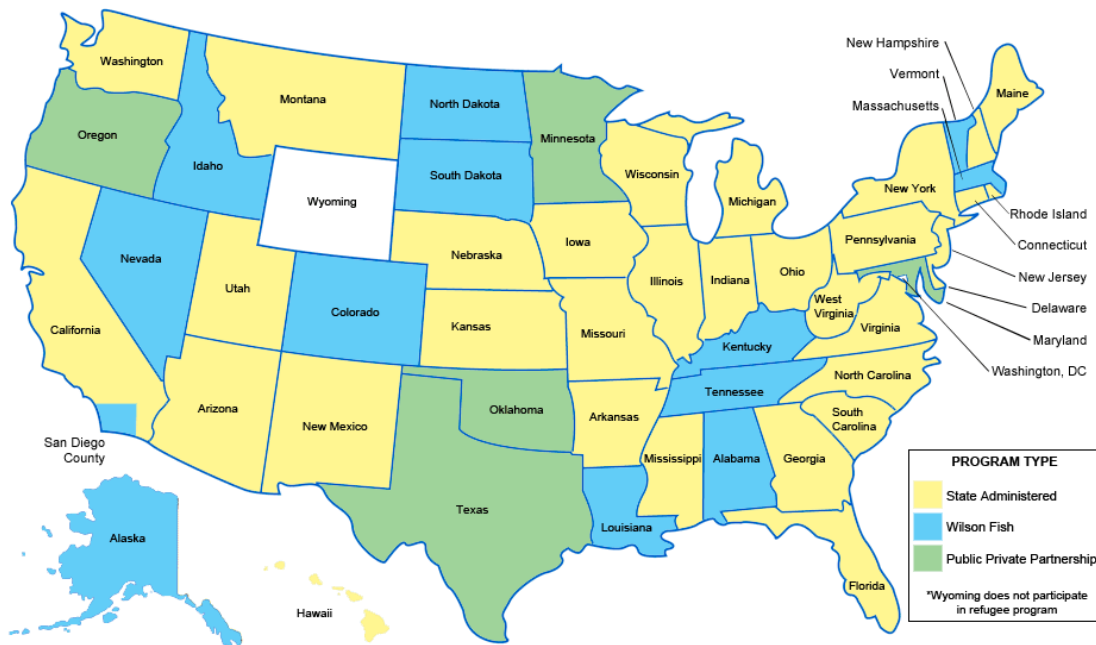
APPENDIX F

Mapping of Federally Funded Human Trafficking Organizations

Source: Bureau of Justice Administration and Office for Victims of Crime:
<https://www.bja.gov/Programs/40HTTF.pdf>



Department of Health & Human Services Human Trafficking Grantees:
http://www.acf.hhs.gov/programs/orr/data/state_prg_annual_overview.htm



States: [Alabama \(AL\)](#) | [Alaska \(AK\)](#) | [Arizona \(AZ\)](#) | [Arkansas \(AR\)](#) | [California \(CA\)](#) | [Colorado \(CO\)](#) | [Connecticut \(CT\)](#) | [Delaware \(DE\)](#) | [Washington, DC](#) | [Florida \(FL\)](#) | [Georgia \(GA\)](#) | [Hawaii \(HI\)](#) | [Idaho \(ID\)](#) | [Illinois \(IL\)](#) | [Indiana \(IN\)](#) | [Iowa \(IA\)](#) | [Kansas \(KS\)](#) | [Kentucky \(KY\)](#) | [Louisiana \(LA\)](#) | [Maine \(ME\)](#) | [Maryland \(MD\)](#) | [Massachusetts \(MA\)](#) | [Michigan \(MI\)](#) | [Minnesota \(MN\)](#) | [Mississippi \(MS\)](#) | [Missouri \(MO\)](#) | [Montana \(MT\)](#) | [Nebraska \(NE\)](#) | [Nevada \(NV\)](#) | [New Hampshire \(NH\)](#) | [New Jersey \(NJ\)](#) | [New Mexico \(NM\)](#) | [New York \(NY\)](#) | [North Carolina \(NC\)](#) | [North Dakota \(ND\)](#) | [Ohio \(OH\)](#) | [Oklahoma \(OK\)](#) | [Oregon \(OR\)](#) | [Pennsylvania \(PA\)](#) | [Rhode Island \(RI\)](#) | [South Carolina \(SC\)](#) | [South Dakota \(SD\)](#) | [Tennessee \(TN\)](#) | [Texas \(TX\)](#) | [Utah \(UT\)](#) | [Vermont \(VT\)](#) | [Virginia \(VA\)](#) | [Washington \(WA\)](#) | [West Virginia \(WV\)](#) | [Wisconsin \(WI\)](#) | [San Diego County](#)

APPENDIX G

Legal Relief for Migrants Without Status

(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

(2) NUMERICAL LIMITATIONS.—

“(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

“(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

APPENDIX H

Sample Letter of Certification for Human Trafficking

HHS Tracking Number

XXXXXXXXXXXXXXXXXX

DOB: XX/XX/XXXX

VICTIM NAME
C/O CASE MANAGER
NGO
ADDRESS
CITY, STATE ZIP

CERTIFICATION LETTER

Dear VICTIM:

This letter confirms that you have been certified by the U.S. Department of Health and Human Services (HHS) under section 107(b) of the Trafficking Victims Protection Act of 2000. With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. Certification does not confer immigration status.

Your certification date is **CERTIFICATION DATE**. The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this certification. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies must call the toll-free trafficking verification line at 1 (866) 401-5510 in the Office of Refugee Resettlement (ORR) to verify the validity of this document and to inform HHS of the benefits for which you have applied.

The Department of Labor offers employment and training services for which you may be eligible. Call 1-877-US2-JOBS or visit www.servicelocator.org to find out about the nearest One-Stop Career Center.

You must notify this office of your current mailing address. Please send a dated and signed letter with any changes of address to: Trafficking Program Specialist, Office of

Refugee Resettlement, 8th Floor West, 370 L'Enfant Promenade, SW, Washington, DC 20447. We will send all notices to that address, and any notice mailed to that address constitutes adequate service. You may also need to share this same information with state and local benefit-issuing agencies.

Sincerely,

Eskinder Negash
Director
Office of Refugee Resettlement

APPENDIX I

Highlights of Miriam Potocky’s Study (2010). “Effectiveness of Services for Victims of International Human Trafficking: An Exploratory Evaluation.”

TABLE 1 Client Demographic Characteristics (*N* = 43)

Characteristic	%
Region of origin	
Central America	31
Mexico	26
South America	19
Caribbean	7
Europe	7
Asia	5
Africa	5
Middle East	2
Gender	
Female	86
Male	14
Age	
Mean (Range)	25 (14–36)
Minor (Under age 18)	19
Number of dependents	
None	63
1	7
2	21
4	2
Missing	7
Literacy level	
None	12
Low	12
Moderate	26
High	42
Missing	9
English ability	
None	35
Low	28
Moderate	14
High	19
Missing	5

Note. Due to small numbers of clients from countries other than Mexico, specific countries are not identified in order to protect client confidentiality.

Potocky (2010): 367

TABLE 2 Client Trafficking Characteristics (*N* = 43)

Characteristic	%
Port of Entry	
Arizona	28
Texas	24
Florida	24
New York	9
North Carolina	5
California	2
Pennsylvania	2
Missing	7
Incident site	
Florida	56
Texas	7
New Jersey	7
New York	2
Massachusetts	2
Illinois	2
Missing	23
Nature of trafficking	
Sex trafficking	37
Labor trafficking	30
Domestic servitude	14
Missing	19
Years of U.S. residence at intake	
Mean (range)	3.3 (0–14)
Immigration status at intake	
Undocumented	98
Visa waiver	2

Potocky (2010): 368

TABLE 3 Service Needs Priorities and Total Needs (*N* = 43)

Service	%
Primary service priority at intake	
Legal	37
Shelter	19
Medical	7
Other	7
Mental health	5
Missing	26
Total clients with service need at intake	
Legal	70
Mental health	61
Shelter	54
Medical	51
Other	37

Note. Percentages add to more than 100 due to multiple service needs.

Potocky (2010): 369

TABLE 4 Units of Service Provided

Service	<i>M</i>	Range
Case coordination	30.1	4–75
Phone call to client	29.4	0–125
Meeting with client	11.3	1–32
Mental health treatment	8.6	0–56
Attempted phone call to client	7.1	0–40
Assist in making appointment	4.0	0–25
Provide information on benefits	3.7	0–16
Life skills education	3.7	0–27
Accompany to appointment	2.6	0–15
Assist in obtaining housing	2.4	0–9
Explain rights and responsibilities	2.0	0–9
Safety planning	1.7	0–9
Assist in obtaining ID	1.3	0–17
Assist with public benefits application	1.0	0–7
Search for services	1.0	0–7
English classes	.8	0–18
Emotional support	.8	0–7
Medical treatment	.8	0–8
Crisis intervention	.7	0–10
Referral to English classes	.6	0–3
Childcare referral	.6	0–9
Educational referral	.5	0–4
Assist in obtaining Social Security card	.4	0–5
Mental health referral	.4	0–2
Furniture	.4	0–3
Employment referral	.3	0–5
Clothing	.3	0–2
Food	.3	0–2
Arrange shelter	.3	0–3
Assist in obtaining driver's license	.3	0–2
Take to employment interview	.2	0–5
Advocacy	.2	0–3
Employment orientation	.1	0–1
Childcare	.1	0–2
Training/education	.1	0–4
Search for medical information	.1	0–6
Assist with educational appointment	.1	0–6
Assist in enrolling child in school	.0	0–1
Out of state service referral	.0	0–1
Psychiatric evaluation	.0	0–1
Recreation referral	.0	0–1
All services	119	9–384

Potocky (2010): 370

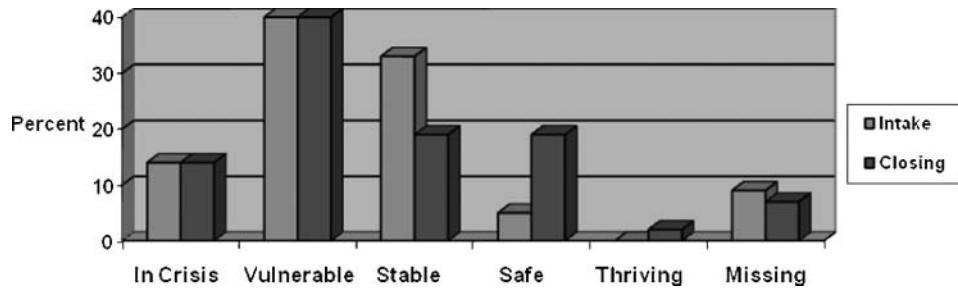


FIGURE 1 Housing Status.

Potocky (2010): 372

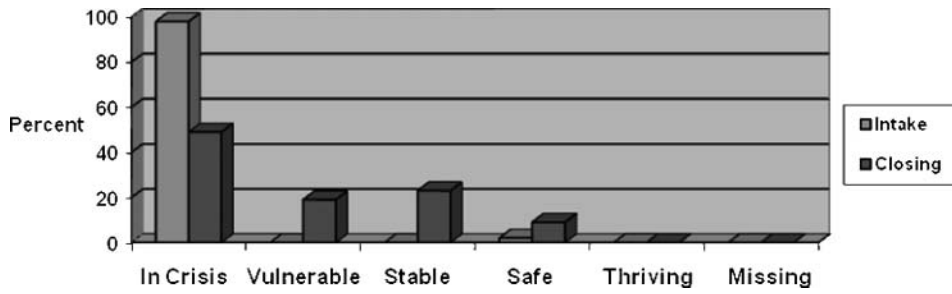


FIGURE 2 Immigration Status.

Potocky (2010): 373

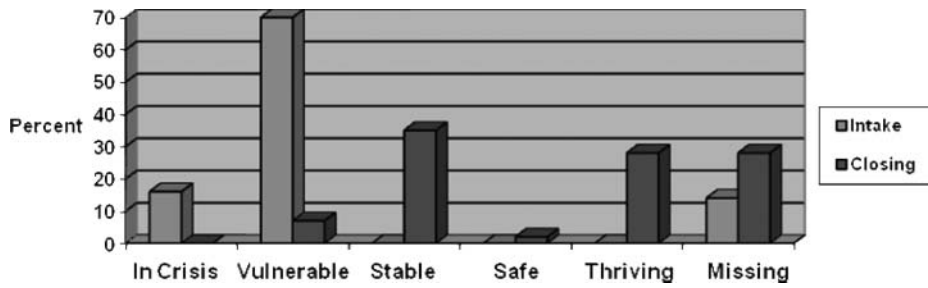


FIGURE 3 Mental Health Status.

Potocky (2010): 373

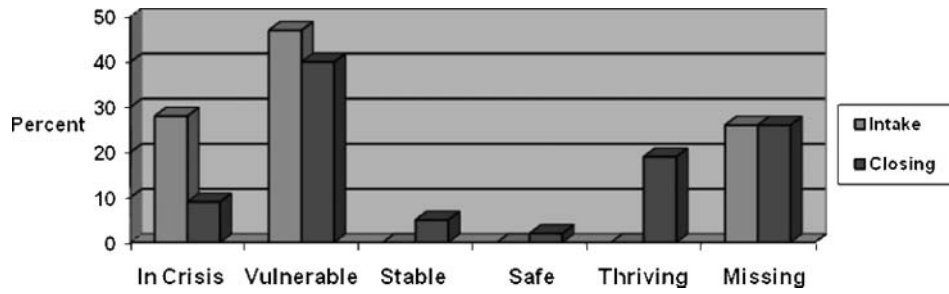


FIGURE 4 Health Status.

Potocky (2010): 374

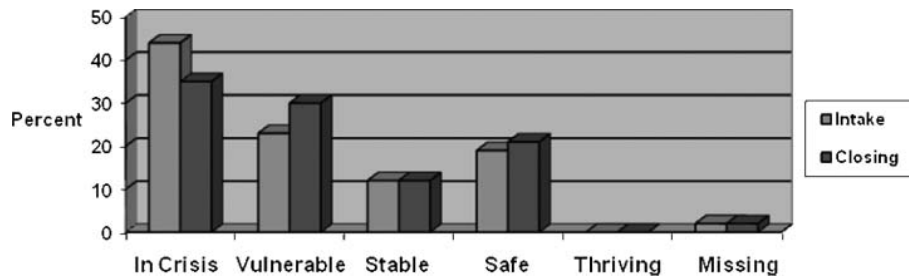


FIGURE 5 English Ability.

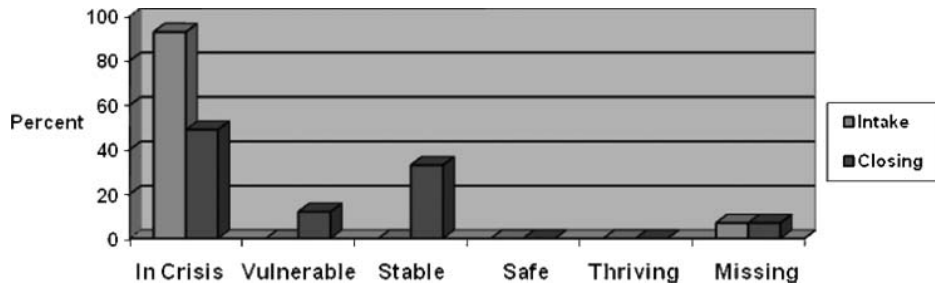


FIGURE 6 Employment/Education Status.

Potocky (2010): 375

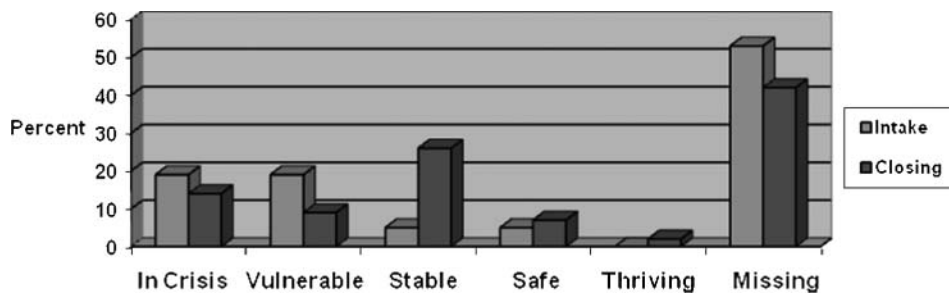


FIGURE 7 Life Skills Status.

Potocky (2010): 376

APPENDIX J

Participant Observation / Participation (2005 – 2012) Annie Isabel Fukushima

Advocacy

Lead Trafficking Case Manager & Programs Coordinator, The SAGE Project, Inc., April 2009 – March 2011

Programs Coordinator, Narika at Berkeley, October 2006 – December 2008.

Arts

Executive Director, Students & Artists Fighting to End Human Slavery.
www.safehs.com. May 2007 – April 2009

Annie Fukushima. "Introduction." Speaking Truths: The Poetics of Defining Human Slavery. California: Achiot Press, 2007.

Community Recognition

Nominee, San Francisco Collaborative Against Human Trafficking: Modern Day Abolitionist Award, 2010

Student Spotlight at CCAT: Annie Fukushima. February 26, 2008. Campus Coalition Against Trafficking. <http://ccatcoalition.web.aplus.net/?p=445>

Volunteer of the Year, Narika, 2007

Student Spotlight: Scholar Activist Annie Fukushima Combats Sex-Trafficking. February 2006. "Major Happenings". Tradewinds University of Hawaii: http://www.english.hawaii.edu/tradewinds/1_1/student_spotlight_annie.html

Grassroots

Founder and Institutional Member, End Internet Trafficking Coalition, February 2008 – February 2010

Executive Director, Students & Artists Fighting to End Human Slavery.
www.safehs.com. May 2007 – April 2009

Co-Director, Girl Fest Bay Area. August 2005 – April 2006.

Anti-Trafficking Coordinator, Girl Fest Hawaii. August 2004 – April 2006.

Partnerships

Organizer, Committee Against Trafficking & Sexual Exploitation, May 2008 – December 2008

Teaching

Forthcoming Teaching

Visiting Lecturer. "Introduction to American Studies" and "Freedom & Race: Citizenship, Slavery, and the Sex/Labor Trades," American Studies. Spring 2013, Scripps College.

Introduction to American Studies is a team taught course with Professor Stuart McConnell, Freedom and Race is an elective course on a special topic in my research.

Lecturer. "Social Justice Core Course." College Ten.
Fall 2012, University of California, Santa Cruz.
Writing requirement course through the theme of International and Global Perspectives.

Adjunct Instructor. Temporary Lecture Pool. Women's and Gender Studies.
Summer 2012 – Present, Sonoma State University.

Teaching as an Instructor / Lecturer

Instructor. "Immigration, Racialization, & Globalization," Ethnic Studies 103
Summer 2011, University of California, Berkeley
Interdisciplinary and theoretical survey of discourse on race, gender, sexuality, immigration, and globalization

Adjunct Instructor, "Asian American History up to 1945," Ethnic Studies 30
Spring and Summer, 2011, Laney College, Oakland California
Interdisciplinary and history course on Asian / Americans and immigration

Adjunct Instructor, "Asian Americans in Film," Ethnic Studies 45
Spring 2011, Laney College, Oakland California
Film studies and Asian American history course

Graduate Student Instructor / Teaching Assistant

Graduate Student Instructor, "The Southern Border," Ethnic Studies/Geography/Education 159
Fall 2010 and Fall 2011, University of California, Berkeley
Interdisciplinary course that traces the origins and present-day implications of the southern border

Graduate Student Instructor. "Asian American Studies and Film Studies," Asian American Studies 171
Fall 2009, University of California, Berkeley
Historicized Asian American representation in film and film-making class

Graduate Student Instructor. "An introduction Asians in the United States," Asian American Studies 20
Spring 2006 and Spring 2007, University of California, Berkeley
Survey of history and methods course on Asian American history

Graduate Student Instructor. "An introduction Chicano/Latino History," Chicano Studies 50
Fall 2006 and Fall 2007, University of California, Berkeley
Survey and introduction to Chicano Studies

Graduate Student Instructor. "Introduction to Race in the United States, University of California," Ethnic Studies/American Cultures 21
Summer 2006, University of California, Berkeley

Teaching Assistant, "U.S. imperialism," American Studies
Fall 2003, University of Hawaii, Manoa

Technical Assistance Provider

Cadre of Experts, American Psychological Association Task Force Trafficking of Women and Girls, June 2011 - Present

Consultant, Office of Victims of Crime Training and Technical Assistance Center, March 2012 - Present

Founding International Board of Advisor, Chinese Adoptee Links, International. www.chineseadopteeLinks.org. September 2006 – December 2009

International Delegate, Organizer, and Co-Editor of Newsletter. Women for Genuine Security. www.genuinesecurity.org. May 2007 – Present

Member, Advisory Board, The Standing Against Global Exploitation Project, Inc., July 2011 – Present

Member, Advisory Board, Survivors Connect, International, December 2009 – December 2011

Member and Board Secretary, Board of Directors, National Coalition Against Domestic Violence, August 2010 – Present

Technical Assistance provider & Trainer, Contra Costa County Coalition, funded by Office of Refugee & Resettlement, June 2009 – June 2010.

Technical Assistance provider & Trainer, Sacramento Coalition, funded by Office of Refugee & Resettlement, June 2009 – March 2011

Writing

Peer Reviewed

Annie Fukushima. “Beyond Moments of Disjuncture: The Visual Culture of the Sex Trafficked Asian (Woman).” *Phoebe: Gender & Cultural Critiques*. Vol. 20, No. 2, (Fall 2008): SUNY, Oneonta.

Annie Fukushima and Cindy Liou. “Weaving Theory and Practice: Anti-Trafficking Partnerships and the Fourth ‘P’ in the Human Trafficking Paradigm.” *Human Trafficking is Global Slavery*. Program on Human Rights, Stanford University. 2012.

Encyclopedia Contributions

Annie Fukushima. ““Comfort Women.” *The Greenwood Encyclopedia of Contemporary Asian American Issues Today*. Edith Chen and Grace Yoo, Eds. Connecticut: Greenwood Press, 2009.

—. “Coerced Migration.” *Battleground: Immigration*. Judith Warner, Ed. Connecticut: Greenwood Press, 2008.

Forthcoming

Annie Fukushima. “Korean Immigrant Women in America,” “Role of Asian Americans in Anti-Human Trafficking Movement,” and “Asian Americans and the Comfort Women Issue.” *Asian Americans: An Encyclopedia of Social, Cultural, Economic, and Political History*. California: ABC-CLIO, 2012.

Annie Fukushima. ““Are We on Camera?” *Filmic Representations of the Asian / American Human Trafficked Person*.” *Changing Boundaries and Reshaping Itineraries: An International Conference on Asian American Expressive Culture*.

*Beijing Foreign Studies University and University of California, Berkeley.
Forthcoming 2013.*

Other Publications

Ellen-Rae Cachola, Lizelle Fistejo, Annie Fukushima, Gwyn Kirk, and Sabina Perez.
“Gender and U.S. Bases in Asia-Pacific.” Foreign Policy In Focus Policy Report.
Washington D.C.: FPIF. (March 14, 2008) <http://www.fpif.org/fpiftxt/5069>
Annie Fukushima. “Introduction.” Speaking Truths: The Poetics of Defining Human
Slavery. California: Achote Press, 2007.

APPENDIX K

Working with Human Trafficking Survivors (April 2009 – April 2011)

Source: Annie Fukushima and Kate Kerr. January 22, 2011. “Learn About Aftercare for Survivors of Human Trafficking.” The SAGE Project, Inc., and Freedom House. *Freedom Summit: Building the Bay Area Response to Human Trafficking*. Harbor Light Church, Fremont, California: <http://freedom-summit.org/2011/program/>

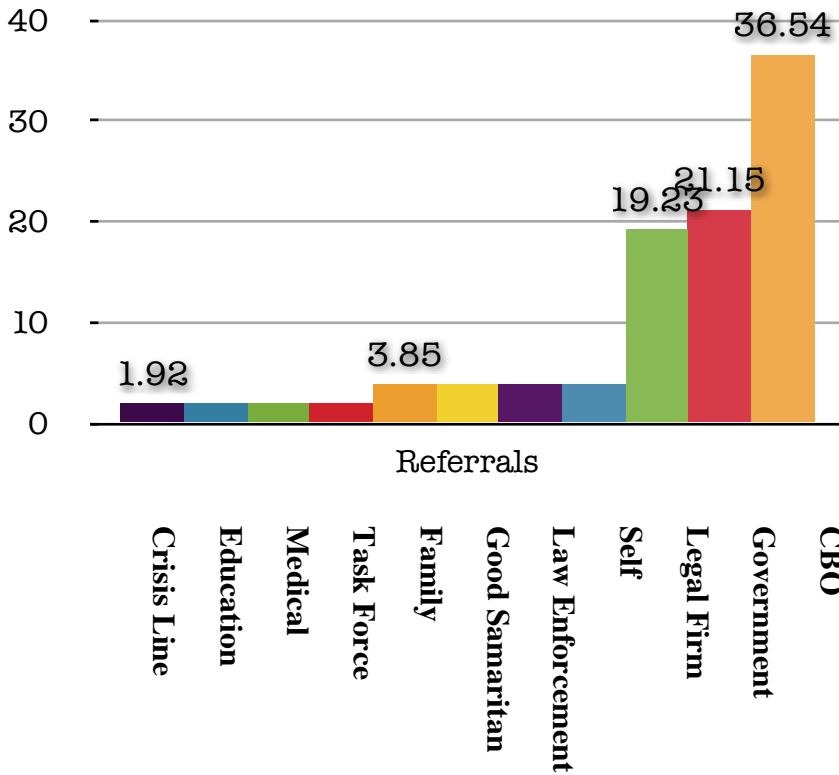
Clients Receiving Comprehensive Case Management: 23 Cases 2009 - 2010		Crisis Cases: 52 cases 2009 – 2010		Domestic Minor Human Trafficking: 26 Cases 2010	
Type	Percentage	Type	Percentage	Type	Percentage
Labor	65%	Labor	42.31%	Labor	4%
Sex	26%	Sex	53.85%	Sex	92%
Sex & Labor	9%	Sex & Labor	3.85%	Sex & Labor	4%

U.S. Citizens & Legal Permanent Residence / “Green Card Holders”:

Between 2010 – 2011, the organization I worked with shifted capacity to provide comprehensive services to domestic minors and legal permanent residents: 92%. Legal definitions of sex trafficking convey that any minor under 18 years-old that exchanges anything of value for sex constitutes a survivor of domestic minor sex trafficking. 2010 – 2011, I supervised a total of 50 domestic minor human trafficking cases.

During 2009 – 2010, the Early Intervention Prostitution Program identified 4 individuals that have histories of trafficking (2 with histories of domestic minor sex trafficking, 1 with a history of violent pimps, and 1 with a history of international trafficking). EIPP clients are primarily women (90%), with lesser numbers of transgender adults (6%) and men (4%). EIPP clients are a majority Euro-Americans (30%). Other populations include: Hispanic (15%), African American (15%), Mixed (12%), and Native Americans (3%). The Hispanic and Asian populations tend to be ESL, where they prefer Spanish and Asian languages such as Chinese and Korean (respectively).

SNAPSHOT: Crisis Response



January 2009 - December 2010, I responded to 52 different cases referred to as “crisis response.” A crisis response is different than comprehensive services. A crisis is a condition of instability or danger. I responded to such crisis through in-person or phone counseling, referrals to law enforcement, and in cases where a person has left the trafficking situation and is need of being able to relocated, a coordinated team effort is organized through SAGE staff for relocation. 78% of the cases were female, 19% male, and 2% transgendered. Referrals came from the organization’s partnerships with other first responders to human trafficking including: Task Forces on human trafficking (throughout the country), family members, the “good Samaritan”, and law enforcement.

Of the crisis cases: 88.46% of the cases had a crisis in California, with smaller numbers coming from other states: Missouri (5.77%), Colorado (1.92%), Hawaii (1.92%) and Washington (1.92%).

I continue to respond to crisis cases (i.e., offering assessments for human trafficking cases in deportation proceedings), however, to a lesser degree.

COMPREHENSIVE SERVICES: Case management for international survivors

Snapshot (2009 – 2011) of the comprehensive case management I provided: 23 cases of international human trafficking (does not include crisis response).

The average age for clients that received comprehensive services is 32.5 years old, with the range being 16 to 51 years old. And, based on the same population, 78% are female, with 22% of the clients male. A racial break down of clients served during the two year data collection period included 30% Asian Pacific Islander, 65% Hispanic / Latinas/os, and 5% Arab.

Origins of victims I worked with: China, Japan, Philippines, South Korea, Thailand, Vietnam, Brazil, Guatemala, Honduras, Mexico, Nicaragua, Peru, Afghanistan, Mongolia, Russia, and South Eastern Europe.

The average length of stay in services for an international survivor of human trafficking is 12 months, with the shortest time period of service being one month and the longest the entire 24 months during this two-year assessment; of which 8% had been in programs for 33-35 months. 35% of the clients have been formally discontinued, where 65% continue to be active clients. Oftentimes the needs vary, however, supporting an international survivor of human trafficking requires “hand-holding” support, with the goal being thriving independently.

List of Collaborators
2005 – 2011
Not a Comprehensive List

Alameda County H.E.A.T. Watch spearheaded by the Alameda District Attorney's Office
Alliance to End Slavery & Trafficking (ATEST)
Arriba Juntos, San Francisco, California
Asian Anti-Trafficking Collaborative, San Francisco, California
Asian Pacific Islander Legal Outreach, San Francisco
Asian Women's Shelter, San Francisco
Because Justice Matters, San Francisco, California
Bi-Lateral Safety Corridor Coalition, San Diego, California
Buklod, Philippines
Center for the Study of Sexual Cultures, University of California, Berkeley
Coalition Against Trafficking in Women, United States of America
Commission on the Status of Women, Berkeley
Department of Health & Human Services, Washington D.C.
Department of Public Health, San Francisco, California
Durebang, South Korea
End Internet Trafficking Coalition, United States of America
Equal Employment Opportunity Commission, San Francisco
Fair Fund, Washington D.C.
Filipino Community Center, San Francisco, California
Freedom House, San Mateo County
Freedom Summit, Bay Area, California
Gabriela Network, USA
Gender Equity Resource Center, University of California, Berkeley
Generative Somatics, Bay Area, California
Global Centurion, Washington, D.C.
Homeland Security Investigation (a.k.a., Immigration Customs Enforcement), California
Insight Prison Project and Insight Out, San Quentin State Prison, San Rafael, California
Love 146, Connecticut
La Casa de las Madres, San Francisco, California
La Raza Centro Legal, San Francisco, California
La Raza Resource Center, San Francisco, California
Lawyer's Committee for Civil Rights, San Francisco, California
Mexican Consulate, San Francisco, California
Motivating, Inspiring, Supporting and Serving Sexually Exploited Children, MISSEY,
Oakland, California
My Sister's House, Sacramento, California
Narika, Oakland, California
National Coalition Against Domestic Violence, United States
Newcomers Health Clinic, San Francisco General Hospital
No on K Committee, San Francisco, California
North Bay Human Trafficking Task Force

Office for Victims of Crime
Opening Doors, Sacramento, California
ORRICK, San Francisco, California
Project Reach, Massachusetts
Prostitution, Research & Education, San Francisco, California
Rescue & Restore Coalition, Contra Costa County Coalition
Rescue & Restore Coalition, Sacramento Coalition
Research Triangle Institute, San Francisco, California
Safe Horizons, New York, New York
Salvation Army, Chicago, Illinois
Salvation Army, San Francisco, California
Safe House, San Francisco, California
San Francisco Collaborative Against Human Trafficking
San Francisco Police Department, California
San Jose Police Department and the South Bay Human Trafficking Task Force
SETA, Sacramento, California
Shared Hope International
Sisters Of Mercy
Sisters of the Holy Family
Soroptimist International
South Bay Human Trafficking Task Force
Survivor's Connect International
The Barnaba Institute, Connecticut
The Polaris Project, Washington D.C.
The Riley Center, San Francisco, California
The Standing Against Global Exploitation Project, Inc.
Triple S. Network
United Nations East Bay Chapter
WEAVE, Sacramento, California
Wedpro International, Philippines
Women for Genuine Security, United States

APPENDIX M

Examples of Human Trafficking & Education

American University Washington College of Law, Center for Human Rights & Humanitarian Law,
<http://www.wcl.american.edu/humright/center/documents/guidetohumanrightsatwclDraft3.pdf>

Anti-Slavery,
http://www.antislavery.org/english/what_we_do/education/teachers_2/default.aspx

Captive Daughters, <http://www.captivedaughters.org/index.html>

Coalition Against Trafficking in Women, <http://www.catwinternational.org/resources.php>

Free the Slaves, <https://www.freetheslaves.net/SSLPage.aspx?pid=362>

Harvard Kennedy School, Carr Center for Human Rights Policy. Program on Human Trafficking and Modern Slavery,
<http://www.hks.harvard.edu/centers/carr/programs/human-trafficking-and-modern-slavery>

Humanities Research Center, “Human Trafficking Past and Present: Crossing Boundaries, Crossing Disciplines.” <http://hrc.rice.edu/RS/>

John Hopkins University, the Protection Project, <http://www.protectionproject.org/>

Not for Sale, <http://www.notforsalecampaign.org/resources/#!/prettyPhoto>

Office for Victims of Crime, Training and Technical Assistance Center,
<https://www.ovcttac.gov/>

Prostitution, Research, & Education, <http://www.prostitutionresearch.com/>

University of Nebraska, Lincoln, <http://humantrafficking.unl.edu/>

California Migration (2009)

California's immigrant population by country of origin, 2009

Country	Number	Percent naturalized
Mexico	4,308,000	28
Philippines	783,000	68
China (including Taiwan)	681,000	68
Vietnam	457,000	82
El Salvador	413,000	37
India	319,000	46
Korea	307,000	55
Guatemala	281,000	28
Iran	214,000	76
Canada	132,000	49
United Kingdom	125,000	40
Japan	105,000	37
Germany	88,000	65
Armenia	72,000	57
Nicaragua	67,000	56
All other countries	1,615,000	60

Source: 2009 American Community Survey.

From: Just the Facts: Immigrants in California, PPIC, 2011.

Data collection for Domestic Minors of Human Trafficking
(2007 – 2009)

Source:

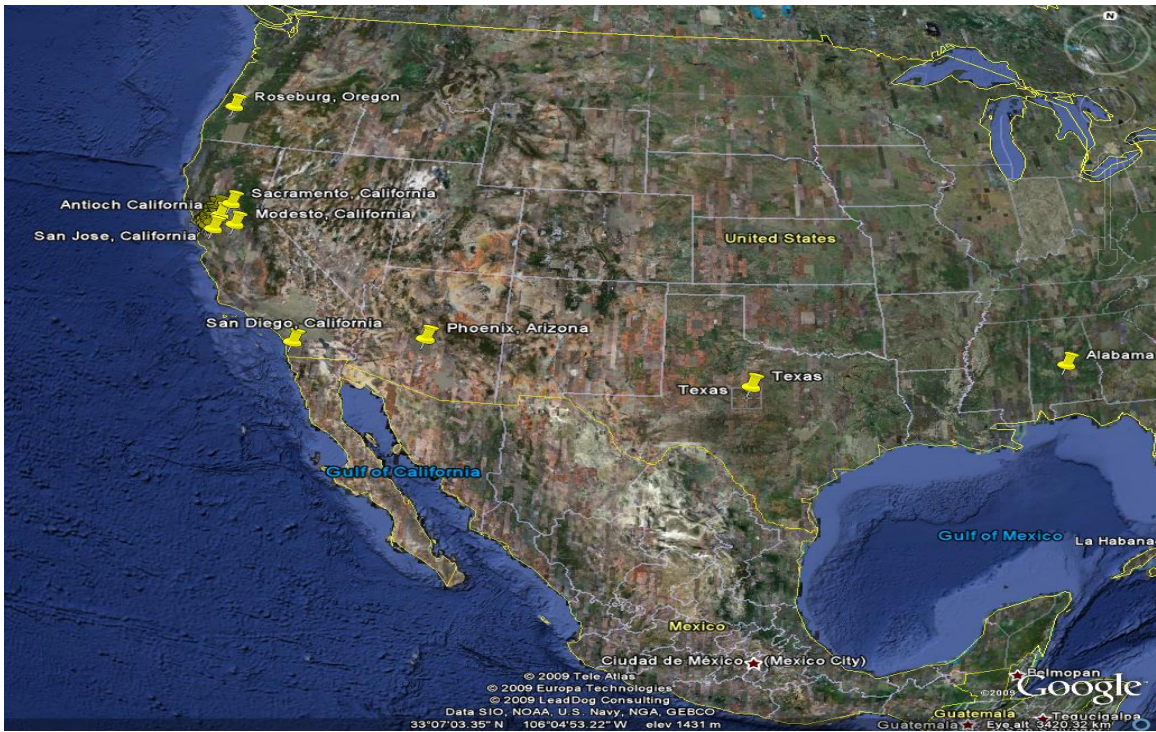
Annie Fukushima and Mollie Ring. June 18 – 19, 2009. “From San Francisco to Sacramento: Building Capacity and Community Support for Victims of Human Trafficking.” *The SAGE Project, Inc.* Department of Health & Human Services technical assistant provided training for the Sacramento Human Trafficking Coalition. SETA, Sacramento, California

Based on 50 Cases

Age	07/01/07-06/30/08	07/03/08-04/30/09
10 to 13 years old	5.8%	1.3%
14 to 15 years old	24.1%	10.3%
16 to 17 years old	51.2%	48.4
18 years and older	19.3%	40%

Domestic Minors of Human Trafficking: Based on Sampling from 50 Cases - Origins

Outside of California	12.86%
California	47.14%
San Francisco, California	40.00%



Domestic Minors of Human Trafficking: Based on Sampling from 50 Cases

Recruitment Method

Boyfriend	18.60%
Family	3.49%
Female Friend	13.95%
Male Friend	3.49%
Older Guy	2.33%
Pimp	30.23%
Self	8.14%
Unknown *	19.77%

APPENDIX P

California Penal Code Section 266

Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both such fine and imprisonment.

APPENDIX Q

Assembly Bill 22

CHAPTER 240

An act to add Section 52.5 to the Civil Code, to add Article 8.8 (commencing with Section 1038) to Chapter 4 of Division 8 of the Evidence Code, to amend Section 13956 of the Government Code, and to amend Sections 186.2, 273.7, 1202.4, and 14023 of, to add Sections 236.1 and 236.2 to, and to add and repeal Title 6.7 (commencing with Section 13990) to Part 4 of, the Penal Code, relating to human trafficking.

[Approved by Governor September 21, 2005. Filed with Secretary of State September 21, 2005.]

Legislative Counsel's Digest

AB 22, Lieber. Trafficking in persons.

Existing law establishes the offenses of slavery and involuntary servitude. Existing law also makes it an offense to entice an unmarried female minor for purposes of prostitution, as specified, or to aid or assist with the same, or to procure by fraudulent means, any female to have illicit carnal connection with any man. Existing law also makes it a crime to take away any minor as specified, for purposes of prostitution.

This bill would establish the crime of trafficking of a person for forced labor or services or for effecting or maintaining other specified felonies, and the crime of trafficking of a minor for those purposes, punishable by terms of imprisonment in the state prison for 3, 4, or 5 years, or 4, 6, or 8 years, respectively. The bill would permit a victim of trafficking to bring a civil action for actual damages, provide for restitution and punitive damages, and would establish a victim-caseworker privilege.

By creating new crimes, this bill would impose a state-mandated local program. The bill would require state and local law enforcement agencies to issue a Law Enforcement Agency Endorsement for all trafficking victims within 15 business days of initial contact with the victim.

By imposing new duties on local law enforcement agencies, this bill would impose a state-mandated local program.

Existing law establishes various advisory bodies in connection with domestic violence. The bill would establish a task force to study various issues in connection with human trafficking and to advise the Legislature, as specified. The provisions relating to the task force would be repealed January 1, 2008.

Existing law requires the Attorney General to give priority to matters involving organized

crime, gang activities, drug trafficking, and cases involving a high degree of risk to the witness.

This bill would include human trafficking in that list of priorities.

This bill would incorporate additional changes in Section 186.2 of the Penal Code proposed by AB 988 to become operative only if this bill and AB 988 are enacted and become effective on or before January 1, 2006, and this bill is enacted last.

This bill would incorporate additional changes in Section 1202.4 of the Penal Code proposed by SB 972 to become operative only if this bill and SB 972 are enacted and become effective on or before January 1, 2006, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as, the California Trafficking Victims Protection Act.

APPENDIX R

SUMINARTI SAYUTI YUSUF, Plaintiff and Respondent, v. ANDREW TIJA et al.,
Defendants and Appellants.

B222277

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT,
DIVISION EIGHT

2010 Cal. App. Unpub. LEXIS 8154

October 14, 2010, Filed

PRIOR HISTORY: [*1]

APPEAL from a judgment of the Superior Court of Los Angeles County. Super. Ct. No. BC375866. Coleman A. Swart and John S. Wiley, Judges.

DISPOSITION: Affirmed.

COUNSEL: Law Offices of Mark J. Werksman and Mark M. Hathaway for Defendants and Appellants.

O'Melveny & Myers, Paul G. McNamara, Robert S. Nicksin; Bet Tzedek Legal Services, Gus T. May and Kevin Kish for Plaintiff and Respondent.

JUDGES: BIGELOW, P. J.; RUBIN, J., GRIMES, J. concurred.

OPINION BY: BIGELOW

OPINION

Appellants Andrew Tjia and his wife Sycamore Choi were found liable by a jury for various labor law violations and tortious conduct, including human trafficking and intentional infliction of emotional distress. On appeal, they contend no substantial evidence supports the verdict on the tort causes of action, the trial court committed instructional and evidentiary errors, and improperly awarded treble damages. We affirm the judgment in its entirety.

FACTS

Respondent Suminarti Sayuti Yusuf is an Indonesian native who has worked as a nanny and domestic servant around the world, including as a nanny for the Saudi ambassador in London for three years. She also worked in Saudi Arabia for an American woman named

Delaina Tighe as a nanny and domestic servant for 15 years, until [*2] the children enrolled in college. Delaina Tighe's mother lived in San Diego and respondent travelled there with the Tighe family at least three times during her tenure with them. She has also worked for short periods of time in Chicago and Germany. During each of the times she was in the United States and abroad, she often went shopping on her own and interacted with people outside of the household. Respondent speaks English, "Arabic" and Indonesian.

In 2005, respondent was introduced to Sudibyo Tjiptokesuma, who needed a housekeeper for his son, appellant Tjia, in the United States. In December 2005, respondent met with appellants and agreed to work for them in exchange for \$ 500 per month, plus expenses and meals. Appellants requested and respondent agreed that she would work for Tjiptokesuma for one month in his household and learn to cook before leaving for the United States. She would be paid once she arrived in the United States. Respondent gave appellants her passport so they could buy and arrange for her ticket to the United States.

In January 2006, she left Indonesia with Tjiptokesuma, who kept her passport and filled out all of the immigration forms when they landed. On the [*3] landing form, Tjiptokesuma listed a false destination address, 333 Boylston Street, instead of appellants' address in La Canada. Although respondent saw her passport on a desk the day after she arrived, she did not retrieve it and appellants kept her passport in a safe deposit box at a bank.

Respondent began working for appellants the day after she arrived in the United States. Her daily duties included doing the laundry, ironing, cleaning the bathrooms, cleaning the five-bedroom home, washing the windows, cooking and sweeping the floors. Appellant Choi also had respondent massage her feet every day.

Respondent occasionally left the house in the company of one or both of the appellants to go to a restaurant or to the supermarket but otherwise was told that she would be thrown in jail and deported if she left the house by herself. Appellants also told her that she could be raped and that "American people would pretend to help you, but they would kill you, harvest your organs, and sell them." Appellants refused to allow respondent to take a day off to go to San Diego, to go to the Indonesian consulate or to go to a mosque.

Appellants' son occasionally came into respondent's room to look [*4] for his laundered clothing during the night. Appellant Choi also came into respondent's room to rummage through her luggage while respondent feigned sleep. Appellants derided respondent's dark skin color and Muslim religion, saying, "Don't tell anybody that you are a Muslim because here it's accepted that Muslim people are terrorists." Appellants also repeatedly berated respondent for being "stupid" and not doing her job well. In one incident, appellant Choi turned on the shower while respondent was cleaning the bathtub and drenched her for no reason.

After working for appellants for two months, respondent sought help from Marilyn and Dawn Tighe, family members of her former employer, Delaina Tighe. Dawn Tighe called

the FBI and sheriff's deputies escorted respondent from appellants' home on April 1, 2006. Respondent was never paid for her services while she worked for appellants.

Respondent filed suit against appellants on August 13, 2007, for human trafficking, failure to pay minimum wage and overtime, failure to provide breaks, waiting time penalties, fraud, false imprisonment, invasion of privacy, intentional infliction of emotional distress, conversion and negligence. ([Civ. Code, § 52.5](#); [*5] [Lab. Code, §§ 203, 226.7, 970, 1194, subd. \(a\), 1194.2, subd. \(a\), 1197.](#)) After a week-long jury trial beginning October 22, 2009, the jury returned a verdict finding appellants liable for all of the causes of action alleged in the complaint and awarding respondent \$ 257,599.14 in damages. The jury also found appellants liable for punitive damages in the amount of \$ 250,000 each. This appeal was timely filed on February 8, 2010.

APPENDIX S

Thirteenth Amendment and Involuntary Servitude

13th Amendment: Abolition of Slavery

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Involuntary Servitude

"Involuntary servitude consists of two terms.

"Involuntary means `done contrary to or without choice' - `compulsory' - `not subject to control of the will.' [487 U.S. 931, 937]

"Servitude means `[a] condition in which a person lacks liberty especially to determine one's course of action or way of life' - `slavery' - `the state of being subject to a master.'

"Involuntary servitude involves a condition of having some of the incidents of slavery.

"It may include situations in which persons are forced to return to employment by law.

"It may also include persons who are physically restrained by guards from leaving employment.

"It may also include situations involving either physical and other coercion, or a combination thereof, used to detain persons in employment.

Source for Involuntary Servitude: United States v. Kozminski et al., (1988). 487 U.S. 931. Certiorari to the United States Court of Appeals for the Sixth Circuit, No. 86-2000. Argued February 23, 1988; Decided June 29, 1988.

Involuntary Servitude as defined by the Trafficking Victims Protection Act, Section 103: includes a condition of servitude induced by means of— (A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (B) the abuse or threatened abuse of the legal process.

APPENDIX T

U.S. Restrictions to Organizations Supporting Prostitution: TVPRA (2003) and Health & Human Services Leadership Act (2003)

Trafficking Victims Protection Reauthorization Act, 2003

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED MATTERS.

“(1) RESTRICTION ON PROGRAMS.—No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

“(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.”

U.S. Department of Health and Human Services, “Leadership Act” (2003)

[Federal Register Volume 75, Number 70 (Tuesday, April 13, 2010)]

[Rules and Regulations]

[Pages 18760-18764]

From the Federal Register Online via the Government Printing Office [www.gpo.gov]

[FR Doc No: 2010-8378]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 89

RIN 0991-AB60

Organizational Integrity of Entities That Are Implementing
Programs and Activities Under the Leadership Act

AGENCY: U.S. Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department is issuing a final rule establishing the organizational integrity requirements for Federal funding recipients under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Leadership Act). This rule requires that funding announcements and agreements with funding recipients include a clause that states that the recipient is opposed to prostitution and sex trafficking because of the psychological and physical risks they pose for women, men and children. This rule also modifies the requirements for recipient-affiliate separation and eliminates the requirement for an additional certification by funding recipients.

DATES: This rule is effective May 13, 2010.

FOR FURTHER INFORMATION CONTACT: John Monahan, Office of Global Health Affairs, Hubert H. Humphrey Building, Room 639H, 200 Independence Avenue, SW., Washington, DC 20201, Tel: 202-690-6174, E-mail: ogha.os@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Background

Congress enacted the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 ("Leadership Act") in May 2003. Public Law 108-25 [22 U.S.C. 7601-7682]. The Leadership Act contains limitations on the use of funds provided to carry out HIV/AIDS activities under the Act. Subsection 7631(f) prohibits the use of Leadership Act HIV/AIDS funds "to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking." Subsection 7631(f) was amended in 2004 to exempt certain public international organizations. Consolidated Appropriations Act of 2004, Public Law 108-199, Div. D, Title II (2004).

The United States government is opposed to prostitution and sex trafficking. In enacting the Leadership Act, Congress specifically found "Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the trafficking of individuals into such industry, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic."

Leadership Act Sec. 2(23) Public Law 108-25. Congressional hearings at the time of the Act showed a high incidence of HIV among prostitutes and that prostitution fueled the demand for sex trafficking. Accordingly, Congress unambiguously called for the elimination of prostitution and sex-trafficking as part of the United States' fight against HIV/AIDS.

Section 301(f) [22 U.S.C. 7631(f)] of the Leadership Act requires that funding recipients have a policy explicitly opposing prostitution and sex trafficking. Additionally,

recipients of Leadership Act funds cannot engage in activities that are inconsistent with their opposition to prostitution and sex trafficking.

Congress did not dictate the means by which the Department would implement the policy and the Congressional intent of the Act was not to overburden applicants with unnecessary requirements. For example, during legislative debate on the Leadership Act, in response to a question from Senator Leahy on the Senate floor regarding section 301(f), Senator Frist stated that ``a statement in the contract or grant agreement between the U.S. Government and such organization that the organization is opposed to the practices of prostitution and sex trafficking because of the psychological and physical risks they pose for women * * * would satisfy the intent of the provision." 149 CONG. REC. S6,457 (daily ed. May 15, 2003) (statement of Sen. Frist).

Legal Definitions of Force, Fraud and Coercion

FORCE: Force is not defined by the Trafficking Victims Protection Act. Force is described in the Congressional findings of the TVPA under section 3: “Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.”

FRAUD: Fraud is not defined by the Trafficking Victims Protection Act. Fraud is defined by state codes. Fraud is defined by the California civil code § 3294 : California Code – Section 3 as: an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury.

COERCION: The Trafficking Victims Protection Act defines coercion §1591 The term “coercion” means— (A) threats of serious harm to or physical restraint against any person; (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.

Legal Definitions of Peonage and Deb Bondage

PEONAGE: Peonage is not defined by Trafficking Victims Protection Act. It is always listed collectively with involuntary servitude and the slave trade. Peonage is defined by its legal abolition in U.S. code: 42 U.S.C. § 1994 : US Code - Section 1994, Peonage abolished (1865). The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

DEBT BONDAGE: Debt bondage is defined in the Trafficking Victims Protection Act under section 103 of Definitions as meaning: the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Continued Presence

Continued Presence (CP) is a temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims of human trafficking to remain in the U.S. temporarily during the ongoing investigation into the human trafficking-related crimes committed against them. CP is initially granted for one year and may be renewed in one-year increments. CP is authorized under provisions of section 107(c)(3) of the TVPA, which has since been reauthorized, and is codified at 22 U.S.C. § 7105(c)(3).

Source: “Continued Presence: Temporary Immigration Status for Victims of Human Trafficking.” *Homeland Security, Blue Campaign*, August 2010, <http://www.dhs.gov/xlibrary/assets/ht-uscis-continued-presence.pdf> (Accessed on September 1, 2010).

T Nonimmigrant Status Visa

T Nonimmigrant Eligibility

To be eligible for a T-visa, a non-citizen trafficking victim must demonstrate that he or she:

- Is or has been a victim of a severe form in trafficking (as defined by the TVPA, See Appendix A);
- Is physically present in the United States, American Samoa, or the Mariana Islands or at a port of entry on account of trafficking (See Appendix A);
- Has complied with any reasonable request for assistance in investigating or prosecuting trafficking (if 18 or older); and
- Would suffer extreme hardship involving unusual and severe harm upon removal.

The non- exhaustive list of such Extreme hardship includes: The age and personal circumstances of the applicant; Serious physical or mental illness of the applicant that necessitates medical or psychological attention not reasonably available in the foreign country; The nature and extent of the physical and psychological consequences of severe forms of trafficking in persons; The impact of the loss of access to the United States courts and the criminal justice system for purposes relating to the incident of severe forms of trafficking in persons or other crimes perpetrated against the applicant, including criminal and civil redress for acts of trafficking in persons, criminal prosecution, restitution, and protection; The reasonable expectation that the existence of laws, social practices, or customs in the foreign country to which the applicant could be returned would penalize the applicant severely for having been the victim of a severe form of trafficking in persons; The likelihood that the trafficker in persons or others acting on behalf of the trafficker in the foreign country would severely harm the applicant; and The likelihood that the applicant's individual safety would be seriously threatened by the existence of civil unrest or armed conflict as demonstrated by the designation of Temporary Protected Status, under section 244 of the Act, or the granting of other relevant protections. Legal citation: 8 CFR §214.11(i)(1).

Source: "Human Trafficking and the T-Visa." Contributor: Gail Pendleton, Marie Jose Fletcher, Florrie Burke, Lejia Zvizdic, Maunica Sthanki, and Lauren Polk. Grant No. 2000-WL-VX-K004 awarded by the Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

U Nonimmigrant Status Visa

U-Nonimmigrant Eligibility

To be eligible for a U-visa, a non-citizen victim of criminal activity must demonstrate that he or she is:

A. a victim of criminal activity designated in section 101(a)(15)(U) of the Immigration and Nationality Act (the Act). Such activity is defined as being the victim of one or more of the following or any similar activity in violation of Federal, State or local criminal law: rape; Torture; Trafficking; Incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy or solicitation to commit any of the above.

B. Has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;

C. Possess information concerning the qualifying criminal activity of which he/she was a victim;

D. A Federal, State or local government official investigating or prosecuting a qualifying criminal activity certifies (using Supplement B of this petition) that he/she has been, or are being or are likely to be helpful to the official in the investigation or prosecution of the criminal act of which he/she is a victim; and

E. The criminal activity of which he/she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States.

Source: "Instructions for Form I-918, Petition for U Nonimmigrant Status." *Department of Homeland Security: U.S. Citizenship and Immigration Services*. OMB No. 1615-0104, November 23, 2010, expires 07/31/2012, <http://www.uscis.gov/files/form/i-918instr.pdf> (Accessed on December 15, 2010).

Trafficking Victims Protection Act Reauthorization Fact Sheet



**Alliance To End
Slavery & Trafficking**

A Project Of Humanity United

1700 Pennsylvania Avenue, NW
Suite 520

Washington, DC 20006

T: 202-503-3200

E: info@endslaveryandtrafficking.org

www.endslaveryandtrafficking.org

THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2011 (S.1301)

What will this reauthorization accomplish?

- Provides invaluable resources to support holistic services for survivors and to enable law enforcement to investigate cases, to hold perpetrators accountable, and prevent slavery from happening in the first place.
- Holds government contractors and subcontractors responsible for using foreign labor recruiters that exploit workers.
- Prevents U.S. foreign aid from going to countries that use child soldiers.
- Penalizes the confiscation of identity documents, a prevalent form of coercion that traffickers use to exploit victims.
- Creates a grant-making program to respond to humanitarian emergencies that result in an increased risk of trafficking, such as the situation in Haiti after the 2010 earthquake when children's vulnerability to re-trafficking escalated sharply.
- Authorizes the J/Tip office to form local partnerships in focus countries to combat child trafficking through Child Protection Compacts.
- Enhances law enforcement capacity to combat sex tourism by extending jurisdiction under the 2003 PROTECT Act to prosecute U.S. citizens living abroad who commercially sexually exploit children.

Why should your office support this?

- Congress has reauthorized the TVPA every two to four years since its original passage in 2000. As knowledge in this area continues to grow on how to effectively combat human trafficking in the United States and abroad, this law must be reauthorized to provide the United States with further tools and resources to combat this heinous crime.
- Reflecting a fiscally responsible approach, S.1301 cuts authorizations by one-third across the board compared to levels set by the last reauthorization in 2008.
- There are an estimated 27 million slaves worldwide, more than at any other time in history. Together, human trafficking and slavery are among the most lucrative criminal enterprises.
- This legislation strengthens the tools necessary to combat human trafficking both here and abroad, and improves the means with which we can prevent trafficking, protect victims, and enhance prosecutions.
- Several measures impose rigorous compliance and reporting requirements on federal agencies, including the U.S. Department of Defense, to ensure that the U.S. government is not spending taxpayer money to support human trafficking around the globe.
- This reauthorization emphasizes the victim-centered approach that has been critical in fighting human trafficking. It is an opportunity to continue the fight to end modern-day slavery in our generation.

For more information, please contact Cory Smith, Senior Policy Advisor to ATEST, at csmithhu@gmail.com.

Trafficking Victims Protection Act. 112th Congress. S.1301, 2011 – 2012,
<http://thomas.loc.gov/cgi-bin/query/z?c112:S.1301>: (Accessed on June 20, 2012).

APPENDIX AA

AB 799
Excerpt

SENATE COMMITTEE ON PUBLIC SAFETY
Senator Loni Hancock, Chair
2011-2012 Regular Session

AB 799 (Swanson)
As Amended April 11, 2011
Hearing date: June 7, 2011
Welfare and Institutions Code
AA:mc

SEXUALLY EXPLOITED MINORS PILOT PROJECT:

ALAMEDA COUNTY

HISTORY

Source: Author

Prior Legislation: AB 499 (Swanson) - Ch. 359, Statutes of 2008

Support: California District Attorneys Association; Junior
Leagues of California; Alameda County
Board of Supervisors; California State Sheriffs' Association;
Child Abuse
Prevention Center; California Probation Parole and Correctional
Association; AFSCME, AFL-CIO; Eta Nu Omega Chapter of Alpha
Kappa Alpha Sorority
Incorporation; City of Oakland

Opposition: None known

Assembly Floor Vote: Ayes 62 - Noes 0

KEY ISSUES

AB 799 (Swanson)

Page B

SHOULD THE ALAMEDA COUNTY DISTRICT ATTORNEY BE REQUIRED TO
SUBMIT A REPORT TO THE LEGISLATURE REGARDING ALAMEDA'S
SEXUALLY EXPLOITED MINORS PILOT PROJECT SUBJECT TO LOCAL
FUNDING, AS SPECIFIED?

SHOULD THE SUNSET ON THE STATUTE DESCRIBING THE ALAMEDA COUNTY PILOT PROJECT RELATING TO SEXUALLY EXPLOITED MINORS BE EXTENDED FIVE YEARS?

PURPOSE

The purpose of this bill is to extend the sunset of the existing Alameda County pilot project relating to sexually exploited minors five years, and to require the Alameda County district attorney to provide a report to the Legislature on the pilot contingent upon local funding and operation of the pilot, as specified.

Existing law expressly authorizes Alameda County, contingent upon local funding, to "establish a pilot project . . . to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for" prostitution crimes, as specified. These provisions sunset January 1, 2012. (Welfare and Institutions Code § 18259 et seq.)

This bill would extend the sunset on these statutory provisions five years, until January 1, 2017.

This bill additionally would require the District Attorney for the County of Alameda, on or before April 1, 2016, to "submit a report to the Legislature that summarizes the activities performed by the district attorney pursuant to this section, so that the Legislature may determine whether the pilot project

Page C

should be extended or expanded to other counties prior to the repeal of this chapter. . . . The report shall, at a minimum, include the number of sexually exploited minors, if any, diverted by the program . . . and a summary of the types of services and alternate treatments provided to those minors."

This bill would provide that the report required by its provisions "shall be contingent upon local funding, and shall be required only if the County of Alameda establishes a pilot project and the district attorney performs any of the activities of the pilot project authorized by this chapter. The report shall not include any information that would reveal the identity of a specific sexually exploited minor."

Further reading visit: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0751-0800/ab_799_cfa_20110606_154607_sen_comm.html

APPENDIX BB

California Penal Code § 266

Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both such fine and imprisonment.

California Penal Code § 266h

California Penal Code Section 266h. (a) Except as provided in subdivision (b), any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years. (b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows: (1) If the person engaged in prostitution is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

California Penal Code § 266i

California Penal Code Section 266i. (a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution. (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state. (4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate. (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution. (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution. (b) Any person who does any of the acts described in subdivision. (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows: (1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

California Penal Code § 267

California Penal Code Section 267. Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars (\$2,000).

California Penal Code § 311.4

California Penal Code Section 311.4. (a) Every person who, with knowledge that a person is a minor, or who, while in possession of any facts on the basis of which he or she should reasonably know that the person is a minor, hires, employs, or uses the minor to do or assist in doing any of the acts described in Section 311.2, shall be punished by imprisonment in the county jail for up to one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, or by imprisonment in the state prison. If the person has previously been convicted of any violation of this section, the court may, in addition to the punishment authorized in Section 311.9, impose a fine not exceeding fifty thousand dollars (\$50,000). (b) Every person who, with knowledge that a person is a minor under the age of 18 years, or who, while in possession of any facts on the basis of which he or she should reasonably know that the person is a minor under the age of 18 years, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under the age of 18 years, or any parent or guardian of a minor under the age of 18 years under his or her control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or a live performance involving, sexual conduct by a minor under the age of 18 years alone or with other persons or animals, for commercial purposes, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years. (c) Every person who, with knowledge that a person is a minor under the age of 18 years, or who, while in possession of any facts on the basis of which he or she should reasonably know that the person is a minor under the age of 18 years, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under the age of 18 years, or any parent or guardian of a minor under the age of 18 years under his or her control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or a live performance involving, sexual conduct by a minor under the age of 18 years alone or with other persons or animals, is guilty of a felony. It is not necessary to prove commercial purposes in order to establish a violation of this subdivision. (d) (1) As used in subdivisions (b) and (c), "sexual conduct" means any of the following, whether actual or simulated: sexual intercourse, oral copulation, anal intercourse, anal oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, penetration of the vagina or rectum by any object in a lewd or lascivious manner, exhibition of the genitals or pubic or rectal area for the purpose of sexual stimulation of the viewer, any lewd or lascivious sexual act as defined in Section 288, or excretory functions performed in a lewd or lascivious manner, whether or not any of the above conduct is performed alone or

between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being sexual conduct. (2) As used in subdivisions (b) and (c), "matter" means any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, or any other computer-related equipment or computer-generated image that contains or incorporates in any manner, any film, filmstrip, photograph, negative, slide, photocopy, videotape, or video laser disc. (e) This section does not apply to a legally emancipated minor or to lawful conduct between spouses if one or both are under the age of 18. (f) In every prosecution under this section involving a minor under the age of 14 years at the time of the offense, the age of the victim shall be pled and proven for the purpose of the enhanced penalty provided in Section 647.6. Failure to plead and prove that the victim was under the age of 14 years at the time of the offense is not a bar to prosecution under this section if it is proven that the victim was under the age of 18 years at the time of the offense.

California Penal Code § 518

California Penal Code Section 518. Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.

Immigration Nationality Act, “Bringing in and Harboring Certain Aliens”

Sec. 274. [8 U.S.C. 1324]

(a) Criminal Penalties.-

(1) (A) Any person who-

(i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

(iv) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law, shall be punished as provided in subparagraph (B); or

(v) 1(I) engages in any conspiracy to commit any of the preceding acts, or

(II) aids or abets the commission of any of the preceding acts.

APPENDIX II

Differences Between Human Trafficking and Human Smuggling

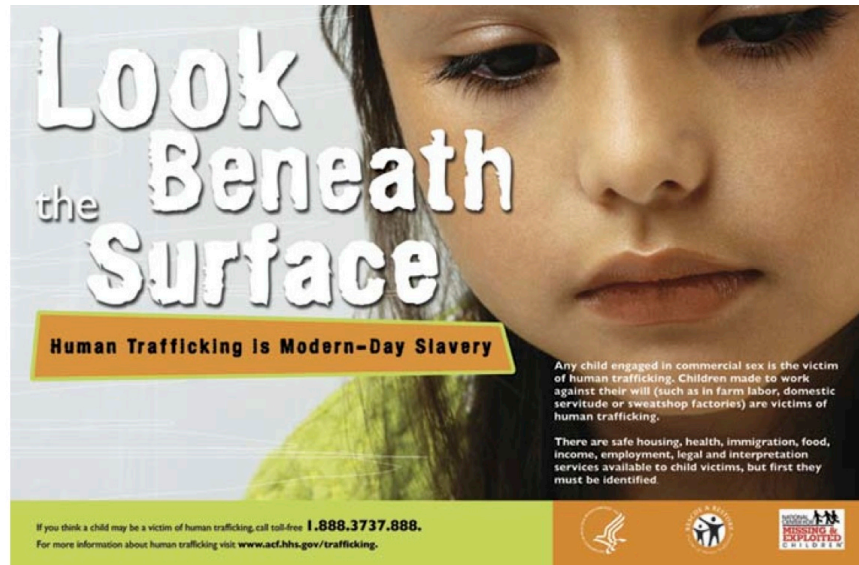
TRAFFICKING	SMUGGLING
Must Contain an Element of Force, Fraud, or Coercion (actual, perceived or implied), unless under 18 years of age involved in commercial sex acts.	The person being smuggled is generally cooperating.
Forced Labor and/or Exploitation.	There is no actual or implied coercion.
Persons trafficked are victims.	Persons smuggled are complicit in the smuggling crime; they are not necessarily victims of the crime of smuggling (though they may become victims depending on the circumstances in which they were smuggled)
Enslaved, subjected to limited movement or isolation, or had documents confiscated.	Persons are free to leave, change jobs, etc.
Need not involve the actual movement of the victim.	Facilitates the illegal entry of person(s) from one country into another.
No requirement to cross an international border.	Smuggling always crosses an international border.
Person must be involved in labor/services or commercial sex acts, i.e., must be "working".	Person must only be in country or attempting entry illegally.

The "Trafficking vs. Smuggling" chart on this page does not provide a precise legal distinction of the differences between smuggling and trafficking. The chart is designed to illustrate general fact scenarios that are often seen in smuggling or trafficking incidents. Fact scenarios are often complex; in such cases expert legal advice should be sought.

Source: "Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking 2006." *U.S. Department of State: Diplomacy in Action*, January 1, 2006, <http://www.state.gov/m/ds/hstcenter/90434.htm> (Accessed on August 25, 2006).

U.S. Department of Health and Human Services: Administration for Children & Families
Look Beneath the Surface, Posters

Languages offered: English, Chinese, Spanish, Indonesian, Korean, Thai, and
Vietnamese



Poster 1



Poster 2

LOOK BENEATH THE SURFACE

HUMAN TRAFFICKING IS MODERN-DAY SLAVERY

A victim of trafficking may look like many of the people you see everyday.

Ask the right questions and look for clues. You are vital because you may be the only outsider with the opportunity to speak with a victim.

There are safe housing, health, immigration, food, income, employment, legal and interpretation services available to victims, but first they must be found.

If you think someone is a victim of trafficking, **call 1.888.3737.888**

For more information about human trafficking visit www.acf.hhs.gov/trafficking.

Poster 3

LOOK BENEATH THE SURFACE

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Poster 4



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Poster 5

APPENDIX KK

Timeline of the program history for the Thai Community Development Center

Note: The timeline below is a timeline to the survivors. Anecdotally, I know that many were able to receive services and a path citizenship in the United States, but there is an unknown number that were deported (repatriated). of services to Thai victims of human trafficking. What is not available is what happened

1995 El Monte Case - Play a pivotal role in the first modern day slavery case in U.S. history, to liberate, resettle and empower 72 Thai garment workers from the infamous El Monte Slave Shop

1996 Thai Garment Workers' Case - Came to aid of another case of Thai garment workers

1997 Thai Sexual Slavery Case - Came to the aid of Thai women trafficked for sexual slavery

1998-2000 Thai Domestic Workers' Case - Redress and restitution for Thai domestic worker escapees

2003 T-Visas were granted to trafficked Thai domestic and sex workers

2001-2006 Thai Welders' Case - Help Thai welders reach a \$1.2 million settlement against Trans Bay Steel Corporation for civil rights violations. This case is the first recognized male legal contract labor case in modern day slavery

2003-Ongoing Thai Farmworkers' Case - Redress and restitution for the Thai farmworkers. This case is the largest human-trafficking case in U.S. history, which involves more than 400 Thai legal contract workers

Source: "Victory for Human Rights." *Thai Community Development Center*, 1995 – present, <http://thaicdc.org/cms/victory-for-human-rights/> (Accessed on August 1, 2007).

APPENDIX LL

Lawrence v. Texas,

539 U.S. 558, 123 S. Ct. 2472, 156 L. Ed. 2d 508 (2003).

Facts: Houston police were dispatched to Lawrence's (D) apartment in response to a reported weapons disturbance. The officers found Lawrence and Garner (D) engaged in a sexual act. Lawrence and Garner were charged and convicted under Texas law of "deviate sexual intercourse, namely anal sex, with a member of the same sex (man)." Lawrence and Garner challenged the statute as a violation of the Equal Protection Clause of the Fourteenth Amendment. Lawrence and Garner were each fined \$200 and order to pay \$141.25 in costs. The Court of Appeals considered defendants' federal constitutional arguments under both the Equal Protection and Due Process Clauses of the Fourteenth Amendment. After hearing the case en banc the court rejected the constitutional arguments and affirmed the convictions. The court held that *Bowers v. Hardwick* was controlling regarding the due process issue. The Supreme Court granted certiorari.

Issue

- Does a statute making it a crime for two persons of the same sex to engage in certain intimate sexual conduct violate the Due Process Clause?

Holding and Rule (Kennedy)

- Yes. A statute making it a crime for two persons of the same sex to engage in certain intimate sexual conduct violates the Due Process Clause.
- Liberty protects the person from unwarranted government intrusions. Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct. The defendants are adults and their conduct was in private and consensual.
- The right to privacy is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.
- *Roe v. Wade* recognized the right of a woman to make certain fundamental decisions affecting her destiny and confirmed that the protection of liberty under the Due Process Clause has a substantive dimension of fundamental significance in defining the rights of the person. It is clear that in *Bowers v. Hardwick* this Court failed to appreciate the extent of the liberty at stake. To declare the issue as one related to the right to engage in certain sexual conduct demeans the claim the individual put forward, just as it would demean a married couple were it to be said marriage is simply about the right to have sexual intercourse.

Disposition: Reversed and remanded.

Concurring (O'Connor): I do not join the Court in overruling *Bowers* but I agree that the Texas statute is an unconstitutional violation of the Fourteenth Amendment's Equal Protection Clause.

Dissent (Scalia): Nowhere does the Court's opinion declare that homosexual sodomy is a "fundamental right" under the Due Process Clause; nor does it subject the Texas law to the standard of review that would be appropriate (strict scrutiny) if homosexual sodomy were a "fundamental right." Thus, while overruling the outcome of *Bowers*, the Court leaves strangely untouched its central legal conclusion: "D would have us announce . . . a fundamental right to engage in homosexual sodomy. This we are quite unwilling to do." Instead the Court simply describes petitioners' conduct as an exercise of their liberty and proceeds to apply an unheard-of form of rational-basis review that will have far-reaching implications beyond this case.

Dissent (Thomas): If I were a member of the Texas Legislature I would vote to repeal this law. Punishing someone for expressing his sexual preference through noncommercial consensual conduct with another adult does not appear to be a worthy way to expend valuable law enforcement resources. But I am not empowered to help petitioners and others similarly situated. My duty is to decide cases agreeably to the Constitution and laws of the United States. I can find neither in the Bill of Rights nor any other part of the Constitution a general right of privacy, or as the Court terms it today, the liberty of the person both in its spatial and more transcendent dimensions.

APPENDIX MM

The Mann Act (1910)
36 Stats., Vol. I, p. 825 (1910)

CHAP.395. – An Act To further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled . . .

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such women or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3. That any person who shall knowing persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6 . . . Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the . . . arrangement [of July 25, 1902] for the suppression of the white-slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement concerning such alien woman or girl with the Commissioner-General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court. In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner-General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.\

Sec. 8. That this Act shall be known and referred to as the "White-slave traffic Act."
Approved, June 25, 1910.

APPENDIX NN

“Prostitution Debates by Country.”

Stetson, Dorothy McBride. 2004. “The invisible issue: prostitution and trafficking of women and girls in the United States.” *The Politics of Prostitution: Women’s Movements, Democratic States and the Globalization of Sex Commerce*. Joyce Outshoorn, Ed. UK: Cambridge University Press: 268

Australia	
AUS 1	Legalisation of street soliciting in New South Wales, 1968–79
AUS 2	Legal brothels in Victoria, 1984
AUS 3	Slavery and sexual servitude, 1995–9
Austria	
AUT 1	Amendment of the Penal Code, 1984
AUT 2	Vienna’s prostitution law, 1991
AUT 3	Social insurance law, 1998
Britain	
BR 1	Abolition of imprisonment of prostitutes, 1979–82
BR 2	Kerb crawling as an offence, 1985, 2001
BR 3	Sexual servitude, 2001
Canada	
CA 1	Fraser report, 1983–5
CA 2	Bill C-49, 1985
CA 3	Youth in prostitution, 1992–6
Finland	
FI 1	Repeal of Vagrant Act, 1984–6
FI 2	Sex Crime Act, 1993–8
FI 3	Helsinki Municipal Ordinance, 1995–9
France	
FR 1	Prostitute rights/law enforcement, 1972–5
FR 2	Public health/AIDS: debate on regulation, 1989–90
FR 3	Penal Code reform on pimping and solicitation, 1991–2
Israel	
IS 1	Teenage girls in trouble, 1970–2
IS 2	Commission on prostitution law reform, 1975–7
IS 3	Trafficking of women and prostitution, 1994–2002
Italy	
IT 1	Protection permits for victims of trafficking, 1996–9
IT 2	Criminalisation of clients of prostitutes under sixteen, 1998
IT 3	Financing of projects, 1998–9
Netherlands	
NL 1	Repeal of the brothel ban, Bill 18202, 1983–9
NL 2	Trafficking of persons, Bill 21027, 1989–93
NL 3	Repeal of the brothel ban, Bill 25437, 1997–2000
Spain	
SP 1	Elaboration of the Penal Code, 1994–5
SP 2	Reform of the Penal Code, 1997–9
SP 3	The 2000 Immigration Act, 1998–2000
Sweden	
SW 1	First commission on prostitution, 1981–2
SW 2	Second commission on prostitution, 1995–8
SW 3	Violence against Women Act/law on the purchase of sexual services, 1997–9
USA	
US 1	Sexual exploitation of children, 1976–8
US 2	Child Sexual Abuse and Pornography Act, 1984–6
US 3	Trafficking in women and children, 1998–2000

APPENDIX OO

National Association for the Repeal of the Contagious Diseases Acts; 1869 – 1886

Prepared by The Women's Library in cataloguing 3NAR National Association for the Repeal of the Contagious Diseases Acts archive
Code: NA1066

The National Association for the Repeal of the Contagious Diseases Acts (1869-1886) was established in 1869. In the 1840s there was an upsurge in concern with prostitution in the United Kingdom. Evangelical Christians, socialists and chartists all condemned the industry and moral campaigns were established to suppress vice. However, only after 1857's Royal Commission report on the health of the army and a follow-up report on the level of venereal disease in the military five years later did official tolerance of prostitution come to an end as the question became fused with contemporary concerns over public health. The result was three successive decrees in 1864, 1866 and 1869 known as the Contagious Diseases (referred to as the CD) Acts. By these, in certain towns containing military bases, any woman suspected of being a prostitute could be stopped and forced to undergo a genital inspection to discover if she had a venereal disease. If she did not submit willingly, she could be arrested and brought before a magistrate. If she was found to be infected, she could be effectively imprisoned in a 'lock' hospital. After the 1869 Social Sciences congress where the CD Acts were raised and condemned, a number of individuals established the National Association for the Repeal of the Contagious Diseases Act, originally under the title of the National Anti-Contagious Diseases Act Extension Association. An Executive Committee was elected which included Mr Robert Charlton as Treasurer and Frederick Banks as secretary with the Rev. Dr. Hoopell and Dr Worth as honorary secretaries. No women were originally included in the organisation, and though many later joined, this initial omission led to the formation of the Ladies National Association for the Repeal of the Contagious Diseases Act under Josephine Butler. Local branches were rapidly set up, particularly in the north of England and the Midlands. The following year, the NARCDA set up the journal 'The Shield' to promote their work. In the summer of 1870, the organisation merged with the Metropolitan Anti-Contagious Diseases Acts Association after a joint conference to form a London-based group better placed to influence parliamentary opinion. The new body continued under the name of the National Association for the Repeal of the Contagious Diseases Act and by 1886 had around five hundred branches. In 1887 the decision was taken to dissolve the group, a year after the 1886 repeal of the acts, though it was not finally wound up until 1890.

Online link:

<http://calmarchive.londonmet.ac.uk/DServe/dserve.exe?dsqIni=Dserve.ini&dsqApp=Archive&dsqDb=Persons&dsqSearch=Code=='NA1066'&dsqCmd=Show.tcl>

Appendix PP

U.S. Anti-Sex Tour Legislation

United States of America, Federal Policy

Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003

United States Department of Justice, Press Release

FOR IMMEDIATE RELEASE

WEDNESDAY, APRIL 30, 2003

WWW.USDOJ.GOV

FACT SHEET PROTECT ACT

The “PROTECT Act of 2003” is an historic milestone for our nation's children. The Justice Department will dedicate the full force of our nation’s resources against those who victimize our nation’s youth. Important coordinated law enforcement information, fast law enforcement response, and swift and sure penalties can work to protect our children. The PROTECT Act comprehensively strengthens law enforcement’s ability to prevent, investigate, prosecute and punish violent crimes committed against children.

Problem #1: Law Enforcement Had Inadequate Tools to Help Locate Missing Children and Prosecute Offenders.

Solution #1: The Act Establishes the AMBER Alert Program, and Provides Significant New Investigative Tools. AMBER Alert programs are a proven tool to help recover abducted children.

Establishing a national AMBER Alert Program. Building on the steps already taken by the Bush Administration to support AMBER Alert programs, this bill allows for national coordination of state and local AMBER Alert programs, including the appointment of a national AMBER Alert Coordinator and the development of guidance for issuance and dissemination of AMBER Alerts.

On October 2, 2002, the Attorney General designated Assistant Attorney General for the Office of Justice Programs Deborah Daniels to serve as coordinator.

Support for state AMBER programs. The bill provides \$25 million in FY 2004 for states to support AMBER Alert communication systems and plans.

Enhanced tools to protect children:

This bill allows law enforcement to use existing legal tools for the full range of serious sexual crimes against children. Under prior law, wiretaps are authorized for a range of crimes, but not for many of the various crimes associated with using the internet to lure children for purposes of sexual abuse and sex trafficking.

This bill makes clear there is no statute of limitations for crimes involving the abduction or physical or sexual abuse of a child, in virtually all cases. Under previous law, the statute of limitations expired when the child turned 25, potentially allowing child rapists to go free if law enforcement could not solve the crime in time.

Under current law, defendants who commit crimes against children are often released on bail. The bill makes it more difficult for defendants accused of serious crimes against

children to obtain bail. This is similar to other existing provisions for some drug, firearms, and violent crimes.

The bill strengthens laws punishing offenders who travel abroad to prey on children (“sex tourism”).

AMBER Alert system galvanizes entire communities to assist law enforcement in the time-sensitive search for and safe return of child victims, and there is no doubt the AMBER Alert system saves lives:

AMBER alerts have already recovered over 50 children.

The Justice Department is quickly implementing AMBER Alerts nationwide:

89 AMBER plans are already in effect throughout the country.

41 programs exist statewide.

The Justice Department has a National Amber Alert Coordinator who has been working since last year to develop a seamless nationwide child protection system in EVERY state.

The Justice Department mailed a report in March to all 50 Governors detailing steps to create statewide AMBER programs.

Problem #2: Federal Law Did Not Ensure Adequate or Consistent Punishment for Those Who Committed Crimes Against Children.

Solution #2: The PROTECT Act Provides Appropriately Severe Penalties for Those Who Would Harm Children.

Increased penalties for non-family member child abduction: the minimum prison sentence is now 20 years.

Increased penalties for sexual exploitation of children and child pornography: a first offense of using a child to produce child pornography is now 15 to 30 years.

“Two Strikes” provision that requires life imprisonment for offenders who commit two serious sexual abuse offenses against a child.

Provisions to address the rates of “downward departures” - when judges sentence criminal defendants to less time in jail than the Sentencing Guidelines state.

For years, downward departures in child pornography possession cases have ranged between 25% and 29% nationwide.

§One judge, for example, granted a 50% downward departure to a 5'11", 190-lb. child pornography defendant - who had accessed over 1,300 child pornography pictures and begun an Internet correspondence with a 15-year-old girl in another state - in part due to his concern that the defendant would be “unusually susceptible to abuse in prison.” *United States v. Parish*, 308 F.3d 1025 (9th Cir. 2002) (rejecting Government’s appeal and affirming the sentence).

The bill provides the judiciary with less authority to give reduced prison sentences, by eliminating much-abused grounds of departure such as “diminished capacity,” aberrant behavior,” and “family and community ties.”

§In one recent child pornography case, a judge departed downward in part on the ground that the defendant had a “diminished capacity” due to the fact that he “was extremely addicted to child pornography.” The bill ensures that pedophiles will not be able to get reduced sentences just because they are pedophiles.

Prior to this Act, the length of post-release supervision of sex offenders was capped at five years, which is plainly inadequate in light of the high rate of recidivism for such offenders. The Act would allow a term of supervised release of any terms of years or for

life.

Problem #3: Past Legal Obstacles Have Made Prosecuting Child Pornography Cases Very Difficult. Last year, the Supreme Court declared unconstitutional a federal law that criminalized the possession of “virtual” child pornography, i.e., materials whose production may not have involved the use of real children. This decision has made it immeasurably more difficult to eliminate the traffic in real child pornography.

Child pornography takes place largely over the internet, so most of the child pornography cases that are brought involve computer files of images. Defendants now routinely seek to escape conviction by claiming that there is a “reasonable doubt” as to whether the computer image is that of a real child.

As computer imaging advances, this problem will worsen. Some experts already claim that it is impossible to tell whether a particular image was made using a real child. Future prosecutions will become battles of experts that will confuse juries and harm our ability to protect our nation’s children.

Solution #3: Strengthen the Laws Against Child Pornography in Ways that Can Survive Constitutional Review. Among other provisions, the bill will:

Revise and strengthen the prohibition on ‘virtual’ child pornography.

Prohibit any obscene materials that depict children, and provided tougher penalties compared to existing obscenity law.

Encourage greater voluntary reporting of suspected child pornography found by internet service providers on their systems.

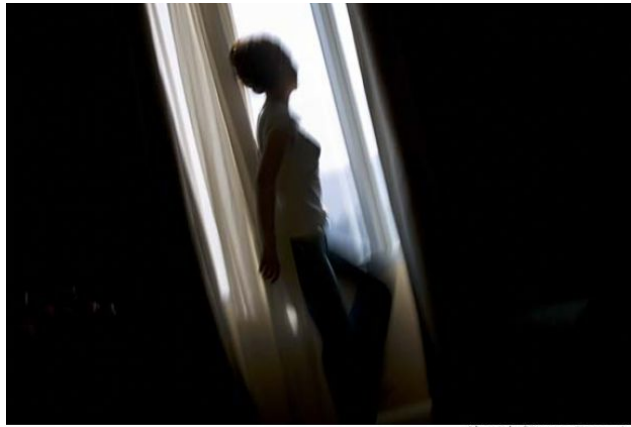
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APPENDIX QQ

Photographs by Deann Fitzmaurice, “Diary of Sex Slave” Four Part Series

“Sex Trafficking: San Francisco is a Major Center for International Crime Networks that Smuggle and Enslave.” Deann Fitzmaurice. Part 1. *The San Francisco Chronicle*. October 6, 2006, <http://www.sfgate.com/news/article/SEX-TRAFFICKING-San-Francisco-Is-A-Major-Center-2468554.php> (Accessed on October 6, 2006).
Photographs.



Chronicle / Deanne Fitzmaurice

Photograph 1.



Chronicle / Deanne Fitzmaurice

Photograph 2.



Chronicle / Deanne Fitzmaurice

Photograph 3.



Chronicle / Deanne Fitzmaurice

Photograph 4.



Chronicle / Deanne Fitzmaurice

Photograph 5.



Chronicle / Deanne Fitzmaurice

Photograph 6.



Chronicle / Deanne Fitzmaurice

Photograph 7.

“A Youthful Mistake: You Mi was a Typical College Student, Until Her First Credit Card Got her into Trouble.” Dean Fitzmaurice. Part 2. *The San Francisco Chronicle*, October 8, 2006, <http://www.sfgate.com/news/article/A-YOUTHFUL-MISTAKE-You-Mi-was-a-typical-college-2487822.php> (Accessed on October 8, 2006). Photographs.



Chronicle / Deanne Fitzmaurice

Photograph 1.



Chronicle / Deanne Fitzmaurice

Photograph 2.



Chronicle / Deanne Fitzmaurice

Photograph 3.



Chronicle / Deanne Fitzmaurice

Photograph 4.



Chronicle / Deanne Fitzmaurice

Photograph 5.



Chronicle / Deanne Fitzmaurice

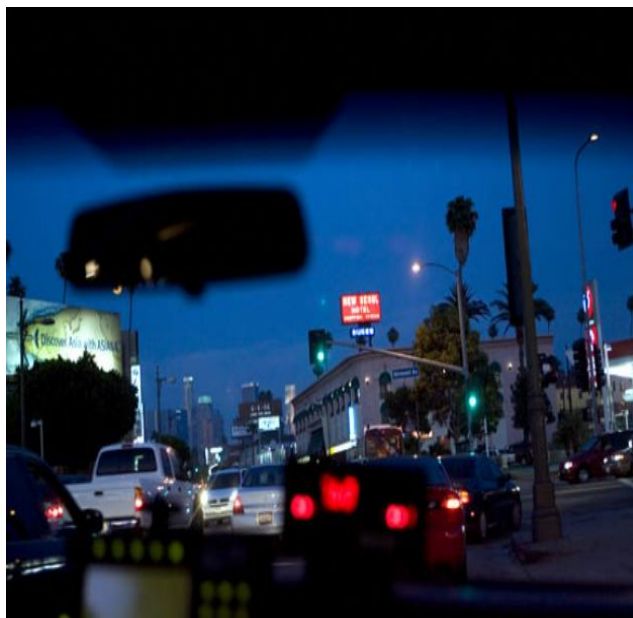
Photograph 6.

“Bought and Sold: You Mi is put into debt bondage – life becomes an endless cycle of sex with strangers.” Deanne Fitzmaurice. *The San Francisco Chronicle*, October 9, 2006, <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-THIRD-OF-A-FOUR-PART-2468512.php> (October 9, 2006).



Chronicle / Deanne Fitzmaurice

Photograph 1



Chronicle / Deanne Fitzmaurice

Photograph 2.



Chronicle / Deanne Fitzmaurice

Photograph 3.



Chronicle / Deanne Fitzmaurice

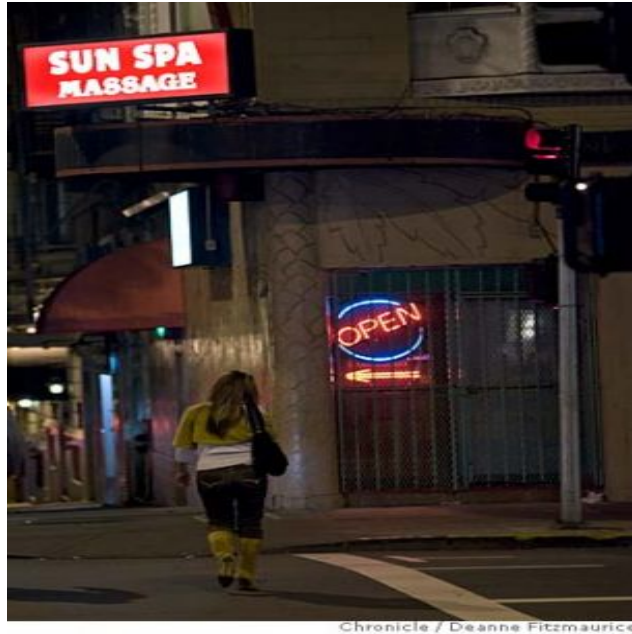
Photograph 4.



Chronicle / Deanne Fitzmaurice

Photograph 5.

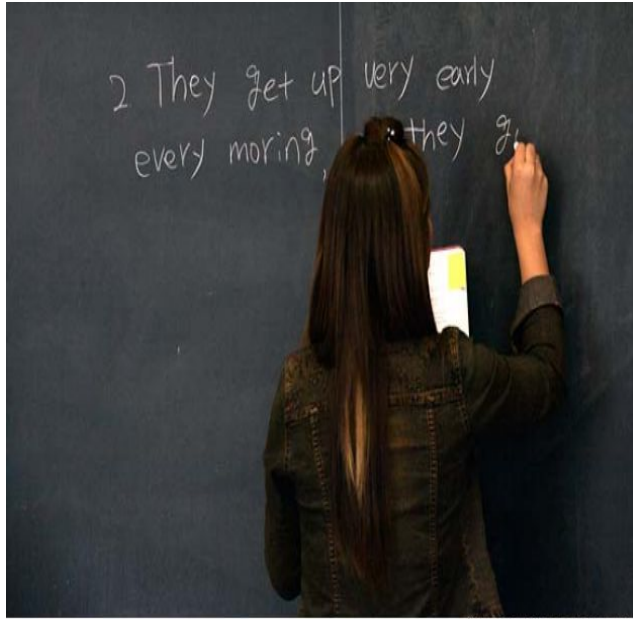
“Free, but Trapped: In San Francisco, You Mi begins to put her life back together -- but the cost is high.” Deanne Fitzmaurice. Part 4. The San Francisco Chronicle, October 8, 2006, <http://www.sfgate.com/news/article/DIARY-OF-A-SEX-SLAVE-LAST-IN-A-FOUR-PART-2486203.php> (Accessed on October 10, 2006). Photographs.



Photograph 1.



Photograph 2.



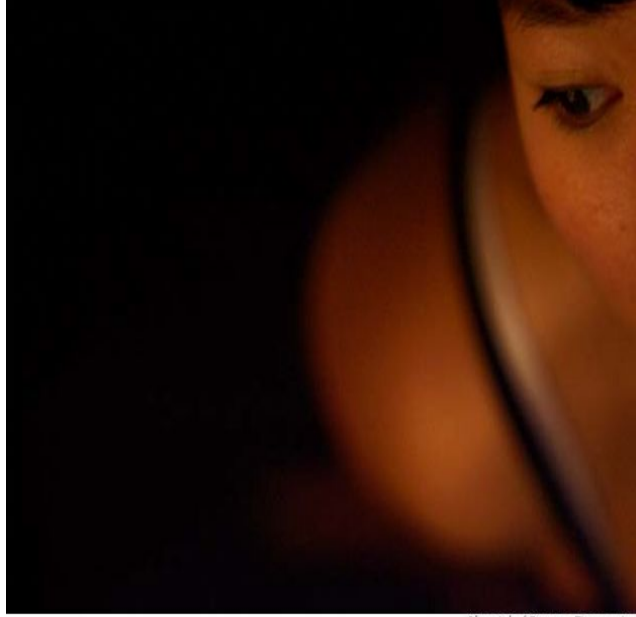
Chronicle / Deanne Fitzmaurice

Photograph 3.



Chronicle / Deanne Fitzmaurice

Photograph 4.



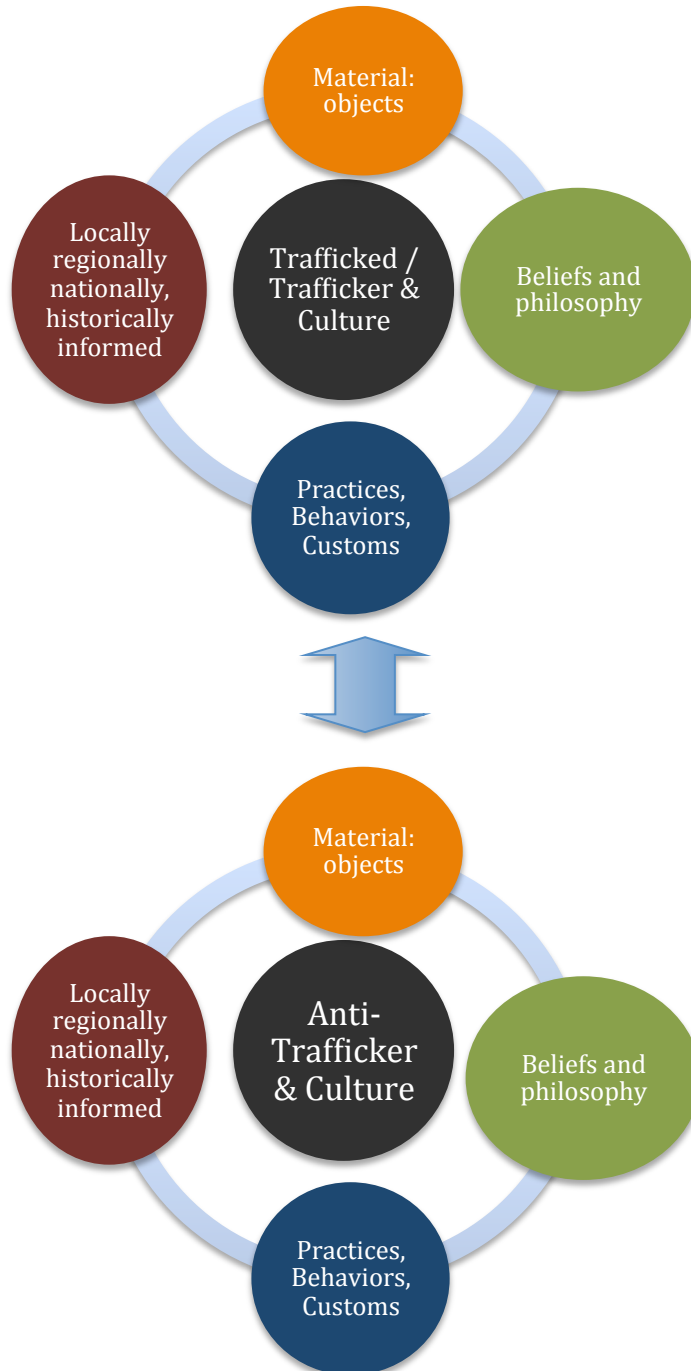
Chronicle / Deanne Fitzmaurice

Photograph 5.

APPENDIX RR

Culture and the Trafficked, the Trafficker, and the Anti-Trafficker

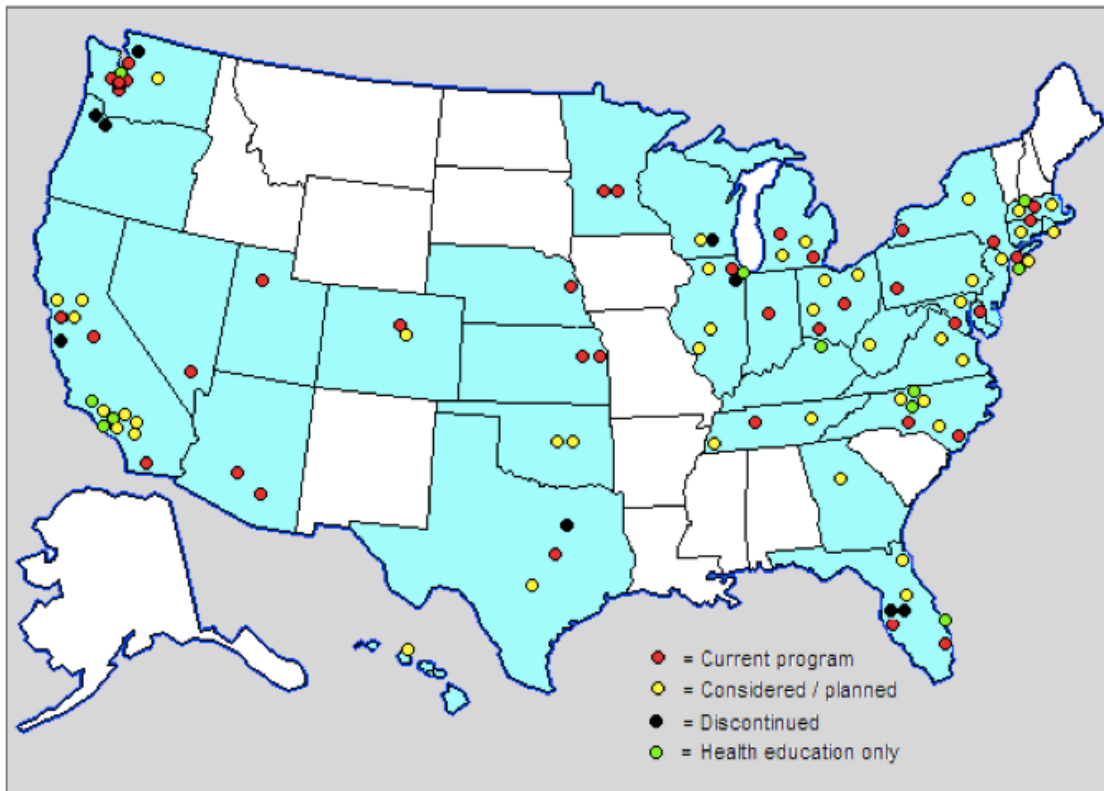
Annie Fukushima. July 24, 2012. "Cultural Awareness and Human Trafficking."
Ending Violence: Preserving Our Roots While Looking to the Future. National Coalition
Against Domestic Violence. Denver, Colorado.



APPENDIX SS

First Offender Prostitution Program Map

Michael Shively, Ph.D., Sarah Kuck Jalbert, Ryan Kling, William Rhodes, Ph.D., Peter Finn, Chris Flygare, Laura Tierney, Dana Hunt, Ph.D., David Squires, Christina Dyous, and Kristin Wheeler. March 2008. "Final Report on the Evaluation of the First Offender Prostitution Program." *Abt Associates Inc.* Department of Justice, <https://www.ncjrs.gov/pdffiles1/nij/grants/222451.pdf> (Accessed on April 15, 2009).



APPENDIX TT

Trafficking and the Demand

“Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study.”
 Prepared by Bridget Andersen and Julia O’Connell Davidson. *International
 Organization for Migration*. IOM Migration Research Series, 2003.

SIZE OF SAMPLES USED IN PILOT RESEARCH IN EACH COUNTRY

	Client interviews	Control interviews	Survey
India	10	5	62
Thailand	8	2	90
Italy	9	5	56
Sweden	None	2	84
Denmark	10	3	None
Japan	None	None	98
Total	37	17	390

Table 1

OCCUPATIONAL BACKGROUND OF RESPONDENTS IN EACH COUNTRY

	Police	Soldiers	Students	Salarymen	Athletes	Other	Total
India	16	0	13	0	0	33*	62
Thailand	87	3	0	0	0	0	90
Italy	20	7	5	0	0	24**	56
Sweden	0	19	40	0	23	0	82
Japan	0	0	2	96	0	0	98

* Of whom 16 were professionals and 12 were manual workers.

** Of whom 12 were professionals and 6 were manual workers.

Table 2

CIRCUMSTANCES OF FIRST EXPERIENCE OF BUYING SEX (%)

	Arranged through friends or colleagues	Arranged through family member	Prostitute approached client	Independent decision
India (n=49)	69	0	6	25
Italy (n=26)	69	0	8	23
Thailand (n=63)	76	3	2	19
Sweden (n=8)	38	0	25	38
Japan (n=33)	46	3	12	39
Total	65	2	7	26

Table 3

PREFERENCE FOR PROSTITUTES OF A PARTICULAR AGE

Age	India % (n=49)	Italy % (n=20)	Thailand % (n=63)	Sweden % (n=7)	Japan % (n=36)	Total % (n=175)
<12	0	0	2	0	0	1
13-15	8	0	0	0	3	3
16-18	37	10	13	0	14	19
19-25	47	45	48	57	78	54
30s or 40s	2	25	3	14	0	5
>50	0	5	2	0	0	1
Age irrelevant	6	15	33	29	6	18

Table 4

PERCENTAGE OF RESPONDENTS WHO WERE AWARE OF WOMEN BEING TRAFFICKED INTO PROSTITUTION

	Yes (clients)	Yes (non-clients)	No (clients)	No (non-clients)
India	86	Not available	14	Not available
Italy	96	Not available	4	Not available
Thailand	89	88	11	12
Sweden	100	95	0	5
Japan	77	67	24	33

Table 5

SIZE OF SAMPLES FOR INTERVIEW AND SURVEY RESEARCH
ON DOMESTIC WORK

	Employer interviews	Control interviews	Survey
India	8	3	66
Thailand	6	2	50
Italy	10	5	45
Sweden	10	4	31
Total	34	14	192

Table 6

BACKGROUND CHARACTERISTICS OF SURVEY SAMPLES BY COUNTRY (%)

Research site	Male	Aged >61	Low income	Married
India (n=64)	6	6	5	90
Italy (n=45)	11	7	0	80
Thailand (n=50)	14	6	10	67
Sweden (n=31)	24	31	28	41

Table 7

WHAT WOULD YOU DO IF YOU CAME ACROSS A DOMESTIC WORKER
FORCED TO WORK AGAINST THEIR WILL (%)?

	Sweden: aware of trafficking	Sweden: not aware	Thailand: aware of trafficking	Thailand: not aware
Treat like any other worker	0	13	2	0
Give an extra big tip	0	0	0	0
Inform the police	47	20	35	20
Take up with the agency	50	27	55	71
Choose a different worker	25	53	20	40

Table 8

APPENDIX UU

Chinese Brothels in San Francisco (1860 – 1880)

Hirata, Lucie Cheng. Autumn 1979. "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America. *Signs*, Vol. 5., No. 1: 18.

Number and Size of Chinese Brothels in San Francisco, 1860–80

Size	1860	1870	1880
1	3	2	13
2	13	2	19
3	9	4	29
4	20	12	14
5	7	18	7
6	13	13	3
7	6	10	6
8	6	20	1
9	8	15	0
10	3	10	2
11	2	15	1
12	1	12	1
13	0	7	0
14	0	2	0
15	0	5	1
16–20	0	10	3
21–25	1	2	0
26–30	1	0	1
31–35	1	0	0
Total	94	159	101
\bar{M} size of brothel	5.9	9.0	4.3

SOURCES.—Computed from unpublished census manuscripts for San Francisco for 1860, 1870, and 1880 (available from the National Archives).

APPENDIX VV

Human Trafficking Power & Control Wheel



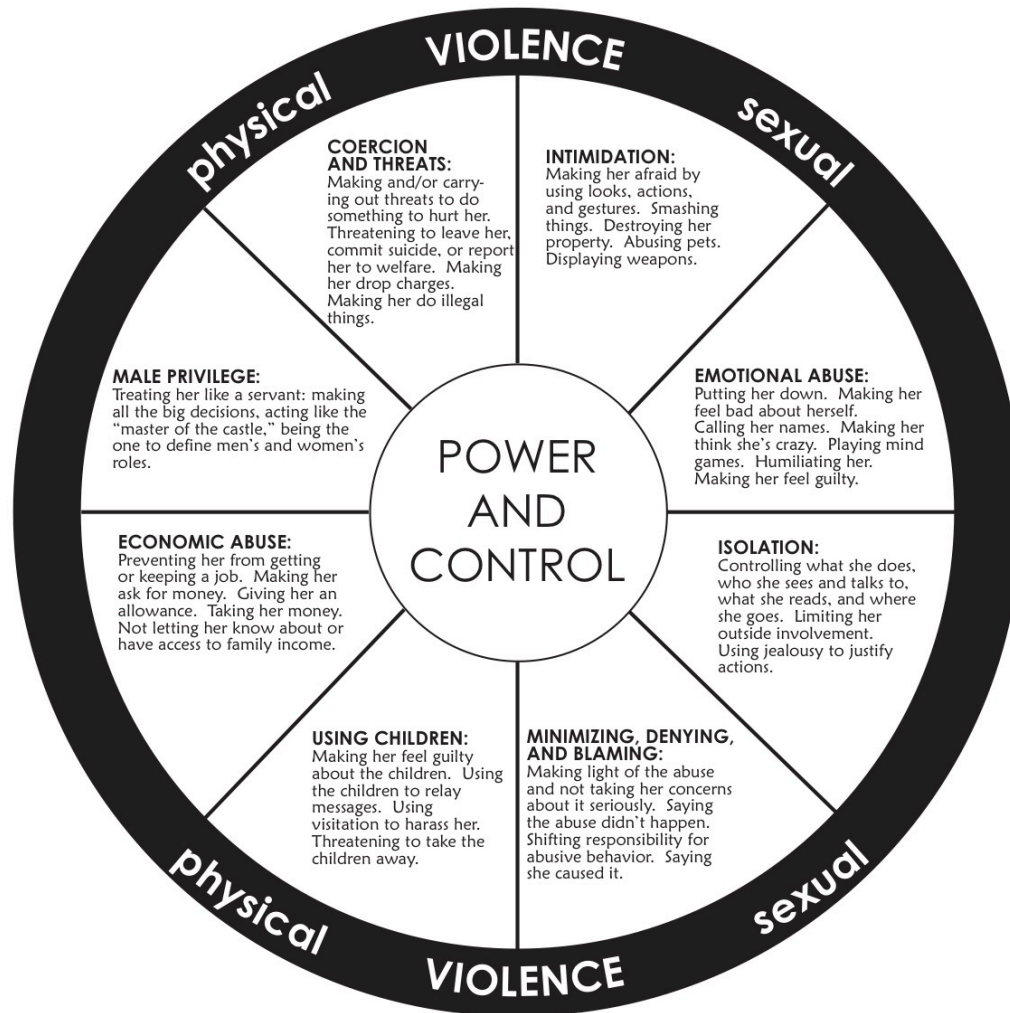
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POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



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Domestic Abuse Intervention Project
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4612 Shoal Creek Blvd. • Austin, Texas 78756
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APPENDIX WW

Ineligibility for Visas or Admission

INA: ACT 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

Sec. 212. [8 U.S.C. 1182]

(a) Classes of Aliens Ineligible for Visas or Admission.-Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) Health-related grounds.-

(A) In general.-Any alien-

(i) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance; [1b/](#)

(ii) 1/ except as provided in subparagraph (C) 1a/ who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,

(iii) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services in consultation with the Attorney General)-

(I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or

(II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or

(iv) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict, is inadmissible.

(B) Waiver authorized.-For provision authorizing waiver of certain clauses of subparagraph (A), see subsection (g).

(C) 1/ EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.--Clause (ii) of subparagraph (A) shall not apply to a child who--

(i) is 10 years of age or younger,

(ii) is described in section [101\(b\)\(1\)\(F\)](#), and

(iii) is seeking an immigrant visa as an immediate relative under section [201\(b\)](#), if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.

(2) Criminal and related grounds.-

(A) Conviction of certain crimes.-

(i) In general.-Except as provided in clause (ii), any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of-

(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), is inadmissible.

(ii) Exception.-Clause (i)(I) shall not apply to an alien who committed only one crime if-

(I) the crime was committed when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime) more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States, or

(II) the maximum penalty possible for the crime of which the alien was convicted (or which the alien admits having committed or of which the acts that the alien admits having

committed constituted the essential elements) did not exceed imprisonment for one year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment in excess of 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple criminal convictions.-Any alien convicted of 2 or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement 2/ were 5 years or more is inadmissible.

(C) 2a/ CONTROLLED SUBSTANCE TRAFFICKERS- Any alien who the consular officer or the Attorney General knows or has reason to believe--

(i) is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(ii) is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

(D) Prostitution and commercialized vice.-Any alien who-

(i) is coming to the United States solely, principally, or incidentally to engage in prostitution, or has engaged in prostitution within 10 years of the date of application for a visa, admission, or adjustment of status,

(ii) directly or indirectly procures or attempts to procure, or (within 10 years of the date of application for a visa, admission, or adjustment of status) procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution, or receives or (within such 10- year period) received, in whole or in part, the proceeds of prostitution, or

(iii) is coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution, is inadmissible.