U.S. COMMISSION ON CIVIL RIGHTS

BRIEFING

SEX TRAFFICKING AS A GENDER-BASED VIOLATION OF CIVIL RIGHTS

FRIDAY, APRIL 13, 2012

The Commission convened in Room 540 at 624 Ninth Street, Northwest, Washington, D.C. at 9:35 a.m., MARTIN R. CASTRO, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
ABIGAIL THERNSTROM, Vice-Chairman
(via telephone)
ROBERTA ACHTENBERG, Commissioner
TODD F. GAZIANO, Commissioner
GAIL L. HERIOT, Commissioner
DAVID KLADNEY, Commissioner
MICHAEL YAKI, Commissioner (via telephone)

KIMBERLY TOLHURST, Delegated Authority of the Staff Director + Acting General Counsel
STAFF PRESENT:

MARGARET BUTLER, Acting Chief, OCRE
PAMELA DUNSTON, Chief, ASCD
LATRICE FOSHEE
ALFREDA GREENE
TINALOUISE MARTIN, Director, OM
PETER MINARIK, Director, RPCU
TORRENCE MONTGOMERY
LENORE OSTROWSKY, Acting Chief, PAU
JOHN RATCLIFFE, Chief, Budget and Finance
EILEEN RUDERT
MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

NICHOLAS COLTEN
ALEC DEULL
TIM FAY
DOMINIQUE LUDVIGSON
JOHN MARTIN
MARLENE SALLO
RICHARD SCHMECHEL
ALISON SOMIN
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I. INTRODUCTORY REMARKS BY CHAIRMAN

CHAIRMAN CASTRO: The meeting will come to order. My name is Marty Castro. I am Chair of the U.S. Commission on Civil Rights. I am calling this briefing on sex trafficking as a gender-based form of civil rights violation to order. This briefing is taking place at the offices of the United States Commission on Civil Rights located at 624 9th Street, Northwest in Washington, D.C.

The commissioners who are present here today are myself, Commissioner Gail Heriot, Commissioner Todd Gaziano, Commissioner David Kladney, Commissioner Roberta Achtenberg. Hopefully at some point Commissioners Yaki and our Vice Chair will participate in this briefing by phone. However, a quorum of commissioners is present.

Is the person delegated the authority of Staff Director present?

ACTING STAFF DIRECTOR TOLHURST: Yes.

CHAIRMAN CASTRO: Is the Court Reporter present?

THE REPORTER: Yes.

CHAIRMAN CASTRO: Thank you.
Today we are going to examine the federal government's response to the issue of human trafficking from a gender-based discrimination perspective. Today I think we stand at a crossroads at the intersection between an issue that intersects both human rights as well as civil rights. And that is why we as the United States Commission on Civil Rights are looking at this issue from a human rights as well as a civil rights perspective, given our historic mandate on issues of discrimination.

We are also at an intersection between the past, the present, and the future. A hundred and fifty years ago this year, President Abraham Lincoln issued the emancipation proclamation. Yet, today at the present, slavery remains all too common. In fact, according to the United Nations global report on human trafficking, they estimate about 27 million people worldwide are in bondage. Yet, we also have to make sure that we shine our light on this to affect the issue so that it no longer infects the future. And I am pleased that later this year the Commission, in conjunction and partnership with the Lincoln Cottage, will look at the Emancipation Proclamation as well as address some of the issues that are relevant today, including a continuing dialogue on the issue of human
trafficking. So this will not be the last time our Commission addresses this in some format.

This issue is really about what we as a society do in terms of the value of human liberty and personal dignity. According to the United Nations, the most prevalent form of human trafficking is sex trafficking. And the most common, most often victimized persons, tend to be women and girls. According to our own Bureau of Labor Statistics, 94 percent of the victims of the cases that were investigated in 2008 to 2010 were women. Yet, we also know that boys are among the victims, including gay and transgendered persons.

Because we suspect that these individuals are being targeted because of their gender, the Commission is looking at this issue today. In my personal estimation, the term "human trafficking" does not significantly address the inhumanity of this crime. I think when you look at this, you see that this is truly the enslavement and exploitation of persons.

So today I hope that, as a result of what we hear from the briefing, that we will note that this isn't just an international issue but it's also a domestic issue. It is an issue that affects people just not far from where we are convening. In fact,
today's newspaper indicates individuals who are convicted for trafficking teens here in the D.C. metro area.

So I am pleased today that the Commission is looking at this. We are shining our historic light on this issue. We are going to hear from experts in the field. We are going to take that information. We are going to present it in a report. We will make hopefully some findings and recommendations that we will share with the President, with the United States Congress, and with the American people.

With that, our briefing today is going to have 10 distinguished speakers, who are going to provide us with a distinct and diverse array of viewpoints. Speakers have been divided into three panels. Panel 1 and panel 2 will address the Commission this morning. Panel 3 will address the Commission this afternoon.

During the briefing, each panelist will be given seven minutes to speak. After all panelists have made their initial presentations, commissioners will then have the opportunity to ask them questions during an allotted period of time.

In order to maximize the amount of time for discussion between the commissioners and the
panelists, and to ensure that the panelists in the afternoon have an equal amount of time as those this morning, I am going to try to strictly enforce the time allotments given to each panelist as well as to our commissioners.

You will see there is a system of lights here, panelists, a typical traffic light warning system. So when the light turns from green to yellow, that means you have got two minutes left in your remarks. When the light turns red, I would ask you to hit the brakes and conclude your remarks so that we can then open up the opportunity for the next speaker and for the commissioners to have enough time to ask questions.

To my fellow commissioners, as you know how I have run our briefings in the past, I want to give everyone an opportunity, a fair opportunity, to ask questions. So raise your hand. I will endeavor to fairly call upon you. We try to ask you to limit your question to one question, although I know sometimes there will be follow-ups. And we hopefully will have the opportunity to give you that.

So, with those bits of housekeeping out of the way, I would like to have the first panel come forward, please.
ACTING STAFF DIRECTOR TOLHURST: Did someone join the call?

COMMISSIONER YAKI: Yes. Commissioner Yaki joined the call.

CHAIRMAN CASTRO: Let the record reflect Commissioner Yaki is on the phone.

PANEL 1

CHAIRMAN CASTRO: As the panelists begin to seat themselves and get miked, let me introduce them to you. First we have Maggie Wynne with the U.S. Department of Health and Human Services. Our second panelist is Greg Zoeller, who has been serving as Indiana's 42nd elected Attorney General since 2008. And he is here representing the National Association of Attorneys General. And as soon as they get their mikes on, we will begin with Ms. Wynne.

MS. WYNNE: Thank you very much, Chairman Castro, Vice Chairman Thernstrom, and commissioners.

PANELIST STATEMENTS

MS. WYNNE: My name is Maggie Wynne. I am the Director of the Division of Anti-Trafficking of Persons in the Office of Refugee Resettlement within the Administration for Children and Families, an agency in the U.S. Department of Health and Human Services.
I appreciate the opportunity to provide you a description of HHS's work to identify and assist victims of human trafficking, including sex trafficking.

HHS is required by the Trafficking Victims Protection Act of 2000, our federal national law on trafficking, to conduct the following primary activities: provide certification of foreign victims of trafficking, making them eligible for benefits and services under any federal and state program to the same extent as a refugee; to establish and carry out programs to increase public awareness of the dangers of trafficking and the protections that are available for victims of trafficking; and to train appropriate HHS personnel in identifying victims of severe forms of trafficking and providing for the protection of such victims; and provide training to state and local officials to improve the identification and protection of such victims.

In addition, HHS is authorized to provide services to assist potential foreign victims of trafficking in achieving certification.

The Secretary of HHS delegated responsibility for certification in public awareness activities to the Assistant Secretary for Children and
Families, who further delegated them to the Director of ORR.

The most important role that we have is the certification of victims, which is not the same thing as victim identification.

When ORR receives a notification from U.S. citizenship and immigration services that the USCIS has made a bona fide determination or granted team non-immigrant status to a victim of trafficking, we have the information we need to issue a certification letter or an eligibility letter, which are the means by which we notify adult and child victims, respectively, of their eligibility to access benefits and services they may need to recover from their experience and rebuild their lives in the United States.

Similarly, when Immigration and Customs Enforcement, or ICE, notifies us that it has granted continued presence to a victim of trafficking who is assisting law enforcement investigation and prosecution, ORR can act to get that victim connected to needed health care and social services. The benefits and services available for victims of trafficking are the same ones available to refugees who arrive with the hope of finding employment, education,
and a new life in America. And these, in turn, are largely the same ones available to U.S. citizens and most lawful permanent residents.

Unaccompanied child victims may be eligible for the Federal Unaccompanied Refugee Minors Program, which provides specialized culturally-appropriate foster care or other licensed-care settings according to children's individual needs.

There are also many federal and state health, nutrition, and social service programs that do not consider potential recipients' immigration status as a condition of eligibility.

In addition, ORR funds the National Human Trafficking Victim Assistance Program, which supports comprehensive case management services to foreign victims of trafficking and potential victims seeking certification in any location in the United States.

The three grantees that we fund provide case management to assist victims of trafficking to become certified, and other necessary services after certification through a network of sub-awardees throughout the country. These grants ensure the provision of case management, referrals, and emergency assistance, such as food, clothing, and shelter, to victims of human trafficking and certain family
members. They help them gain access to housing, employability services, mental health screening and therapy, medical care, and some legal services, enabling them to live free of violence and exploitation.

In the field of victim identification, ATIP leads the HHS Rescue and Restore Victims of Human Trafficking (public awareness) Campaign, which established rescue and restore coalitions in numerous cities, regions, and states. These community action groups are comprised of nongovernmental organization leaders, academics, students, law enforcement agents, and other key stakeholders who are committed to addressing the problem of human trafficking in their own communities.

ATIP offers — which is my division — offers free materials to rescue and restore coalitions and other campaign partners to assist them in their education and awareness-raising activities. I have distributed to you all a packet of some examples of those materials.

With a tag line of "Look Beneath the Surface," these posters, brochures, videos, and pocket assessment cards encourage intermediaries who encounter victims of trafficking to recognize clues
and ask the right questions because they may be the only outsiders with a chance to reach out and help victims. Materials and other information are available for download and order on our website.

As you will notice, "Look Beneath the Surface" is a message directed not to the victim but to the person who was encountering the victim.

The Rescue and Restore Regional Program serves as a focal point for regional public awareness campaign activities and intensification of local outreach to identify victims of human trafficking. We fund 11 such regional partners, and they oversee a local anti-trafficking network, sub-awarding funds to local grassroots organizations to help them identify and work with victims.

We also fund a National Human Trafficking Resource Center, which houses a national toll-free hotline for the human trafficking field in the United States and is available 24 hours a day, 7 days a week. And the hotline number, 1-888-373-7888, is on all our materials.

They also provide resources and information to those seeking more information about trafficking, access to specialized language outreach materials, and training and technical assistance when
more help is needed for a particular situation or objective.

In addition to the training provided by our grantees, HHS directly provides training to its own staff, state and local officials, and entities receiving HHS funding. We host web-based trainings on human trafficking each year, and these have included some directly focused on sex trafficking. In addition, each of the 10 ATIP regional offices throughout the United States has established an anti-trafficking point of contact. And many of these regional offices have hosted several or have hosted internal as well as public human trafficking trainings and events and are often represented on local rescue and restore coalitions or DOJ anti-trafficking task forces.

Through these and other opportunities, HHS is expanding the capacity of potential intermediaries throughout the country to understand better trafficking of persons and how they can assist persons who have been or may be exploited in commercial sex or forced labor.

Thank you very much for this opportunity to describe our efforts to support victims of human trafficking.
CHAIRMAN CASTRO: Thank you, Ms. Wynne. I will next ask the Attorney General, Attorney General Zoeller, to say a few words. And then after that, the commissioners will ask you some questions. Mr. Zoeller.

MR. ZOELLER: Thank you, Mr. Chairman and members of the Commission.

On behalf of the National Association of Attorneys General, I was asked to serve in their capacity, as our missing president is off in Washington state, but I also speak in my individual capacity as Attorney General of Indiana. And, with that liberty, I might dispense with the formal remarks that I can leave with you. And I've got a few other materials for the record. But let me just summarize a little of kind of the efforts that we put together.

Back in August, our newly-elected president of our association, Rob McKenna, the Attorney General in Washington state, has the opportunity as president to have a national initiative, the presidential initiative that we do each year. And he announced in Chicago back in August that we would adopt human trafficking as our national initiative, asked each of us to go through our own statutes when we got home, look to see how we can put
our own efforts to the cause.

He created this thing we call the Pillars of Hope, which focused on four main pillars that deal with the challenge in the efforts of addressing human trafficking.

He had asked that I serve on the Leadership Committee dealing with ending the demand for commercial sex. I explained that it was an awkward subject, and he said that is why I would make a perfect leader.

(Laughter.)

MR. ZOELLER: When I got back to Indiana, I dutifully asked my staff to look through our statutes. And we found that there were some serious weaknesses. We had the Super Bowl coming in February. So quickly we put together a working group as part of a statewide network using a lot of the resources nationally. We did our best. We also asked the legislature, who met in January, if they could pass a bill that was much needed to address some of the glaring errors in our statute, the weaknesses in our statute, to get something before the Super Bowl.

So within three weeks -- and if you have ever dealt with legislation, you will know it is a Herculean task -- but within three weeks they passed
the bill that we had recommended, well in time for the
Super Bowl.

During the Super Bowl and in preparation,
I'll say the pre-game warmup, we trained over 3,400
people, 60 different human trafficking trainings, 46
community outreach awareness activities, 45 efforts in
passing out brochures, hundreds of efforts throughout
the network of Super Bowl participants.

We distributed 2,700-plus educational
materials. We worked with law enforcement and others
in this effort. And, as a post-game wrap-up, we had
68 commercial sex arrests, 2 human trafficking victims
that were identified and recovered, 2 other potential
trafficking victims who had been identified that are
working with our law enforcement.

The one part that I would leave you with
in kind of a summary is that two weeks after the Super
Bowl, the first use of our new statute on human
trafficking was used by the prosecutor in Marion
County. And it served as an example of the need to
address legislative things in our states, but it also
taught me personally a lesson in what we have been
missing in looking at prostitutes in this country.

The victim was a 14-year-old who had run
away from home in a troubled family. Unlike most, she
had a mother who loved her dearly and would not give up. And her obsessed mother tracked her down in Indianapolis and helped the police prosecute or rescue her.

But I would ask you to consider in the event that it was more typical -- that she didn't have a mother or didn't have a mother who cared or followed her and obsessively chased her and found her -- if we had not rescued her, what would have happened? This was a 14-year-old runaway child.

Well, I can tell you the statistics, at least from what we can glean from our own work in Indiana, is that within a few years, she would have probably been trafficked and prostituted into different cities. By the time she was 18 or in some states 16, she would have been arrested since she is now of the age of so-called consent. By the age of 24, she would have spent a decade as a prostitute on our streets. Probably and in all likelihood by 34, another decade later, she would probably be dead.

So what I would ask you to do when you listen to the stories of human trafficking and focus on it in somewhat of a -- we treat it somewhat academically, but if you think about the prostitutes that work on our streets and you think about this
14-year-old that's I think the model example of what you would normally see, the age by which they start into the so-called oldest profession, you know, at what point did this prostitute choose to be in this profession? You know, was it when she was of the age of consent? When did she stop being a victim of human trafficking? When would she make the volitional choice prior to her death at the age of 34? And, yet, for the better part of her life, we would have all treated her as a criminal.

So I would ask you to think about the prostitutes that are on the streets today in Washington, D.C. And take a good hard look at who they are, how we treat them as criminals, and maybe think about whether their civil rights may have been violated somewhere within their lifetime.

So thank you very much.

CHAIRMAN CASTRO: Thank you, General Zoeller.

DISCUSSION

CHAIRMAN CASTRO: I will take Chair's prerogative and ask the first question. Could both of you focus a little bit on how these victims are targeted? As you know, our premise here is that the targeting is occurring in some measure, if not
completely, due to gender. What do you see out there from your perspectives in terms of how these victims are identified and for the reasons they are identified, they end up in this exploitation?

MS. WYNNE: So we have more anecdotal information because we are on the receiving end. The cases we see are mostly child victims, where we have more of their story behind them. Part of it is -- I mean, universally it's hope for a better life.

So there we see a lot of -- we deal in my office with foreign victims of trafficking. So people are in the United States almost always because of the trafficking situation, though the movement is not a necessary part of the trafficking movement that they come here for that.

And so they are offered a job opportunity or they are offered a romance, they are offered a relationship or they are offered schooling. It is lures to get people to hope for and take an opportunity for a better life, but then once they are in a situation where they are dependent on somebody else for their, you know, well-being or movement, they know they may have come here illegally, they don't know what the laws are here with regard to protections for them. And the person exploits those weaknesses.
So traffickers typically assess the vulnerability of the people they are exploiting and use that to use them for their own purposes.

MR. ZOELLER: Well, I would say on the domestic front, you know, by and large, you're talking about runaways. And most of them come from some type of either abusive home or a dysfunctional home at best.

Runaways -- and I think the statistics we have been looking at are somewhere around 70 percent of the prostitutes are starting out in this capacity. The runaways only have very limited options of what to do. They end up being picked up somewhere around either truck stops or there's a handful of places that get targeted.

So the rescues, the shelters and places that take in runaways really aren't seen as a place that they will go because they don't want to be sent home. They don't want to be part of a process. So you really look at these young girls because most of them are somewhere between 12 and 14.

The runaway children that get picked up into this criminal enterprise are being recruited from different spots that people know to go to. So most of the law enforcement community can tell you where they start out.
But they are targeted. And it is because they are by themselves and vulnerable and let's say without anybody who cares that makes them quite at risk.

CHAIRMAN CASTRO: Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Thank you, Mr. Chairman.

General Zoeller, could you describe the relationship between organized crime and the human trafficking subject that we are discussing this morning?

MR. ZOELLER: Well, I think we are seeing a connection between organized crime that looks for opportunities to make money. I mean, it's obviously the point of the whole criminal enterprise.

It is a very low-risk proposition. And they can usually find people who are the so-called mules who will transport people, these young girls, around different cities. So you don't want to stay in the same city that long.

But they are really not part of the criminal enterprise other than the fact that they are being either paid, sometimes they have been given drugs as part of their, say, pay. But behind that, you will
start to see this network of much more organized
criminal activity.

So I think that the fact that there is so
much money combined with so little risk -- people don't
get shot in the prostitution world like they do in the
drug world. If you do get arrested, it's usually the
prostitute who goes to jail. And she has no other
help. So the only person she can rely on is her pimp,
who again is not really the higher-up in the criminal
organization. They're usually, you know, disposable
on their own.

So I do think that we are starting to see
more and more of these networks that go well beyond our
own states. And that is why we are anxious to work with
the federal government, particularly the Department of
Justice and others, on how we might address the
larger-scale criminal operation, but be assured that
it is there.

CHAIRMAN CASTRO: I'm going to recognize
Commissioner Gaziano. Before I do that, are there any
commissioners on the phone that wish to ask any
questions? Just raise your voice and let me know.

Commissioner Gaziano?

COMMISSIONER GAZIANO: Yes. Thank you
and thank you both.
I'm going to try to ask you both to help us understand, quantify some aspects of the problem, because I have seen different estimates. And I am grateful for Commissioner Achtenberg's previous question to you, Attorney General, because I've understood over the years that for those in certain organized syndicates, that they, as you just explained, don't want to keep the same young woman that they are exploiting in a particular city.

So from you I would appreciate estimate or if there is solid research, that would be especially -- what percentage of the prostitutes perhaps in a given jurisdiction -- and I'm sure it would probably be very different in an urban setting than in a rural setting -- do you think become part of an interstate network, what numbers we are talking about?

And from you, Ms. Wynne, if you could help us identify what reliable estimates of the foreign traffic victims, at least in the sex industry we are talking about?

MR. ZOELLER: Well, the first pillar of our four Pillars of Hope addresses the fact that there are very few statistics. It is not part of the FBI's major crime category. So there are no good statistics.
When we were doing the work-up for the Super Bowl, there were these almost unbelievable numbers that they were talking about from the two previous Super Bowls in Miami and Dallas. And I do think that, in an effort to try to raise awareness to this horror, people may have, let's say, fallen prey to the willingness to exaggerate. So some of the numbers I think have really done a disservice by making them so unbelievable.

But the fact is there are no good statistics. When you talk to the law enforcement, you get a pretty good sense. We were doing trainings for our law enforcement. And they almost laughed at us like, "You're just now figuring out these girls are being trafficked" like they've known it for years.

So it's not something that is rare. I think that the idea that if they stay in the same place, they become, you know, targets of the police, they're so easily identifiable so they have to be moved around.

And whether this is all part of a well-organized effort, whether it is regionalized, whether it is just, you know, easy money for different people and lots of different ones are coming into, it's hard to really gauge.

So I'll say the first pillar explains a
lot by just saying we don't know the statistics. There is an awful lot floating out there. Frankly, we're not all that confident in the statistics, but I don't want people to say, because the statistics are not sound, that it's not a hugely significant problem.

COMMISSIONER GAZIANO: Well, I appreciate that. Thank you.

CHAIRMAN CASTRO: Commissioner Kladney?

I'm sorry. Oh, I'm sorry, Ms. Wynne.

MS. WYNNE: That's okay.

CHAIRMAN CASTRO: I apologize.

MS. WYNNE: HHS, as far as I know, does not collect any data, statistics on the scope of trafficking or a percentage of victims. So I can only report on sort of the background of the victims who have received certification or eligibility letters.

And our most recent data of the 564 victims of trafficking, these again are people from other countries and the United States, 45 percent were male, compared to 55 percent last year.

And overall 75 percent of all victims certified were victims of labor trafficking. Nineteen percent were exploited through sex trafficking. Six percent were victims of both sex and labor trafficking. Ninety-five percent of victims of
sex trafficking or victims of both labor and sex trafficking were female.

I would say not to take these statistics as anything more than what they are, which was those who have received certification. There tend to be labor cases which are prosecuted which have a large number of victims, all of whom are male, by and large; whereas, you can have multiple cases of either females and labor exploitation or sex trafficking, many more cases for the smaller victim, number of victims per case. So that's just what these -- this is only reporting on whom we certified, not to sort of the scope of the problem.

COMMISSIONER GAZIANO: Sure. Thank you.

MR. ZOELLER: You know, if I might add, we haven't really focused too much on the international, but I'll tell you just as an example, when we go after the so-called 24-hour Asian massage parlors, I mean, it's clear that these are women who have been trafficked. And, yet, they will never help us as a witness. They always have a story about they've lost their passport. They will never go to the government for help.

So I would suggest that the ones who may
come to HHS and sign up for a program may just be the
tip of the iceberg because every time we shut one of
these places down, I've started to use our tax laws
because luckily they don't pay their sales tax. So we
have at least been able to hit them with that.

But these women refuse to help the police.
They refuse to help us. We offer as much assistance
as we can. And they always -- I think the ones that
will say something, it's usually about their fear of
what will happen to the people back home.

COMMISSIONER GAZIANO: Thank you.
CHAIRMAN CASTRO: The Chair recognizes
Commissioner Kladney.

COMMISSIONER KLANDNEY: General Zoeller,
how much law enforcement is dedicated to this in an
average department? Do you have any idea?

MR. ZOELLER: Well, I mean, there is an
active vice squad in almost every major metropolitan
area. But, again, you know, they will round up the
usual suspects and arrest these women as prostitutes.
So it is against the law. And they are there to enforce
the law.

And, yet, if you talk to the police, I
mean, most of them realize that they may be bit players
in a criminal enterprise and maybe not even the -- I
mean, they recognize them as more of a victim. But, you know, our vice units are trained to arrest the prostitute, shake her down to see if she will give us information about somebody higher up in the organization. But it is a very frustrating thing that we still recognize these women as prostitutes, and that is a crime, so, therefore, they are criminals.

But if you think about it in terms of a lawyer analyzing the criminal intent, that's why I paint that story of they start when they are too young to consent. So by legal definition, they have never volunteered. They have been prostituted. So it's not a noun. It is a verb. They have been prostituted. And, yet, we still -- by the time they are of a certain age, we arrest them as a criminal.

But this is what the vice squad does. We train them every day to go out there and round up the criminals.

COMMISSIONER KLADNEY: Well, let me ask you in that regard. I mean, you did say you did training before your Super Bowl and things like that.

MR. ZOELLER: Yes.

COMMISSIONER KLADNEY: You said that the police actually recognized these women as victims --

MR. ZOELLER: Yes.
COMMISSIONER KLADNEY: -- or young girls
or teenagers.

MR. ZOELLER: Particularly young ones.

COMMISSIONER KLADNEY: So did your
training take this into account? Do you have any
proposals or the Attorneys General of America have any
proposals regarding treating these people more like
victims, as opposed to criminals? I mean, obviously
the process -- it sounds to me like from what you are
saying -- is starting to evolve after all these years.

MR. ZOELLER: It is. Well --

COMMISSIONER KLADNEY: What is your take
on that?

MR. ZOELLER: I don't want to speak for
all of the Attorneys General, but I will say from my
own education in this short year or so of really
focusing on this, that I am going to make an effort to
have our legislators address the laws as it relates to
prostitutes. And that's what I was trying to bring up
is that I don't think they are criminals. I think, you
know, the vast majority of them, they're not, you know,
the stereotype Hollywood pretty woman. I mean, this
is not something that they have chosen to do. And if
you think about it, you know, someone who has been
abused as a child, so she has already been sexually
abused, she runs away, ends up with like in the case that we have, I mean, that was a 29-year-old boyfriend, boyfriend meaning somebody who would at least give her a place to say and feed her something. So she is so dedicated to this 29-year-old that by the time he is pimping her, you know, in the streets of, I think Chicago and a handful of other cities and finally in Indianapolis, by the time she is of age, she is not a criminal but that's why I want you to really think about, you know, the civil rights of prostitutes, because they are not criminals.

So I will be addressing this with my legislators. And I think most of them will be as shocked as I to think that, you know, for years, we have treated them as the world's oldest profession. And I'm telling you that's just not cool.

COMMISSIONER KLASDNEY: So what kind of proposals or have you formulated anything in regard to not treating them as criminals and more as victims?

MR. ZOELLER: Well, you know, I work very closely with the prosecutors throughout my state. So there will be some who want to maintain. They don't like the word "immunity" as prosecutors. But I do think in a defensive capacity, the women -- I mean, I'll call them women -- who started as children, who want
to have as their defense that they're wanting out of this and they can paint this picture of "I started at 13, and I am now 22. And I think I have got an opportunity to go off and do something else," even if they had been arrested three times, I mean, they're close to habitual. Remember, by the time you hit the bell a few times, you are going to be looked at as, you know, you can spend some serious time.

But if they are willing to try to make a radical change -- and, you know, they are going to need a lot of treatment because it is probably as bad as if they had served, you know, in a war zone, I mean, what they have gone through. So, of course, they are going to be pretty traumatized and may relapse or I don't know. You'll need some people to really work on this.

But I think there needs to be a defense, not so much immunity of all -- I mean, we're not going to decriminalize prostitution.

COMMISSIONER KLADNEY: Mitigation of sorts?

MR. ZOELLER: Yes. You know, again, I don't want to commit myself here today, but I'm a pretty good --

CHAIRMAN CASTRO: We do have a Court Reporter present.
MR. ZOELLER: Well, I've worked with our legislature and the prosecutors. And I'll have to negotiate something. But I am pretty capable of working out something.

COMMISSIONER KLASDEY: Diversion programs, things like that.

MR. ZOELLER: I think there has to be a start. That's right and just something that recognizes that there has to be a different treatment and a different view of the way we look at prostitutes.

COMMISSIONER KLASDEY: I would suggest that you -- one more question, Mr. Chair.

CHAIRMAN CASTRO: Gail Heriot, Commissioner Heriot? Then I'll come back to you, Commissioner Kladney.

COMMISSIONER KLASDEY: I forget my question. That's okay.

CHAIRMAN CASTRO: Commissioner Heriot?

COMMISSIONER HERIOT: I very much agree with Commissioner Gaziano here. It will be good to have some numbers here, you know, to have some reliable numbers.

But it seems to me that before we even get to that, we have got a definitional problem here. Exactly what do we mean by “human trafficking?”
Chairman Castro began the briefing by invoking the Emancipation Proclamation. And it seems to me that, at least part of what you are talking about, General Zoeller, goes way beyond what the Emancipation Proclamation was all about.

And then we've got cases where women and perhaps men are being forced into prostitution, people from outside the United States that are brought here against their will to be prostitutes.

We have also got cases I'm sure -- that is quite different where someone comes to the country. Perhaps they have been misled about what is going to be available for them here. And once they get here, the best option among a lot of bad options for them is to enter into prostitution. That is a very different thing.

Then we have got under-aged prostitution, which may be from troubled teens who choose to go into it but shouldn't. They choose as teenagers, as minors, and end up in a life that none of us would want for them and perhaps they won't want for themselves.

Then at times you're talking about adult prostitutes. What does the term "human trafficking" mean here? Are we using this as a term that sort of glosses over many different problems, problems that
have to be addressed very differently? And we're kind of putting them together.

I know that a lot of people I know, when they hear that term "human trafficking," they think we're talking about forced prostitution. And they think that we're talking about people that are being brought to this country against their will.

From what I am hearing right now, we're meaning a lot of other things as well. So can we get some definitions here?

MR. ZOELLER: National definitions?

MS. WYNNE: Yes. I mean, I can speak to national definitions. I mean, there is a federal law. And then there are state laws. And the UN has its own definition. So there are definitional issues of trafficking, but I would say, by and large, there is a lot of -- I mean, it has been my perception there's a lot of focusing on many of the issues you talked about.

With regard to children, I mean, there is force, fraud, and coercion involved.

COMMISSIONER HERIOT: What is the federal definition?

MS. WYNNE: The federal definition is harboring, transporting, providing, retaining, and I
think -- I can't remember the other verb -- for labor services through force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery. That's labor trafficking.

And then for sex trafficking, it is harboring, transporting, providing, or obtaining a person for a commercial sex act through force, fraud, or coercion if it's an adult. But that is not necessary for a minor.

So any minor who is involved in a commercial sex act, which is where something is given value, you know, given or exchanged of value, that would constitute a severe form of trafficking under the national law and then any exchange of, you know, whether force, fraud, or coercion is considered sex trafficking, just if there is any exchange.

COMMISSIONER HERIOT: Okay. That's good. You've given me force, fraud, or coercion. There's a lot in that. You know, what would be coercion that isn't force or fraud?

MS. WYNNE: Well, fraud is a promise. Say you have promised them to work in one area. And then they're working in the hotel industry. You know, you have promised them a good job in the hospitality, and they're now cleaning rooms. And they're made to
work at --

COMMISSIONER HERIOT: Not what's fraud, but what would be coercion if it isn't force or fraud? You said you've got all three possibilities here.

MS. WYNNE: Right.

COMMISSIONER HERIOT: What would fall under coercion that wouldn't already fall under force or fraud?

MS. WYNNE: Well, the force, as far as I know, this is more a question maybe for the Department of Justice. Force, as far as I know, is not defined. Coercion is defined. It involves the threat or the actual position of physical restraint or physical harm, either to the individual or to somebody connected with the individual, like a family member. So those are forms of coercion.

COMMISSIONER GAZIANO: It also includes -- I'm sorry to interrupt --

MS. WYNNE: Yes.

COMMISSIONER GAZIANO: -- the threatened abuse of law --

MS. WYNNE: Yes.

COMMISSIONER GAZIANO: -- or the legal process.

MS. WYNNE: So that's where when the
General mentioned withholding somebody's documents, saying, "You don't have any papers. If you leave here, you are going to get arrested. And you could be deported." Well, that may be a true statement, but it is used for the purpose of getting them to work for them. It is not used for their well-being or benefit.

MR. ZOELLER: You know, and I might add that in Indiana, we have the same. You have to prove force or fraud. When we changed the statute, you know, it was first applied this past month. A 14-year-old by legal definition cannot consent. So what --

COMMISSIONER HERIOT: It seems to me that is a very different problem from the problem of forced prostitution, a very serious problem, to be sure, but just a different one. And it would be good if we could use terms that make that clear.

I think a lot of people, when they hear about human trafficking, they're really not sure what you're talking about. And if we used terms like "under-aged prostitution," that's something that people understand a lot more quickly.

MR. ZOELLER: You are still defining her as a prostitute. So if you look at the legal definition of "volitional," you know, we have defined a certain age by which you cannot choose to entertain
sex. So by definition, she can choose. So someone else, the 29-year-old in this case, is accused of trafficking. And she is a minor. So you don't need to prove force or threat of force. And I think it is perfectly -- I mean, the legislature was perfectly willing to give us that additional tool.

MS. WYNNE: Could I add something?

COMMISSIONER HERIOT: By the way, why did you have to get this done before the Super Bowl? I didn't understand that.

MR. ZOELLER: Well, the Super Bowl does act as a magnet. The number of -- I'll just give you a for instance. We followed backpage.com, where most of the, let's say, requests for prostitutes go on. There was this almost incredible spike of thousands of people looking for -- and it's always in code. So the Super Bowl acts as this magnet.

It's not necessarily all domestic. So all these people that come into our city -- and the same was true of Miami and Detroit. So we suddenly see this ramp-up of requests for prostitutes, all because of the Super Bowl. So we wanted to be prepared not only for all of the good things that would come to our city and our state but recognizing the bad things which -- I mean, if you read the Village Voice, they tell you it's
a myth. There is no human trafficking. They just do this to try to develop some kind of political appreciation. And most people wouldn't believe that it is true.

The fact that we have not clearly identified this as a problem and it has gone on, of course, it is the world's oldest profession. So it has always been there. And I think there is almost a denial mentality. And until I had to stare at it, it just suddenly became shockingly true that 12- and 14-year-old girls were being brought into this oldest profession. And I don't honestly think they have ever chosen that life.

MS. WYNNE: I would like to add something, if I could, on the whole idea of volition. I mean, this is not just a sex trafficking issue and prostitution. You were talking part of the tactics used by traffickers is to persuade the person they're exploiting that they're actually their benefactor, that they're doing them a favor, that they're helping them out, as with the 29-year-old boyfriend exploiting the 14-year-old girl. He's persuaded her somehow in the sex trafficking case that he is her friend. You know, he is in her corner.

In the labor trafficking situation, there
may be somebody who is now employed and able to send
a little bit of money back home. But they're being
grossly exploited. And they don't recognize it
themselves. So the law is not always just looking at
what the person -- it's quite evident to those who work
in the human trafficking field that victims frequently
do not self-identify, either out of fear or they just
don't recognize themselves in the ways they are being
victimized.

CHAIRMAN CASTRO: We've got about seven
minutes left in the panel. I'm going to go back to
Commissioner Kladney. Ms. Tolhurst has asked to ask
a question, as has Commissioner Achtenberg.

Are there any commissioners on the phone?

(No response.)

CHAIRMAN CASTRO: No? Okay. So
Commissioner Kladney?

COMMISSIONER KLDANEY: Thank you, Mr.
Chairman.

First of all, I'd like to go on the record
and disagree with Commissioner Heriot that I do not
believe that people under age choose to become
prostitutes and to go into this profession. And I also
believe that by the time they reach the age of consent,
that their life is fairly much foretold by their
previous years in the profession. I think that's what you were saying, General Zoeller.

MR. ZOELLER: It's by legal definition. They don't choose.

COMMISSIONER KLASONEY: Right. Ms. Wynne, I was wondering, with HHS, what kind of problems have your NGOs and organizations seen as far as providing foreign language assistance for the victims that you find from international trafficking?

MS. WYNNE: I don't know how well I can speak to that. I do know that they -- we have several NGOs that work with the specific ethnic communities. And so they are well-adapted. You know, the National Human Trafficking Resource Center has access to a language line that they find very useful in taking calls in languages they can't handle internally.

I don't know if this is related to your question. One of the cautions we have is that you should be careful in using somebody from the same community as an interpreter/translator because of potential connections to family or information getting back out about the situation or case to either the traffickers and somehow jeopardizing the integrity of an investigation or the safety of the person involved.

But I don't think I can speak at length
to your question.

COMMISSIONER KLADNEY: Thank you.

CHAIRMAN CASTRO: Ms. Tolhurst?

ACTING STAFF DIRECTOR TOLHURST: First I think we should thank OCRE staff for putting this briefing together and especially Margaret Butler, who worked very closely with our panelists and I think did a great job. So thank you, Margaret.

First, Mr. Zoeller, I really appreciate your focus on this idea of not choosing. And my background before working here is in serving sexual assault victims, including victims of trafficking. And I just think we should put it even more bluntly. Not only are we not talking about minors being prosecuted for prostitution, but these women are being raped. By definition in states depending on what the age of consent is, every single day, these girls are being raped. And boys are being raped, too. It's not even -- we're talking about whether they should be being prosecuted, but their traffickers and the clients are responsible for the rape every day of these people. I think we should all acknowledge that.

My question to you both is, so our commissioners are going to be making recommendations to the President and to Congress. And this is a really
complex issue. Obviously there are language barriers. There are immigration issues. There are people trafficked domestically who have economic issues. And many of these victims may have HIV or other medical problems. So there is a lot to deal with here.

Since our commissioners can make recommendations to enhance enforcement, to change laws, what is your wish list? If you could suggest to us what we should recommend to the President or to Congress, what would you from a federal and a state perspective say would most help?

MS. WYNNE: I'm not truly sure that is a good question for me. So I'll let the General answer.

MR. ZOELLER: I'm not elected. So I can say whatever I want.

(Laughter.)

MR. ZOELLER: No disclaimers here. I will disclaim, you know, that you can ask our national association. I am sure they -- at the end of our year of this presidential initiative on human trafficking, there may well be some action items.

I'll just say from my own, let's say, jaded 10 years in the federal government and now 10 years in the Office of the Attorney General, I don't
really expect much out of Washington these days. So we're going to address things on a state level. I am going to try to make some extra efforts to work more collaboratively with the U.S. Attorneys' offices and our state partners, the other Attorneys General. And we will do the best we can.

But, I mean, I haven't seen a whole lot out of Congress and things. So I haven't really thought through what I would ask if they -- but I will have somebody at the national association come up with a better wish list. I have such low expectations of the dysfunctional aspects of Washington that --

ACTING STAFF DIRECTOR TOLHURST: What about T visas? Is that --

MR. ZOELLER: Some what?

ACTING STAFF DIRECTOR TOLHURST: The T visas, the trafficking visas. Do you work with people?

MR. ZOELLER: We have had all sorts of -- I've worked with my colleague Mark Shurtleff from Utah. And we came up with a couple of ideas about having state guest worker programs. And if we could get the federal government to give us a few pilot programs where we could have people come to our state and work, we would be responsible for, let's say,
making sure that they exit at the end. But they can come and go and give states a little more latitude until the Congress gets around to an immigration bill.

But if you are not going to get one in a decade, I recognize that we are going to have to try to do something. And if Washington can't agree, at least give states some greater flexibility that we can take some responsibilities.

I mean, I will be the first to admit that we have got no authority over immigration in Indiana. But I also recognize that when the states got together and put together a federal government, we expected it to do its job. And if they're not, please at least give us back a little bit of the authority where we might do what we can to serve our people.

So that is more of a speech than you asked for.

CHAIRMAN CASTRO: I want to invite you to Birmingham in August, where we are going to have a briefing on that topic.

I give the last question for panel 1 to Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: Thank you, Mr. Chairman.

General Zoeller, you made a reference to
the FBI's crime statistics and that they are not currently kept in a way that sheds light on the topic of discussion today.

Do you have any recommendation about how they might be of greater assistance given the interstate nature often that pertains to the trafficking of these women and girls?

MR. ZOELLER: Well, now, I will say we have worked very closely with the Justice Department. I am one of three Attorneys General that serve on the Executive Working Group.

COMMISSIONER ACHTENBERG: Sure.

MR. ZOELLER: So we have three Attorneys General, three U.S. Attorneys, and three District Attorneys. And we get together. And we have addressed this issue of, can we put this on the statistics? You know, can we start to collect data?

There are problems with, you know, the federal definition that I think is at 16. Some states have 18 and 16. So this whole difficulty and exactly agreeing on what it is we're -- because I do think it's commonly understood trafficking is across international borders and may not recognize that a lot of -- I think the majority of the women that are moved around the country are domestic runaways. And maybe
we need to have different categories. We will leave that to the ability to collect data.

I mean, if you don't have a legal visa or some kind of documentation, it may be a different category than the runaway girl from Los Angeles that shows up in Indiana.

COMMISSIONER ACHTENBERG: Sure.

MR. ZOELLER: We will leave it to others to figure out exactly what, but I do think that better statistics will at least give us a little more credibility because, again, when we were talking about this, I had to dissuade some of the legislators, who say, "Look, I have heard this is all just kind of made up." I don't believe it that somebody in the Village Voice still swears that it is all just a political gimmick to get attention or something.

So we desperately need something that will be more convincing than what we have been able to present.

COMMISSIONER ACHTENBERG: Thank you very much.

CHAIRMAN CASTRO: Thank you both very much. We appreciate this. It was very helpful. And we will continue to be in touch. So if you have any additional information that you want to provide us,
please do that.

MS. WYNNE: Thank you.

CHAIRMAN CASTRO: Thank you.

PANEL 2

CHAIRMAN CASTRO: We will ask the second panel to please begin to come up. As the second panel is taking its seats and getting miked up, I will begin to introduce them to you.

Our first panelist is Bridgette Carr, Director of Human Trafficking Clinic at the University of Michigan Law School. And let me as a point of personal privilege say as a fellow alumni of the University of Michigan Law School, I am very pleased that you are here and that the law school has taken on this clinic. And, in fact, one of the reasons that I brought forward to this Commission the concept of doing this briefing, which ultimately received bipartisan support, was based on an article in the Law Quadrangle Notes about the work of Ms. Carr and her clinic.

Our second panelist is Salvador Cicero with the Cook County, Illinois Anti-Trafficking Task Force. I am very pleased to see him here. I have known him for many years and have watched his career develop and have seen the good work that he has done in many arenas. So we are very pleased to have you
Also, the third panelist is Dr. Merrill Matthews, Chairman of the Texas State Advisory Committee to the U.S. Commission on Civil Rights, one of our 51 state advisory committees.

I have interacted with you, Chairman Matthews, on a number of issues. And I am pleased that you are here. And I want to thank you for the outstanding work that you have done, not only on the trafficking issue but the other work that you are doing in Texas on behalf of the SAC. So thank you for being here with us.

And our fourth panelist is Lieutenant Karen Hughes with the Las Vegas, Nevada Metropolitan Police Department, who was recommended to us by our Commissioner Kladney.

So we are very pleased to have you all here today. We will start now with Ms. Carr. You all have seven minutes.

MS. CARR: Great. Thank you.

PANELIST STATEMENTS

MS. CARR: Good morning. I am a clinical assistant professor at the University of Michigan Law School and Director of the Human Trafficking Clinic. I appreciate the opportunity to discuss this important
In the Human Trafficking Clinic, my students and I provide a variety of legal services to victims of both sex and labor trafficking. Our clients are men, women, and children, foreign nationals, and U.S. citizens.

We see firsthand the impact of U.S. law and policy on sex trafficking victims, and the view is dire. Current criminal justice practice in the U.S. at all levels within the system fails to identify and protect victims of sex trafficking. The clients we serve exemplify the need for a paradigm shift in sex trafficking cases.

The passage of the Trafficking Victims Protection Act in 2000 and its subsequent reauthorizations were crucial steps in the fight against human trafficking. This Act recognized that adults who are being prostituted and all children under the age of 18 who are being induced to perform commercial sex acts are victims of human trafficking. However, this designation is not enough. Simply defining new categories of victims does not overcome decades of criminalizing individuals in the commercial sex industry.

Law enforcement is well-versed in
arresting and jailing criminals, but as a nation, we cannot improve upon our response to and our protection of victims of sex trafficking unless we create a new model which supports victims, rather than treating them as criminals.

I am going to share with you some examples of our work with you today. All of them are cases involving women and girls. In all of my examples, names and identifying information have been changed to protect the victims. If we truly accept that individuals who are victims of sex trafficking are victims of sexual abuse, we have to ask ourselves if our responses would be acceptable in other cases involving victims of sexual abuse.

Sally was a 16-year-old girl brought to Michigan and exploited by an adult male trafficker. A family member, worried about Sally's absence, found a picture of Sally in an online ad. Based on the phone number in the ad, she called the local police. The police found Sally in a motel, went there. She was there with an 18-year-old victim named Brenda and the trafficker.

All three, including Sally, were forced to drop to the floor and were put in handcuffs. Sally was detained in a juvenile facility for three weeks.
while Brenda, who had turned 18 approximately four weeks prior, was put in the county jail. At no time while being held were Brenda or Sally ever provided services as victims of human trafficking. Nor were they treated as victims.

Sally subsequently did not want to participate in the prosecution of her trafficker since her experience with the criminal justice system had not been kind to her. In fact, her experience confirmed what traffickers often tell their victims, "If you try to leave me or get help, you will be arrested."

Sally had health issues that made returning to Michigan for the trial problematic. And, despite our efforts to quash the subpoena and negotiate alternatives to in-person testimony with the local prosecutor, Sally was forced to travel back to Michigan and participate in the prosecution against her will.

My next example involves a 14-year-old, who was recently apprehended after being sold for sex. In Michigan, a child under 16 years of age cannot be charged with prostitution. So, instead, she was charged with possession of tobacco as a minor.

A member of law enforcement who was outraged by her treatment told me of her case, and I immediately tried to reach out to help her. I called
her public defender, offering the resources of the clinic as well as information about shelters and programs to assist the young girl.

Sadly, the public defender told me that the girl's case was being transferred back to the child's city of former residence and that she didn't even know where the child was physically located.

I was stunned. The child's former residence was a squatter house, located in the city where she had first been recruited and sold by her trafficker.

The exploitation of children by traffickers is heartbreaking. And the approach of our criminal justice system towards these same children is often tragic. However, adults must not be forgotten since ignoring the victim after his or her 18th birthday is both irrational and unacceptable. In particular, adults who are able to escape their traffickers are often haunted by criminal convictions that occurred during their trafficking. And in many states, there is no avenue for a victim of sex trafficking with one or more convictions of prostitution to expunge or vacate the convictions.

We are currently serving a woman -- I will call her Emily -- who was brutalized by her trafficker
and sold for sex in multiple states. In one state, Emily was arrested and charged with prostitution. Emily's trafficker hired a lawyer for her. The lawyer never spoke with Emily, only with her trafficker.

The next day Emily's trafficker took her to another state and sold her again. After Emily finally escaped, she found our clinic, and we began to help her. When she first came to us, she was not sure of the resolution of the prostitution charge.

Sadly, we discovered that she had pled guilty without her permission. Emily is now in school and has hopes of finding a job in her chosen profession. However, she is terrified that when she applies for a job, it will require a background check and her prostitution conviction will appear.

Traffickers know how difficult it is to vacate or expunge convictions. We have spent over a year trying to expunge or vacate this conviction, but we have been unsuccessful. Thankfully, Emily has a support network to help her wait out this legal process. However, I worry if she didn't have such a network.

Arresting, detaining, and jailing victims of sex trafficking is unacceptable. However, it is happening all over this nation. Communities
across the country are working to create an accurate picture of the problems of human trafficking. We ask questions such as, "Where do we find the victims?" or "We want to help victims of human trafficking but don't have any in our community."

I answer, "Go to your jails and talk to the adults and children who were apprehended for prostitution." One amazing lawyer is doing just that. Kate Mogulescu is a staff attorney at the Legal Aid Society in New York. She runs a project where she interviews women and men who are arrested for prostitution to see if they are victims of human trafficking.

The project began in March, and within six months she has represented 139 individuals. Over 40 disclosed trafficking histories, and an additional 35 were identified as being at extremely high risk for trafficking.

While this data is unsurprising to those of us who are advocates and victim service providers working on this issue, the reality is not yet acknowledged by our criminal justice system.

So what must be done? We must acknowledge that federal human trafficking law is insufficient to combat the problem and protect
victims, especially in areas of law reserved to the states.

For example, state laws on prostitution and child welfare must be updated to protect victims of human trafficking. We must use our resources to help, rather than harm, victims. Communities already pay a price for sex trafficking by incarcerating victims, rather than funding comprehensive support services. We must provide access to comprehensive and independent legal services to all victims of human trafficking. Prosecutors do not represent victims. And the goals of a prosecution are often in conflict with the victims' goals.

I thank you once again for the opportunity to come before you today. And I welcome your questions.

CHAIRMAN CASTRO: Thank you, Ms. Carr.

Mr. Cicero?

MR. CICERO: Good morning, everybody. I want to begin by thanking the Commission for putting together this program and Commissioner Castro for forgiving me of my Buckeye beginnings.

CHAIRMAN CASTRO: Too bad Commissioner Kirsanow is not here because he would be in favor of that.
MR. CICERO: Then we would be okay, then.

Well, let me begin by telling you that I have supplemented the remarks that I brought in. And I put in a little more information that I think you will find helpful. So I will submit this at the end of my presentation. And I just want to highlight a couple of things.

First let me tell you that I have a private practice. I only do this, I participate, out of love. This is one of those subjects that I found myself being involved with really by happenstance. I tell you in my written remarks that I kind of got involved when I worked at the Consulate of Mexico. We found our first trafficking victim, which was a victim of labor trafficking.

And then when I worked at the Foreign Ministry in Mexico, literally the Under Secretary told me, "Hey, you are the new guy. So you get this issue that nobody wants." And that's how I began working on trafficking.

At the time nobody understood what it was. The legal definitions were all over the place. The international definition helped us a lot. The United States passed a pretty good law, actually before the Senate ratified the international treaty.
And, thereafter, again I found myself being a founding member of our task force, meaning a bunch of people said, "Hey, there is this issue. Do you want to come to a meeting?" And that's how the task force began, right? So I am a founding member of the task force in Cook County.

And, as you guys know, Cook County is where the third-largest city in our country is. Chicago has been designated as one of the biggest hot spots for trafficking, right, both international and national trafficking. It is a clearinghouse of people for labor and for sexual exploitation.

So a lot of what you will hear today is the symptoms, right? We do have a national -- actually, Illinois has a very good state law. And the reason we have a good state law is because the people involved in creating our state law were former prosecutors who already had the experience of this persuasion. I think if there's a theme for today, perhaps it will be the frustration of not seeing our laws being or working the way that they should.

I am an attorney. So I don't look at law that way. I think of law as a live thing. And I think that the biggest recommendation you can give the President and the Congress is that the law needs to be
adjusted, right?

One of the other things that I have observed in my years working on this task force and training throughout the United States and throughout the hemisphere is that there is a lot of interest in this issue. The people who are on the ground, police officers, have a really, really hard time changing the way that they view the dynamic. I have had conversations with police officers throughout the country saying, "So you're telling me that I've been putting these prostitutes away for 20 years and now they're victims?" And that is reality. That means that we need to change the way that we view the people that we are serving.

I think that the testimony the professor gave you and more testimony you will hear today will reflect that. We need a change of culture within law enforcement. So that would be one recommendation. It's not that the law is bad. It is, how do we implement this law? How do we help law enforcement do what they are supposed to do?

Another thing that I want for you to look at in terms of recommendations is what are we doing in terms of educating our people because there is a root for this problem, right? And for the Commission to
take it on as a civil rights issue I think is right on point.

How do we relate to each other as Americans? How do we view women? A lot of this has to do with the fact that there are issues between men and women. And we need to address that in the schools. It is not an easy task, right, but that is what needs to be done.

It has been done in other countries successfully, in Central America, in South America. There is a lot of materials out there. So there are plenty of other international experiences that we can look at that have been successful in terms of at least trying to educate people.

One of the other things that I think the testimony from other people will also reflect today is the lack of services for the people who have been rescued. I think the front end of going out there and rescuing these people and prosecuting the cases, of course, it is certainly important. You have to have a victim if you are somebody to help, right? However, what happens after you take them in? How many of these people are you able to help?

I, myself, the very first person that we ever rescued, guess where she ended up again. I found
her a job. The woman could -- I mean, she had been prostituted for 10 years. She had started again when she was a teenager. She was 24 years old. Beautiful woman, was harassed everywhere she went, right?

That was one thing; two, couldn't use a computer; three, didn't know how to answer a phone. She had no skills. So we failed miserably in our first case, and we learned from that.

Another issue that I hear from people, and I should tell you I put in my remarks, I went out and I talked again to law enforcement, to people in our community, to the Salvation Army, to the grantees from the federal monies. What they told me is "We don't have enough space for them. We don't have services for the victims. And they don't have basic necessities, like a cell phone," things like that. So what happens after is somewhere that we also need to look.

Lastly, I do want to say that if you look at the Illinois law -- and I won't go into detail, but I think that the biggest success there is that they have created a victim-centered issue versus victim guilt. You cannot prosecute these cases by using these victims as witnesses. They are not viable. It takes many months. So you need to do things like wiretaps and other things that as a defense attorney, I am always
opposed to. But I have to tell you they seem to be very effective in helping the victims.

And because you asked about organized crime, these are organized crime-type investigations, and, if we can bill them that way. I think we will be successful.

Lastly, of course, we have to refer to the Al Capone strategies. That means bring everybody and the kitchen sink. Bring the fire marshals. Bring everybody. And you can shut down this --

PARTICIPANT: Tax man.

MR. CICERO: -- the tax man, certainly.

So I will leave that. You have my written remarks. And I am open to questions.

CHAIRMAN CASTRO: Thank you, Mr. Cicero.

Dr. Matthews?

DR. MATTHEWS: Thank you, Mr. Chairman and the Commission, for your leadership in looking into this. It is a very important issue.

I am Merrill Matthews. I am a resident scholar with the Institute for Policy Innovation. That is a 501(c)(3) nonprofit/nonpartisan research institute, commonly called a think tank, based in Dallas. And I am here representing the Texas Advisory Committee in my role as chairman.
In 2009 and 2010, we began looking at this. The committee was very interested in doing a paper on this looking at the issue of human trafficking in Texas. We created a subcommittee. We produced, the subcommittee, three persons, produced a paper, worked on this 2009-2010, produced a paper in 2011, which is now available on the Commission's website.

My written comments are something of a summary of that paper. And then I will also expand on that just a little bit in my oral comments.

Texas is the forefront of human trafficking, both in the amount of human trafficking and in our attempt to try to address the problem. As I mentioned, as we mentioned, in the paper, Texas is one of the largest border states. So we have a major opportunity for human trafficking going on across the border.

The Attorney General estimates that one out of every five human trafficking victims travels through Texas. And nearly 20 percent of all human trafficking victims that have been rescued have been rescued in Texas. In addition, 38 percent of all calls to the National Trafficking Resource Center hotline were dialed from Texas.

The U.S. Department of Justice reports on
activities combating human trafficking. It has identified El Paso and Houston as two of the major human trafficking cities. And we have the Interstate 10 corridor there, which goes from Houston through San Antonio to El Paso. This is a long interstate highway that apparently facilitates the ability to transport trafficking victims across the state.

In our efforts to address this problem, Texas was one of the first states to pass legislation on human trafficking in 2003. It has followed up. In 2008, the Attorney General produced a fairly lengthy report, 92 pages, "The Texas Response to Human Trafficking," which created a human trafficking prevention task force and began looking at some of the efforts we were doing in there, identifying the problem, trying to find some resources.

In 2011, the Attorney General produced a new report on that from the Human Trafficking Prevention Task Force, where they made several recommendations. It was a timely effort because, like Indiana before, Texas had the Super Bowl last year. And there was a great deal of effort going on because of the expectation of the people who were going to be brought in, the people coming to the state and, therefore, the opportunities for human trafficking.
There were a number of conferences going on prior to that to try to create awareness for this. There were even in the news efforts of -- a number of people would rent out their houses as a way to make money during the Super Bowl. And there were cautions being offered up saying, "Be careful who you rent your house to because you may end up helping out human trafficking and you're not aware of the situation."

So the Super Bowl presented an opportunity.

The subsequent comments on that, we felt that it was not, the human trafficking was not, as bad as they had expected. On the other hand, we had a huge ice storm during the Super Bowl, which may have prevented some of the things happening. You couldn't move a car around the city at the time. And you may have had some natural prevention going on there.

We have got some federal help there. The Trafficking Victims Protection Act provided funds for around the country. Four areas in Texas were able to receive some of those funds: the DFW area; Austin -- that's two cities -- Bexar County, which is San Antonio; and Harris County. The sheriff's department there got some funds to be able to work on this. And they have been coordinating with other organizations to try to identify and bring some help
to the human trafficking victims there.

But it was interesting because one of the things we did at the subcommittee level is we decided okay, well, we know some money is going into some major cities here. What is happening in some of the medium-sized cities? So we divvied up a number of the medium-sized cities and began to call just to ask the question, "Do you have any efforts going on within your city," like Waco or those types of cities, Midland and so forth, identifying human trafficking. We called the police department.

The question was usually with "You want to know what?" And there was virtually no real response among the mid-sized cities.

Now, we know that the larger cities are going to be a sort of a prime hub for this going on, but, at least within Texas because of truck stops and other places, which can be hubs for this, you've got those around the state. In our efforts to try to identify any other elements within the state, we could not find much. It was a little bit frustrating because there was some going on within some of the major cities but not outside of that.

So I think one of our concerns was we felt like there is a lot of attention being given to this
issue in the state but not a lot of resources being put forward to it, especially given the size of the state and the opportunity.

So our paper recommends that there probably need to be more resources and attention being given to it. We think this is a huge problem within Texas. And we hope to be able to address it and find some more solutions here in the future.

And, with that, I will stop.

CHAIRMAN CASTRO: Thank you, Dr. Matthews.

Lieutenant Hughes?

LT. HUGHES: Thank you. Thank you, Mr. Chairman. Thank you, commissioners, for inviting me here today. I am honored to be sitting here with the panelists. Your passion just resonates, and I am sure everybody will see that.

I have been in law enforcement 27 years. I just came upon my 27-year anniversary. I am more passionate now about the work I am doing than I ever have been, and it's because of this topic.

I currently oversee one of the largest teams of detectives in law enforcement that does vice-related investigations. I have two teams that are specifically tasked with doing nothing but
investigating sex trafficking cases, ones that are based for kids under the age of 18. And that's through the Innocence Lost Task Force and another that I recently formed, about three years ago, recognizing that it is our adult victims that can't be forgotten as well.

I am not eloquent to talk from a piece of paper. And I have to do things through PowerPoint. So I have given the commissioners my PowerPoint presentation. I am going to quickly go through it. Much of this stuff is very, very common knowledge. Those of us that are working within this issue understand what I am going to be speaking about. But I want to give the law enforcement component because this is what we do every day, day in/day out, 7 days a week, 24 hours a day.

The top prostitution thing that we are finding our victims in is on the streets or in the tracks. And one of the commissioners mentioned the circuits. It's called a circuit. They do not stay in cities very long, especially when law enforcement heats it up. And they go to areas where they are most going to be profitable with their victims.

Hotels within my community, Vegas is ground zero for this, folks. It really is. It is the
prime area that pimps will bring their victims and exploit them through a variety of venues. And the hotels are the biggest venue, the Strip.

The internet caters to escorts and the escort services. So if I were to ask one thing, that is the biggest thing that we are battling right now. We need to have some tougher laws, some more restrictions on the escort businesses, how they are allowed to function, how they are allowed to operate. And there need to be some dedicated services directed towards them. That is the largest component of trafficking victims that we are finding in Las Vegas.

Nightly quotas are on victims. They are very demanding. And this is where the coercion, the force, and the fraud all come into play. These quotas drive the violence that is behind the sex trafficking industry or what we call and what the subculture calls "the Game."

Theft is a very significant part of this industry. These girls are taught to be thieves. They are trained to be thieves. And they are put in that role so that they themselves cannot turn on those that are trafficking them. If they themselves are turned into criminals through the eyes of those that are trafficking them, they are less likely to step forward
and say, "I am a victim."

So they are being forced into committing other types of crimes that we in law enforcement have to also investigate, up to and including drugging victims that are on the demand side, robberies, they are involved in identity theft, lots of different topics that are associated with this particular subculture.

Threats and violence are very, very much a part of the manipulation that is used by the pimps. Innocence Lost Task Force is something that we have been involved in since the mid part of this century, or mid part of this decade, I should say, but law enforcement in Las Vegas has been involved in the domestic minor sex trafficking since 1994. And our agency has collected statistics.

General Zoeller, I don't know where you are at now, but he was talking about the initiative. I'm working currently with our Attorney General, Catherine Masto, who is also working towards this initiative. And we are gathering stats. And we are sharing our information with northern Nevada. And I would be happy to do that with what we are doing with other states, because I agree there is no one way to go and find stats. People guess. And I'm not good
into guessing, but I will tell you the stats that I am
going to show you here shortly are things that we have
identified, things that we have a hard number on. They
are not guesstimates.

The second team that I have got is called
the Southern Nevada Human Trafficking Task Force. I
call them my pimp investigation team or my pandering
investigation team. They refer to themselves as PITs.
And they hunt. That's what they do. They hunt the bad
guys.

Their focus is on adult women who are also
victims. And many of these adult women enter into the
subculture and become victimized at very young ages.
You have heard all of the statistics already, anywhere
between 12 and 14 years of age. But many of them grow
into adulthood through trafficking.

Huge time commitments with victim
maintenance -- I think Bridgette has already mentioned
how difficult it is to get a young lady to the table
to testify against somebody. It is very, very
difficult to keep these women on the vine.

The one thing that has worked for us -- and
it is a cultural change. And I know law enforcement
sometimes takes a big hit. We don't get it right all
the time. We don't. The best thing that I can say
that we have done in the last five years since I have run my unit is change the mindset and the culture within law enforcement. We have to start doing things better. And I think everybody up here has voiced that.

As such, my detectives are victim advocates, only unit on the department where we pick our victims up at the airport, we walk them into court, we make sure that -- at 2:00 o'clock in the morning when they don't want to show up for that preliminary court appearance where that pimp knows that if they don't show up, they're going to be released, we make sure that we are there. We are answering those phone calls. We are there. We are working with their families. So my detectives are victim advocates. That is very, very unusual in law enforcement.

The next slide is my stats. And these stats are just for last year. We had 131 victims that were under the age of 18. These do not include my adult victims. The percentage that are from Las Vegas is 74 percent. That is alarmingly high. Traditionally since 1994, we have had about 50 percent from local. And now we are finding that our pimps are coming to Las Vegas and recruiting our girls and young men right out of our high schools.

The demographics as far as their culture
is there, and the years of age as far as how old they
are when we are identifying them. The victims that we
have recovered have been 21, 22.

The PIT team stats on the next slide
are -- the only thing I want to focus here is that gang
affiliation is a huge component of sex trafficking.
So we need to pay attention to that.

We need to identify our hybrid
investigators. We need to train them, and we need to
work collaboratively with federal law enforcement.

Somebody mentioned the IRS. Three years
ago I started working with the IRS. I formed a
commitment with our SAC in Nevada. And we are taking
their money. And that hurts them.

This industry, this trafficking,
whatever you want to call it, it is all based on money.
You ask anybody that is involved in sex trafficking,
in law enforcement, in prosecution, victims. It
doesn't matter. It is all driven by the dollar.

So we have got to get past the things that
are just laws to incarcerate because we are not
successful there. And we have to take assets away from
pimps. And we need to put it into victim services.

I will end it there because that little
red light has been flashing.
CHAIRMAN CASTRO: Yes.

(Laughter.)

CHAIRMAN CASTRO: Sorry.

LT. HUGHES: And I'm sure there's going to be a ton of questions.

CHAIRMAN CASTRO: Thank you, Lieutenant.

DISCUSSION

CHAIRMAN CASTRO: I will take the initiative and ask the first question to you. In terms of the statistics that you have been able to gather that you showed on your chart, since 74 percent of them are local to Las Vegas, how does the balance of those statistics break out in terms of reflection on the demographics of Las Vegas? That is, are you seeing that African Americans are being disproportionately targeted compared to their population demographics?

LT. HUGHES: Yes.

CHAIRMAN CASTRO: Okay. Could you elaborate on that a little bit?

LT. HUGHES: Just this last year I started working with the local clergy and specifically in the communities that were minority populations. I have got a huge group of pastors and clergy that are stepping to the plate and now providing parenting forums because these pimps are going to bus stops.
They are driving by the bus stops in their Jaguars or their Mercedes. And that is very, very appealing to a young, 14-, 15-year-old girl that may have a parent, a one-parent family or live in foster care and she has no resources. So those things are very, very -- the bling, as they call it, is very appealing.

When we start working with the clergy and the pastors within these communities, they are bringing this message to the families. And the awareness part is what we are hoping to capture in 2012.

CHAIRMAN CASTRO: Commissioner Kladney and then Commissioner Gaziano?

COMMISSIONER KLADNEY: Lieutenant Hughes, in regards to working with the clergy, I remember when we spoke, you told me about how they actually came to you, I believe, with -- I think it was a school nurse. If you could relate that story, I think it would help the rest of us because I think it shows the power of the community if you can get them motivated.

LT. HUGHES: About two years ago, I received a phone call from a peer of mine. He was a supervisor within the FBI. He was two weeks away from being deployed to Afghanistan. He called me and said, "Karen, I think I remember hearing you talking about
sex trafficking or human trafficking. And I think my
daughter is involved in it."

I asked him some basic questions, 
branding, tattooing, names, boyfriends, all of those 
things that in law enforcement we identify very 
quickly. And all the questions to my answers became 
very, very abundantly clear that his graduating 
daughter the next day was involved in prostitution.

She had not been arrested yet. She had 
just turned 18. So she was considered an adult. And 
he was desperate. He and his family do very well in 
Las Vegas. He is in law enforcement. She came from 
a very functional home. So, although we do have some 
kids that come from dysfunctional families, a lot of 
our victims in Las Vegas come from very functional 
families.

I met with the parents. I drug one of my 
detectives with me. And we worked towards 
identifying, incarcerating, and convicting her pimp. 

She is out of the Game. She is bitter. 
She hates her mom. She hates her dad. She is in love 
with her pimp. She doesn't identify as a victim. She 
identifies as this is the only person that paid a lot 
of attention to her and gave her the things that she 
could never acquire at home through her parents. And
those are the things that we are up against.

I now use that mother. She is my voice. When we speak to groups in Las Vegas, she is the one that has the real voice. I can from a law enforcement perspective tell you what my victims look like through a case file, but this is a mother. And when she speaks -- and she speaks to nurses because she is a nurse, and she is a nurse within the school systems. I now use her as a resource to get that message out. And that awareness is what is bringing about the identification of victims.

I agree wholeheartedly. I don't want to incarcerate victims. That is what law enforcement has been required to do. We need to get the awareness out. We need to speak to parents. We need to start raising our kids in a manner in which the respect for young women is brought front and center.

CHAIRMAN CASTRO: Commissioner Gaziano?

COMMISSIONER GAZIANO: Maybe I'll ask a very different type of question. And let me premise it by saying I found all of your testimony very valuable and moving. And the metaphor I would like to ask about, my hypo, is really harm reduction as it has been understood in the drug law context.

Many people were surprised when the late
William Buckley became a legalizer. George Will has written I think a second column sort of exploring that option. And I recently read some Central and South American leaders want us to rethink our American drug policy.

The perfect thing in drugs is to stop demand. But the argument that is being advanced is the illegal -- the laws are creating the incentive for organized crime, violence, and so on and so forth.

With regard to prostitution and as it relates to human trafficking, I understand, of course, some counties in Nevada, not all of the state, have legalized prostitution. And Las Vegas, by the way, is one jurisdiction I understand does not legalize it.

LT. HUGHES: Correct.

COMMISSIONER GAZIANO: But in some jurisdictions, there are legalized brothels regulated, whatever. It may not be the perfect, but I want first Lieutenant Hughes and then some others to comment on whether there might be some harm reduction if there was a legal outlet for those who want commercial sex, the extent to which that would dry up the incentives for -- if I remember your quote, Lieutenant Hughes, it is all based on money. There would still be a black market for teen and child, but
I would imagine that it would be much reduced and perhaps concentrating resources in that area. And there might be ways to get legislators to treat the victims differently if it was confined to that area.

On the other side, I understand -- because I have been involved in this discussion for a number of years -- there are some who are so opposed to any legalization and who believe that no woman, no age, no condition, no man or woman I would say can really lawfully consent to this, that there can be no consensual commercial sex. That seems to be the other side of the argument.

First to Lieutenant Hughes. I mean, do you have any -- since you --

LT. HUGHES: You know what is coming, don't you?

COMMISSIONER GAZIANO: Maybe others can comment, but I am sure you have some experience with your sister jurisdictions. Maybe you can't say what you would really like in your jurisdiction. I don't know.

LT. HUGHES: I will tell you it is very, very difficult for law enforcement to ever tell you that they would legalize prostitution. I will tell you that I am not a supporter of that. And I will tell
you the one thing that prevents me from ever going down that road or ever entertaining that discussion is because of the victims. When you interview and you talk and you see their scars, both physically and internally, it is not a viable out.

I gave a presentation to my sheriff two years ago during our legislative session. And when I did, I wanted something to resonate with him as I will share with you. And that was pictures of a young woman that we had just done a search warrant on her home. She was what they call the bottom girl in a family that is the most entrusted to the pimp. She is typically going to be the one that goes out and recruits new young women for her pimp.

She was home. He was not. We had rescued a 15-year-old girl out of that family. When SWAT served the search warrant, we went in and identified this young woman. She was a black woman of about 22 years of age. And she had burns from the tops of her shoulders to her elbows and all down side her back.

And when I asked her the question how she -- they were about a week old, some of them second- and third-degree burns -- she had relayed to us that she was in a nightclub and had been identified by a
previous pimp, whom she had gone to high school with
who had branded her. And she had failed to leave him
in the appropriate manner.

And when she left him without the exit fee
that she should have paid him to leave, he found her
in a nightclub, abducted her, and with one of his pimp
friends, he took her and he beat her. He held her down.
And he took an iron to her. And he burned her skin off
where all her brands that so prominently reflected his
brands were. And she will carry those scars with her
forever.

That is my image. When people ask me
about legalizing prostitution, that is the image that
we see every day.

COMMISSIONER GAZIANO: Quite frankly, I
don't see that that is an answer to my question of
whether there will be less of that.

LT. HUGHES: I don't --

COMMISSIONER GAZIANO: We all feel for
the victims. I can't say that exactly. I think we all
feel the same for the victims.

LT. HUGHES: I hope so.

COMMISSIONER GAZIANO: The question is,
why do you expect there to be no lessening of the
incentive for that organized crime that legalization
would bring? Why do you expect it to be either the same
or to go up? I don't understand that.

LT. HUGHES: I think juveniles and minors
will always be a part of the demand. And there will
never be a law. I hope there will never be a law that
legalizes that. So whether prostitution is legalized
and brothels, or not, juveniles will always be a part
of that.

MR. CICERO: I'm sorry. If I may, I have
actually worked throughout the whole hemisphere on
this issue. And I think that it is very dangerous when
you start framing prostitution in trafficking. They
are different things.

Every country pretty much in the
hemisphere has legalized prostitution. In fact, in
countries where they have chosen to have legalized
prostitution, like the Dominican Republic -- I was
there last year -- they actually had a great bill in
their local congress to have regulated areas where the
women who are prostitutes have housing and have special
things.

And, you know, everywhere, like in Mexico
or Argentina, if you are a prostitute, you have to be
registered. You have to have a health card. And this
has been going on for 100 and some years.
Now, I am the father of a woman. So certainly I have my ideas about that. But I will tell you that the big issue with trafficking and prostitution here in the United States is that everybody talks about "Oh, prostitution."

It's not about whether prostitution should be legal or not. If you talk to law enforcement in other countries, they will tell you, "Well, you know, when we interview a prostitute, she's not doing anything illegal, you know. So that doesn't really -- she's not going to be afraid, like they are here, of a law enforcement person." But the underground trafficking still exists.

So I think that what the officer is saying is correct. At least in my experience throughout the hemisphere, the market for under-aged children -- first off, let's say the international definition of a child is 18, right? So in countries like when I did the project in Ecuador, we had to fight very hard locally to get people to change the legal prostitution age from 14 to 18. So that was the first battle, right?

So now that most countries have the 18 years of age as prostitution, then you have more of an even playing field. There is still a market for that
under-aged trafficking victim.

So, you know, I am on the fence myself because I had conversations with law enforcement in the other countries that say, "Well, you know, when I am interviewing somebody who is a prostitute and she is not afraid, she is a little more willing to talk to me." From that perspective in an investigation, it may be helpful.

How does that affect the johns? And we haven't talked about the men. That's why I say that in my remarks, I make so much emphasis on education because the person who seeks these women -- let's talk about guys in Chicago.

I was talking to some friends of mine, attorneys and doctors, who have gone to other countries to engage in weekend sexual vacations. Okay? People don't talk openly about this.

And I ask my friends, "Did you ever" -- they show me the pictures. These kids, they look like 14-year-old girls. "Did you ever stop to think how" -- I mean, they are not doing anything illegal. It's legal in Brazil. Right? The question is, "Did you stop to think what was the age?" Nobody is going to say, "Hey, honey, are you 18 years of age?" Nobody does that.
So is that an answer to your question? I don't know. Maybe you should have some people from other countries to talk about their experience.

I certainly think there is value in regulating prostitution, but whether that helps us in the trafficking arena is a different question.

MS. CARR: I think it's really important to acknowledge that -- I think a lot of people spend a lot of time talking about, you know, full legalization, on one side, and then, on the other side, no one can ever choose it.

One, I think it is important to acknowledge that, in reality, how we enforce things is that we have decriminalized the buying of sex in America. The risk of being arrested and when you are a buyer is extremely low. What you will most likely face, if at all, in illegal consequences is a fine. And so we have to acknowledge that.

And so, on the flip side of that, I think we have to ask ourselves, "Well, then what could happen if we instead decriminalize the other side of that transaction; instead of saying it's a no-risk, pretty low-cost proposition to buy, instead it's a no-risk pretty low-cost proposition to be the seller, not talking about the manager or the pimp or the exploiter.
And I think we can lose so much time. And academics often lose a lot of time in theoretical discussion.

PARTICIPANT: No.

(Laughter.)

MS. CARR: And so we can lose a lot of time there. Instead of still operating in this irrational place that we operate right now, -- and I say it to law enforcement all the time because, unfortunately, not every office has Lieutenant Hughes -- is to say, "She was not having sex with herself in the hotel room. She was not."

And until we move past that position when we investigate, until we stop hearing that, "Well, unless the victim testifies, we have no evidence," that's not true. You have a cell phone full of phone numbers of buyers. You have IP addresses of buyers. If you understand how people have to be checked in order to be accepted to buy someone, to buy sex, you know that you have all of this data.

And so I hope that this Commission will move a conversation into how are laws enforced unequally against women and how can we perhaps move that because here is what I know. I know in potential pools of victims, that there is a high probability that there are victims in the pools of sellers. It is an
extremely low probability that there are victims in the pools of buyers.

And so I hope that we could focus our criminal enforcement, you know, in response to those realities.

DR. MATTHEWS: And, Commissioner, if I can address that also? I am familiar with the debate on the right about decriminalizing drugs and whether or not that would solve the problem. And, of course, as you mentioned, William F. Buckley took that position.

Wall Street Journal occasionally editorializes on that. And generally some of the editorial writers are in support of that.

But generally what they want to say is if we decriminalize it, you will take some of the profit motive out. You lower the cost. You may reduce some of the violence. I don't know that anybody argues that you reduce the incidence of it. You just sort of -- they sort of focused in on the notion of providing prevention and helping people recover from that, but I don't --

COMMISSIONER GAZIANO: Different people would be supplying it, though.

DR. MATTHEWS: Right. Different people
would be supplying it, but it doesn't reduce the incidence. So I understand that. And I would carry that analogy over to the human trafficking. I would also suggest, though, that in the one difference that I think here with drugs, you can buy your drugs and take them with you.

With human trafficking, it becomes more of an area of convenience. The pimps want to take the trafficking victim and be available there for the person, so at a truck stop or something like that. So we're just -- not to demean truck drivers -- but let's say this is the truck driver that we are talking about. The truck driver could buy the drugs and carry that with him.

That truck driver may want to stop at a truck stop and have that convenience there because he can't take the victim with him. So I think there is that difference between whether or not you would legalize it if you reduce that incidence with human trafficking.

CHAIRMAN CASTRO: I'm going to ask a question. Then I'll go to Commissioner Kladney. And then if there is anyone on the phone, any commissioners, identify yourself.

The question I have is, what is the
federal government doing now that it could be doing better? And what are things that the federal government should do that we are not doing?

MR. CICERO: I can tell you the wish list that I got from the state's attorney. One of the things that I think is worthwhile in Illinois that I will serve from the outside, that gives me the capacity to be critical, I hope, is that they are working very well. They created a joint task force with the U.S. attorney and the state's attorney. In our state it is not the Attorney General that drives the investigations. It's the county attorneys, we call ours the state attorney.

And so the state's attorney and the federal investigators have this task force. They have literally integrated completely. They are cross-designated. So the state's attorney is designated as a U.S. attorney and vice versa. The U.S. attorney has a person in there. So when they do their investigations, then these people are talking all the time. And they figure out how do we charge this case. Do we go state? Do we go federal?

And if you look at the results last year, they rescued -- I don't know -- like 40 victims in one operative. They did it old style. They went in there
with the microphones and all the staff and took their
time and really built it that way. That is going very
well. I can tell you that, again, helping the victims
is not going very well.

The National Immigrant Justice Center is
based out of Chicago. And they are one of those
organizations that do wonderful work for victims.
They lost their funding. They used to have a task
force that they were running.

The problem is right now, as a task force,
we have for the first time a place where if you rescue
some victims -- and they do. They go in. They do the
operative. They take the victims, put them in Ann's
House. But they have a very limited amount of services
for them. So, unfortunately, the services part and
the DHHS can probably tell you all the cuts they did
and, really, how they depend on local people.

So I can tell you that if there's one thing
that local people are saying, it is the federal ideas
are great, the mandates are great, but the money just
isn't there. And that's true for everybody at the
federal government, but that is what I am hearing from
them.

MS. CARR: Yes. I think the national
human trafficking hotline is a fantastic resource,
both for people who are interested in the topic, for advocates, and for victims. And they just said that they received their 50,000th call, I joke that I probably have made 150 of those calls personally.

(Laughter.)

MS. CARR: It's a wonderful resource. They have done some really wonderful victim-centered approaches in cases involving foreign national victims. Often those cases are labor trafficking cases, in which there is a prosecutor. There is law enforcement. And there is a lawyer for the victim at the table. Often that lawyer is brought in the door because of immigration relief needs.

I think that at the federal level, we could model much better using lawyers for victims in cases involving U.S. citizens. U.S. citizens have a variety of legal needs, one of which is they are often facing criminal liability in these cases.

So, but I think what we have to acknowledge is that, in light of the fact that the regulation on prostitution is left to the states, there is a limit in what the federal government can do on this issue. However, one thing that we have seen is that sometimes bills are introduced and funds are going to be targeted to states who have raised their laws to
recognize 18 and under as a child for trafficking purposes and have done other victim-centered approaches in cases involving sex trafficking.

I think if you have the purse strings, you can direct states to improve their state laws in regards to human trafficking and prostitution.

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER KLADENY: I guess truckers and the NFL are kind of taking a hit here today.

Following up on Commissioner Gaziano's question about legalized prostitution, actually, in my state, we have it. Fifteen of 17 counties have legalized prostitution.

I practiced law there for a long time, and I found that pimps are still involved in legalized prostitution and that they are home pimps. The women go to work, so to say, for 25 days a month. Then they take five days a month and go home. And their pimps are home waiting for them with the money, or looking for the money. And there is still violence present.

And I would like the panelists maybe to comment on that.

MR. CICERO: In other countries, like in Mexico, for example, the law only allows a person -- the national law regarding prostitution allows the
prostitution of oneself if you are over the age of 18 because you have the legal capacity to choose.

Proxenetism, which is pimping, is outlawed. And so the prosecutions that happen in Mexico, for example, would be for proxenetism. Of course, now there is a trafficking law as well.

I can tell you that, throughout the hemisphere, we have seen the techniques. And we haven't talked about what the pimps do. But it is very common to go out, make a girl, whatever age, fall in love with you.

Think of it like the lion looking at the zebras, right? They know exactly which one is the one that they are going to go for. And it is incredible.

There has been a study recently here in the States about the culture of pimping and how this has gone on. How do you get the girl? How do you get her to do what you want?

I'll be brief. I think it was two or three years ago in Mexico, there was a family where the mother and the son basically go out, marry the girls, bring her in. All the sons were marrying women. They have 25 children living with grandma. And all the mothers were being prostituted and told, "If you care about your kids, you are going to do this for them."
So the culture of pimping, the means of coercion, is not physical anymore. And that is very important. You asked about coercion. That is a very important question because the reason that exists in the law and the international definition is that many years ago, when they outlawed slavery, when you talked about women being forced and when you said forced to prostitute themselves, they literally meant forced, like physically forced. Now a cell phone can be a way of forcing somebody.

This may seem silly to you, but we saw a case in Honduras where voodoo was being used. And the victim was like "I had the conversation with a police officer. He said, 'Well, that is ridiculous.'" But it doesn't matter if you think it is ridiculous if the woman believes in that, and she is doing all of this stuff because of the voodoo.

And the guy had a piece of hair. And basically what the victim said is, "If you don't get that piece of hair back, I'm not working with you." Once she had the hair back, she was like "Okay. Now we can work." That may be silly to us, but she believed in it. And she did all of those things because of that fear.

COMMISSIONER KLADNEY: Could I ask one
CHAIRMAN CASTRO: Sure. Go ahead.

COMMISSIONER KLANDNEY: Lieutenant Hughes, in terms of metro, Las Vegas metro, it's a big police department. You have two teams, 40 million visitors a year, more than the Super Bowl.

LT. HUGHES: Every weekend.

COMMISSIONER KLANDNEY: I like to say that.

How many people have you got on your teams? And do you need more resources? And what kind of resources do you find yourself lacking to assist you in doing your job?

LT. HUGHES: Great question. I've got, actually, five teams up in my unit: two that are dedicated to do the investigations for sex trafficking, like we have mentioned.

The resources that we need are the simplest of things. I will give you an example. Right before I left to come out here, one of my detectives, who is working with a 19-year-old girl, female victim, very, very significant case in that it's a violent gang-involved sex trafficking case -- she is suicidal right now. My detective went to see her. And she just recognized that her vision wasn't right.
And my detective picked up the phone and started making phone calls to get an appointment to get eyeglasses. The next time this victim saw my detective, she's like "Oh, my gosh. That's what you look like."

It's those simple things. It's when a victim -- you want to get a victim reunited with a family because they have been duped into coming out to Las Vegas to work in a strip club. And you want to reunite them back with their family in New York. It's a simple thing like they want to take their dog with them and there are no resources to buy a kennel carrier to get that dog on the plane, but you know that that victim will never go back to New York without that dog.

So the simple things like a kennel or a pair of eyeglasses are things that we in law enforcement -- and I'm not saying this because I've great detectives, even though I do. They don't tell me those things because they need me to know. They tell me those things because those are the needs that we see every day, the basic things that I don't know that government can be involved in, the training, the safe houses that we need to harbor our victims in so that these pimps are not waiting out on that front porch to snag them out, to have the funding to do long-term investigations, to take down organized crime. It is
a part of this subculture. It is a part of what we are
dealing with every day.

Strip clubs, escort services are a very,
very profitable industry. And sex trafficking is
attached to them in a very intimate way. And the
resources that law enforcement needs is to train us,
keep training us, keep making us sensitive to these
issues.

NCMEC provides phenomenal training. And
it was dissolved three years ago. I have no training
to send my detectives to that's beyond what we already
know.

Safe houses for our victims is what we
need. And any money that we can collaborate with the
IRS to take from our bad guys I want going right back
into the victim services.

COMMISSIONER Kladney: Thank you.

Ms. Carr: I just have to second that.

It is really easy to not be in law enforcement and say,
"Law enforcement should do" this, this, and this. But
the reality is that communities provide law
enforcement with a place to put people. And that place
is jail.

Every single community has that option.
And until we change that option and provide other
options, that is the only thing they can do: jail or let someone go. And letting someone go means you know what is going to happen to them that night.

And so I think that, you know, as easy as it would be for me as an advocate to sort of say law enforcement must be better, well, they have to use the tools that they have. And so law enforcement must be provided with other tools.

MR. CICERO: And one other thing I wanted to mention on the Illinois front that was very helpful that I want to share is that DCFS, the Department of Children and Family Services, did not have the legal authority to house the under-aged people who were being rescued. And that was a big change in the law.

So not only the part about using the funds that you get from all the investigations to be applied to fund that but giving the child protective services the authority because, remember, you’re arresting somebody for under-aged prostitution -- that is a criminal matter -- does not give you the ability to say this person is in need of services.

So we changed that in the law in Illinois. And so far it is working very well.

CHAIRMAN CASTRO: Commissioner Heriot?

COMMISSIONER HERIOT: I just have a
general question about prosecuting pimps. A couple of
you have mentioned that it is not always the case that
prostitutes are willing to cooperate on that. How
often do you need the testimony of one of the women,
one of the prostitutes, in order to prosecute the pimps
successfully? I guess this is a question for you,
Lieutenant Hughes.

   LT. HUGHES: Well, I'll tell you, in Las
   Vegas, I've got a dedicated -- I am very, very
   fortunate. Through a grant, we received a district
   attorney that was dedicated to do nothing but pandering
   cases. And my detective became very frustrated
   because, just like Bridgette says, there is such
   technology out there that links our victims back to
   those that are trafficking them. But actually putting
   that victim on the stand, although it is valuable for
   a jury, we now have to educate the jury about what that
   victim has been through in order for them to understand
   that she couldn't leave.

   I do not feel that a victim is absolutely
   necessary. Is it great to have a victim? Yes. But
   at what cost? Because it is just like when you go back
   to the mindset of days when gangs -- well, they still
do, but in the early days where gangs in my career were
terrorizing neighborhoods, nobody -- we had drive-by
shootings. Nobody would step forward to testify. Retribution was a very, very big part of that subculture, and it is within this one as well.

Educating our attorneys, educating our prosecutors, the U.S. Attorney's office works well with us. So does our Clark County District Attorney's office. We have got great relationships.

The best component that we have implemented over the last three years is my detectives hand-carry those three-ring binders. And they are huge cases to that DA, and we educate them. And we show them what we have. We don't allow them to just read the arrest report. We walk them through everything that we have got. And we educate them about the case and let them make their decision as to the value of that case.

The pimps count on that victim showing up. And during that preliminary hearing, if that victim does not show up, they know that they do not have to plead out. The case is going to be dismissed.

So it is very, very important when I mentioned that my guys are advocates. They have hand-walked those victims. And if and when we need them to testify, they will be ready because we prepare them along the way. It is critical, but it is not an
absolute in my opinion.

COMMISSIONER HERIOT: So I assume you don't get as much cooperation as you would like.

LT. HUGHES: Oh, absolutely, we don't.

COMMISSIONER HERIOT: Can you give me like a sense of numbers? How many cases would you have? I know you can't quantify it perfectly, but, you know, how often do you have a situation where, you know, you're pretty sure that this person is guilty of pandering but you can't successfully prosecute because you don't have somebody who is willing to testify, "Yes, I was working for him"?

LT. HUGHES: It happens a lot. It happens more -- unless I pulled up all of my statistics, I couldn't tell you. But I would tell you if my detectives were here today, they would tell you that it is very, very easy for us to lose a case.

I call it, I frequently say, “where a victim dies on the vine.” And we want to hold onto her. We want to make sure she understands that we're there for the long haul, not just to get her testimony but to ensure her safety after the fact because she is going to be a target within that subculture, very, very close-knit subculture. But it happens too often. They do not get the resources, the help, the services
to feel comfortable getting up there on that stand. And they are very, very vulnerable.

And I am sure that the rest of this panel can add to that.

MS. CARR: I think that prosecuting pimps is extremely important, but I worry when we start having conversations about victims in this tone. And the reason I worry is because you don't hear these conversations in other areas where we accept people as victims.

So a child abuse case, we don't ask the question, "How many times do we lose a prosecution because we couldn't get the child who was sexually abused to testify against the person who abused them?"

If we really accepted cases of sex trafficking that involved children, that these are children who have been sexually abused, we just wouldn't ask those questions. And I don't understand how throwing money on the table, that makes it a commercial sex act, rather than a sex act. But it changes how we -- I am not saying that is your intent, but you see that sometimes in the conversations around this issue.

And so that is why my comments were focused on the need for a paradigm shift in these cases and the need for investigative approaches like that and
the need for -- you know, how many times did a buyer not get on the stand and say, "I had sex with that girl" and all we had to do was produce the girl's birth certificate to prove her age?

MR. CICERO: But you're hitting the nail again. I think it is very important. That's why we make so much -- when I say "victim-centered" versus "victim-built," that's exactly what we mean. If you look at the -- you can ask any prosecutor, at least the ones I work with. Maybe 80 percent of the cases turn out to be nonviable.

If you look at the T visa, right, that was created by Congress to help all of these victims, it is the most grossly under-utilized visa we have ever created, I mean, by the thousands. And the reason for that is because most victims are not viable witnesses. It is very different to put the victim on the stand versus -- we did a six-month investigation with a wiretap. Now, mind you, I think we are maybe the only state right now that has a state wiretap law. That is why I say that, as a defense attorney, I oppose that, but having seen how it actually works, the actual trafficker that you have on tape, you say, "Did you say this, 'Yes' or 'No'?" It's your voice."

You are not using the victim. The victim
is just one of the other pieces of the evidence. And you build a case against where did you put the money, how did you coerce the person, where did you get them. You build your case that way. It doesn't depend on this person who has been traumatized.

Now, we have talked a lot about the sexual situation, but women are also disproportionately exploited when it comes to labor. Okay? Domestic labor. There is a lot of the mixture of the cases where somebody gets the domestic servant. They keep them in the basement. They do sexual services for the guy who lives there. And, in addition to that, they clean the house. And these people are not going to come out and ask for help either.

So whether it is a case that is in the sexual context, if it's a case involving children or if it's a case even that's labor, having a victim-centered approach, where you don't victimize the victim any further and build your case outside, is the best.

And in Illinois, at the state level has been the only successful way to do this.
model statutes being drafted in terms of prosecuting panders? I understand it is very difficult depending on what state you are in what you need to prove pandering.

I was actually thinking if it is an under-aged minor involved with an adult and a pimp, I mean, can they be charged with rape or kidnapping or can they be charged with conspiracy to rape or kidnap or attempted raping and kidnapping, that kind of thing? Has anybody ever tried to take that off?

MR. CICERO: They have. In fact, you know, the very first prosecutions before we actually enacted the law were using these laws that Mr. Castro was talking about when the government passed all these laws back in the 19th century.

Some of the prosecutors used those, the anti-slavery laws, to prosecute people successfully, has been done. I know a bad case in, I think, the U.S. Virgin Islands -- it might have been another jurisdiction -- where they used these archaic laws that are still in the books.

I'm not aware of any model law at the state level, but that would be an excellent idea.

MS. CARR: It would be an excellent idea.

I think there are a lot of model human trafficking laws.
And the Department of Justice has one. Polaris Project has one.

And I think 48 states enacted human trafficking laws. The problem was that the model laws based on the federal structure would not have included so much that would need to be there about prostitution because, again, this is something that the states -- I mean, that's reserved to the states.

And then because it is a state-by-state, you know, determination of how they approach the cases, this model approach just doesn't exist.

One of the things that I think is so important is that we don't have spotlights shone on innovative approaches to doing these cases. I think the work of Officer Hughes, you know, needs to be spotlighted.

I think I highlighted the work of a public defender in New York who is showing people that we actually have victims within your own system. And we are just not having those conversations enough to do that. But I think that, you know, with the initiative, we have a real opportunity to try to highlight, get approaches.

There is, I think, one state, it might be Missouri, that their human trafficking law allows for
charging buyers in the way that you envision. To my knowledge, there has been no prosecution like that, though.

COMMISSIONER KLADNEY: Have you thought about your law school working on a model statute? You always have to be published, don't you?

MS. CARR: Well, yes. So here is what I will say. I think that I wish I had the success of Attorney General Zoeller. I have been working for two and a half years with my own state to improve the human trafficking laws in the State of Michigan. We have drafted many versions. And the sad part is that we come up against the operating paradigm, which is these people choose this.

What I didn't share about the young girl who was charged with possessing tobacco when she was being sold for sex, remember, in a state in which at her age, she could not be arrested for prostitution, when we showed up at her hearing, the public defender was not happy that we were there and turned and said loudly to us, because this is the audience she wanted to hear it, "All these people here think you're a victim, but I know that you chose this. And you have to pay. You know, you have to pay for the consequences of your choice." This is a public defender in a state
that says she couldn't choose to do, you know, this thing.

And so, you know, I think any assistance that people have for trying to get the laws passed in others -- but I can write really great laws. And if you want me to, I will write one for your state and every single state here. But we need to get them enacted. And then we need prosecutors and DAs and law enforcement to use it because we already have some great laws on the books.

I mean, I am often reminded about a case that was brought, a sex trafficking case in which the victims didn't want to participate. And so the prosecutor brought it based on the tattoos, because in that state you couldn't get a tattoo if you were under the age of 18. And so they simply went through all of the tattoos and had a ton of charges of aggravated assault, brilliant, absolutely brilliant. And so we need to do more things like that, too.

MR. CICERO: I think it's an issue of political will. It really is. I mean, in Illinois our Attorney General has good advisers. And she is on board with the state's attorneys and with the U.S. attorneys. Everybody is kind of on the same page.

And the legislature first time around,
there were no problems. Two years later, they're on
the second round already adjusting it. And it is just
an issue of political will. It really is.

CHAIRMAN CASTRO: And we also have a good
governor.

Commissioner Gaziano and Commissioner
Achtenberg?

COMMISSIONER GAZIANO: I appreciated all
of your answers to my first question. So let me ask
you a follow-up. I am particularly interested in the
international response. Unlike maybe some of my
friends, I think foreign law has a role, even if it is
not interpreting our own laws.

What you were describing, Mexico, some of
the distinctions are very interesting to me. But I
also appreciate in a city like Las Vegas, where casinos
are legal, it is very unlikely that there would be a
lot of demand for illegal -- maybe you could tell me
otherwise -- but the demand at least would be reduced
for a mass illegal casino.

And so I still want to try to follow one
of the two responses in this sort of harm reduction.
I have no doubt, Commissioner Kladney, that legalized
gambling doesn't still have illicit elements to it or
that legalized prostitution doesn't have illicit
elements to it.

COMMISSIONER KLADNEY: I would say legalized gambling in my state has no illicit --

COMMISSIONER GAZIANO: Okay. Then you're maybe even reinforcing the question I am asking about harm reduction, reducing the demand.

Professor Carr, you said something very interesting about -- it seems compelling to me -- if I understood your comments correctly, the need to decriminalize the provision of commercial sex acts, but it seems to me that while that may be fair and just, that decriminalizing only half of the transaction may increase the hand of prostitutes, may increase the -- if there isn't any lawful outlet, if there isn't any lawful outlet for the demand to be satisfied, the pimp still has the economic incentive and might be able to -- even though the dynamics may be changed in some very weird and significant ways that I only vaguely understand, there may be the ability to induce more young girls into the service.

First of all, did I understand you right that you think at least the provision should be decriminalized? And what is your thought on whether only doing half of the transaction will really change those who provide the services, those who are in
control?

MS. CARR: Well, you're going to get me kicked out of the law professor club because I don't -- you know, I wish I could tell you. I spend time doing real cases. And my usual answer when someone says, "Well, would you like this approach or that approach?" I say, "Don't have the theoretical commitment to something. Show me the evidence that it works." That is really the perspective that I come to this issue with.

And so I do not operate in a space that I actually think an official decriminalization of the selling of sex will happen in the United States. I just don't think that is where we are. But, instead, I would like the informal decriminalization that exists for buying to be moved to an informal decriminalization for selling.

But since you are a fan of what happens in foreign countries, I would tell you that I think the two places you will really want to look at in what you are thinking about are Amsterdam and Sweden. And in Amsterdam, you have complete legalization and I think some of the evidence out of Amsterdam, you know, their evidence, not mine, is showing some surprises that the victimization did not decrease.
And then coming out of Sweden, where the model is maybe what I would call this middle of the road approach, where the act is still illegal but the sellers are decriminalized, they don't have criminal liability, they are showing some results, preliminary, that, in fact, victimization is decreasing. And so right now the evidence we have shows that might be the one that is working.

I am not the architect of any of it. So I don't have sort of a commitment in that sense, but, you know, I think that there is a real opportunity for states, cities to be leaders and innovators on this issue and say, "We're going to try something and see if it works."

What I think is most important with that, though, is track your data. Track your data because what we are stuck with today is what I think you opened your first question with, which is tell me the numbers and so, you know, if a community wants to try the Amsterdam model or the Swedish model, you know, one of the models and then track your data and see if it works. But those two jurisdictions are probably interesting, too.

CHAIRMAN CASTRO: Commissioner Achtenberg?
COMMISSIONER HERIOT: Can I just get a clarification on that answer? You said that in Sweden, there is some evidence that victimization is decreasing. What do you mean by "victimization"?

MS. CARR: The human trafficking.

COMMISSIONER HERIOT: Do you mean there is less in the way of sex being bought and sold or is there less in the way of --

MS. CARR: Of victims.

COMMISSIONER HERIOT: I'm not --

MS. CARR: So I have seen the study that evaluated the question of whether sex trafficking decreased in light of the decriminalization of the selling of sex. And the answer preliminarily was yes. I don't think they have come out with their second round.

COMMISSIONER HERIOT: I am just trying to make sure I understand what you are saying, that there are fewer occasions of person purchases sex from other person or there are fewer women involved in this or there are fewer cases of under-aged persons involved? What is the victimization that is decreasing?

MS. CARR: That there are fewer victims of sex trafficking because it wasn't a labor trafficking case, fewer victims of sex trafficking
being bought. So it could be either. And I can't remember the data broken down that way. Fewer victims of human trafficking being bought for sex after it was decriminalized, the selling of sex.

CHAIRMAN CASTRO: Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: It would be terrific, if such a study exists, if the Commission could be provided with the study.

MS. CARR: It's in Swedish.

(Laughter.)

COMMISSIONER ACHTENBERG: I'm okay with translation.

MS. CARR: And you only have that capability. There is an abstract in English.

COMMISSIONER ACHTENBERG: That would be great.

MS. CARR: It is short. I think, you know, maybe the whole Commission might want to see it in a longer version, but --

COMMISSIONER ACHTENBERG: Sure.

MS. CARR: I would be happy to provide that to Chairman Castro.

CHAIRMAN CASTRO: Thank you.

MR. CICERO: In fact, Save the Children
Sweden is the one that created the materials that I had referred to for Nicaragua and El Salvador. The Swedish experience is based on this idea that we are not going to punish the person who has been exploited. We are going to punish the person who is going after and trying to hire this. So what is illegal is to buy the sex.

And it goes back to the pressure from the Commission that I urge you to take, which is education. The Swedes go out, and they educate their public. You should not engage in human trafficking. If you have the need to buy sex, not only is it illegal, but why are you doing it? What is going on here?

So that question needs to be addressed. I know it is a humongous question that is never going to be solved by our report, but it is a question that needs to be addressed. Why are we doing this?

Think of it economically. There is demand. There is supply.

COMMISSIONER ACHTENBERG: Thank you very much.

I wanted to direct my question to Dr. Matthews and, first of all, to commend the Texas State Advisory Committee to the United States Commission for the excellent work that they produced here. You said
that, it sounded to me at least that, Texas, the State of Texas, in some ways has made substantial progress on this human trafficking issue.

Could you underscore for us improvements that have been made on the part of law enforcement? And could you offer any observations about ways in which federal law and federal administration of the law could be improved for the benefit of the State of Texas and victims of trafficking in the State of Texas?

DR. MATTHEWS: Let me address a couple of those. Thank you for the question. In 2009, the legislature passed legislation that addressed some of these issues of decriminalized sexual activity for children under the age of 18. Prior to this legislation, minors arrested for illegal sexual activity were required to prove they were coerced in order to be able to be exonerated.

It also requires posting of notices of the national human trafficking hotline in overnight lodgings and other places where they think this is going to be a problem.

So most of what they have done is to try to bring attention to the issue, get some things into line, but it has not -- it has been I think an important effort, but we don't feel like, from our standpoint,
that nearly enough has been done and we’re unable to address this and provide law enforcement with the real resources they need to be able to do it, which is why I pointed out that most of the efforts that have been achieved have been from the federal grant that came, as opposed to initiations at the bottom up from the various cities and counties.

And, as I mentioned, when you go to the smaller counties, middle-sized towns and so forth, of which there is a lot in Texas, there doesn't seem to be much going on. When you call and say, "Do you have a person in law enforcement who is addressing human trafficking?"; "well, we do, but he is not really here or he's off or he's not paying attention to it or we're not sure who that person is anymore." It just doesn't seem to be a primary topic. So I think that is our biggest concern is it's not being addressed from that standpoint.

CHAIRMAN CASTRO: Let me just ask, are there any commissioners on the phone that want to ask any questions?

(No response.)

CHAIRMAN CASTRO: If not, Commissioner Kladney?

COMMISSIONER KLADNEY: Mr. Matthews,
Chairman Matthews -- pardon me -- I actually saw a television show about the Texas border towns and the serious problem in trafficking. Could you describe that to us?

DR. MATTHEWS: As we have a long border and it is a fairly porous border, that there is some discussion going on between the Justice Department and the governor's office as to how well we have addressed that problem.

The Justice Department seems to think we have addressed it somewhat. And the governor has said, "No, we have not. We have still got a huge problem of trafficking, of people crossing the border."

And so in Texas, it seems to be fairly fluid. We have not been able to get control of that. They are now attempting to put drones and so forth to try to slow some of the trafficking to keep an eye on it. But the sense is that we have not gotten a very good handle on illegal immigration coming in. And the expectation is that a fair amount of that trafficking is coming over from people who are being brought across the border.

But hard numbers on that, we don't have that.
COMMISSIONER Kladney: But there is a lot of sex trafficking. Is that correct?

Dr. Matthews: There apparently is a lot of sex trafficking because, the times they have gone in and raided these places, they are frequently illegal immigrants who are brought in, which I was a little surprised as to why Houston. You would think maybe a town closer to the border, but Houston is a major area, as is El Paso, which you would sort of expect because it is so close to the border.

Chairman Castro: I'll ask the last question. We have got four minutes left. When you look at sexual harassment in the workplace, for example, we see that the statistics show that women are overwhelmingly the victims, in the high 90th percentile. When you look at sex trafficking, as the Bureau of Justice Statistics has indicated, 94 percent of the victims that they have looked at are women. We will hear later this afternoon from SAGE that the numbers are 98 percent.

What do you see as the correlation between gender and victimization in the area of sex trafficking?

Ms. Carr: So, you know, I think it's what the buyers want. I mean, I could talk a lot about the
messages society sends to young girls and how we sexualize young girls in lots of ways.

   And I think all of those things are true, but I think you could change all of those things and maybe reduce it in some ways. But at the end of the day, when you understand this reality, the buyers get what the buyers want and whether that's they have a preference for a certain ethnicity or a certain age or a certain sex act, that is what the market is responding to. And so that is what the reality is.

MR. CICERO: Well, let me begin by saying that for the OAS, I always teach the gender perspective. And the reason why they have a guy do this is because when we do the trainings, frankly, you need a man saying, you know, you need to value women for these reasons. And they are human beings.

So this dialectic, in our community, it is very well understood, but, like I said, you know, like the professor, I talk about what I see and what I talk in conversations with my own friends and the way that they view women and that a lot of people don't think that it is a big deal, you know. And that is the problem. The problem is that essentially we do not value women at the same level that we value men in our society. And we don't talk about this issue.
So that's why I really mean it when I say I am very happy to see that you guys are taking up this topic because it is a topic we need to talk about.

LT. HUGHES: Can I add one thing?

CHAIRMAN CASTRO: Sure.

LT. HUGHES: In regard to your question about the Texas border, what we're seeing in Las Vegas are illegal brothels, neighborhood brothels that cater specifically to clients or communities, minority communities, that are Hispanic or Asian. And they are very difficult for law enforcement to infiltrate those unless we have the right look about us.

But that is where we are seeing some of the trafficking and the smuggling coming through the border towns as they are bringing these young women and girls into Clark County, Las Vegas, and they're using the illegal neighborhood brothels. And that's where we're seeing them.

CHAIRMAN CASTRO: Thank you. Thank you all very much. This was an excellent panel. We appreciate your participation.

We are now going to take a break for lunch. It is 11:55. We ask everyone to be back here in your seats, especially the commissioners miked up so we could start at 1:00 p.m. sharp. Thank you.
(Whereupon, a luncheon recess was taken at 11:56 a.m.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:00 p.m.

CHAIRMAN CASTRO: It is now 1 o'clock. We are reconvening our briefing on sex trafficking as a form of gender-based civil rights violation.

For those members of the panel who were here this morning, what I say to you will be a repetition. For those of you who weren't here, it's just a recitation of our housekeeping rules with regard to the light. You'll each have seven minutes to make your remarks. You'll notice the system is going to flash. When it goes from green to yellow that means you've got two minutes to go. When it goes to red, I'll ask you to stop. At that point, when each of you are done with your statements, the Commissioners will have the opportunity to engage in a question-and-answer
period.

So let me introduce our last panel of the day. Our first panelist is Mary Ellison, Director of Policy for the Polaris Project here in Chicago, I'm sorry, here in Washington, D.C.

(Laughter.)

I'm already thinking about getting home.

(Laughter.)

Our second panelist is Amy Rassen, Senior Advisor at SAGE Project, which stands for Standing Against Global Exploitation, which is located in San Francisco, California.

Our third panelist is Rhacel Parreñas, Professor and Chair of the Sociology Department at the University of Southern California.

And our fourth panelist is Tina Frundt, Executive Director and Founder of Courtney's House in Washington, D.C. And I might say this is not your first interaction with the Commission. We're very pleased that you were also a panelist on the webinar on human trafficking that our Washington, DC State Advisory Committee held and again, another example of the work that we're trying to do to engage the work that our State Advisory Committees are doing, so we're glad
you're back here.

With that, I'd like to start with Ms. Ellison.

PANEL 3

MS. ELLISON: Thank you very much. And I have prepared a PowerPoint presentation which you'll see in front of you or in back of you, as the case may be. So we can go to the next slide.

So I wanted to start out with something because reading the title for today's briefing really made me think of this poem by Wallace Stevens. Not only was Wallace Stevens a poet and a writer, but he was also a lawyer. He was admitted to the U.S. Bar in 1904, only 42 years before or after, excuse me, the signing of the Emancipation Proclamation. The idea of 13 ways of looking at something is appropriate, not only for the topic of our briefing today, whether sex trafficking is a gender-based violation of civil rights, but also for what we, as panelists, have been asked to address, that is, federal efforts to eliminate sex trafficking and ways to improve these efforts. There are many ways of looking at both.

Next slide, please.

So I, like Wallace Stevens, am of three minds. First of all, it is very clear that sex
trafficking is certainly a violation of gender-based civil and human rights that enslaves women and girls in commercial sex and is rooted in gender-based discrimination. From an international human rights perspective, we know that sex trafficking is a form of slavery and involuntary servitude, resulting in grave human rights violations. Women and girls have the right to security of person, effective remedies, equal protection of the laws, freedom from slavery, torture, and discrimination. And we also know that the United States government has an obligation to promote and protect these rights and to exercise due diligence to prosecute the perpetrators, protect trafficked persons, and prevent human trafficking and modern-day slavery.

From a service provider perspective, Polaris Project is currently serving 130 individuals. One hundred eighteen of them are female. Ten are male. One is transgender. Seventy-two percent of our clients in our New Jersey office are sex trafficking victims, but not all of them are women. And not all of the women are sex-trafficked. Some of them are labor-trafficked. And in D.C., where we're serving 65 clients, 60 of those are women; 5 are male; and 34 percent or 22 of those individuals are being
sex-trafficked. So not all the women are being
sex-trafficked. Some of them are being
labor-trafficked.

Next slide, please.

My second mind -- I said that I was of
three minds -- is that labor trafficking is also a
gender-based civil and human rights violation that
enslaves women and girls in domestic servitude, hotel
and restaurant, strip clubs, farms, and factories. In
other words, not all women are sex-trafficked. Take
the case of the New York woman recently who was charged
with trafficking. She lives in a 34-room,
30,000-square-foot mansion and is facing federal
criminal charges related to her employment of a foreign
national woman who allegedly served as a domestic
servant in a forced-labor situation that included
working 17-hour days, 7 days a week and sleeping in a
walk-in closet. Acting on a tip received by the
National Human Trafficking Resource Center, federal
immigration agents last year removed this woman from
this 12-acre estate.

Next slide, please.

My third mind is that sex trafficking is
also a civil and human rights violation that enslaves
men and boys, particularly gay and transgender
individuals, in commercial sex and is rooted in
discrimination on the basis of sexual orientation and
is rooted also in social exclusion. In other words,
not all sex trafficking involves women or girls.

Witness a recent news report from Dubai
in the United Arab Emirates where gay men from Kenya
were lured to Persian Gulf countries where they were
trafficked as sex slaves for wealthy men. The men were
lured by promises of high-paying jobs from college
campuses and then transported to the United Arab
Emirates, Qatar, and Saudi Arabia to work as sex
slaves. Because of the high unemployment in Kenya,
the victims fall easily prey to the trap. In some
countries in the Mideast, convicted gay men can face
the death penalty and it's illegal to be openly gay in
the United Arab Emirates. Qatar has no laws against
human trafficking.

Next slide please.

My point is we need to broaden the scope
of our vision, to see women and girls who are being
labor-trafficked, to see men and boys and transgender
individuals who are being sex-trafficked, and of
course, to see women and girls who are sex-trafficked.

Again, related to the federal government
efforts, I am of three minds. First of all, our U.S.
government perspective.

Next slide.

We see that the Department of Health and Human Services has issued 541 certification letters for certifying that individuals are entitled to benefits under the Trafficking Victims Protection Act. Seventy-eight percent of those victims were labor-trafficked. They were both male and female. Twelve percent were sex-trafficked and those victims were all female. Here again, this illustrates my point.

Next slide.

In addition, we see that the Department of Health and Human Services and their case management is serving both males and females. We've seen prosecutions by the federal government, many different types of cases.

Next slide.

And from a service provider perspective, we're seeing many different needs that clearly address both men and women.

CHAIRMAN CASTRO: If we could have you wrap up. We're a little over now.

MS. ELLISON: Yes, thank you. Finally, I would just close with the fact that we all need to
broaden our vision. President Obama recently declared January as National Slavery and Human Trafficking Prevention Month and I think raised the point that we need to look at human trafficking as a human rights abuse that does affect women, men, boys, and girls. Thank you.

CHAIRMAN CASTRO: Thank you. Ms. Rassen.

MS. RASSEN: I'm Amy Rassen from SAGE, which is an acronym for Standing Against Global Exploitation. And I've been in the social service field for 40 years and I've actually never seen anything as horrible as I've seen working at SAGE with largely women and girls being enslaved and unable to make any other choice or have any other life before them.

SAGE itself was started by a survivor of sex trafficking, one of the multi-generational women who was put out on the streets by her mother, and her mother had been put out on the streets by her grandmother, which we can talk more about later. And it's unique in that it's run by largely -- half the staff are survivors of commercial sexual exploitation. So they know exactly what the clients who come to SAGE are talking about and what they need. We provide
comprehensive services for victims, and also education all around the state and the country and certainly advocacy as well.

So I've been asked to speak today about the three areas that others have spoken about: sex trafficking as a form of gender discrimination; what the federal government is doing to eliminate it; and ways to improve the government's efforts.

According to the United Nations, people are reported to be trafficked from 127 countries into 137 other countries. Forty-three percent of all victims are sexually exploited. Others work in conditions of slavery. Ninety-eight percent of the victims are women and girls. This clearly illustrates the unique way in which human trafficking and gender intersect. And as Secretary Clinton just said recently last month, modern slavery disproportionately affects women and girls and as it does so, it disrupts family networks and it undermines the foundation of stable economies and societies.

So from my point of view, and I hope from yours too, children are our future. And they need us to make it possible for them to grow into responsible, education, civic-minded citizens. So today, I'm just going to focus on one area which is the domestic minor
sex trafficking which you heard a bit about this morning.

And it's very staggering to me in the under-recognition of the problem. They are American children under the age of 18. It's under-researched, largely overlooked.

So domestic minor sex trafficking clearly reflects the impact of gender discrimination on girls in our society. Simply defined, as was asked this morning, the crime of domestic minor sex trafficking is the commercial sexual exploitation of American children within U.S. borders. According to the Trafficking of Victims Act of 2000, it's the "recruitment, harboring, transportation, provision or obtaining a person for the purpose of a commercial sex act where the person is a lawful U.S. citizen or permanent resident under the age of 18." As we call it, CSE, it is both hidden and highly visible. We see these children in every major U.S. city throughout various social service and criminal justice systems, and increasingly being sold on the internet, which I hope we can talk more about later. But we don't really see these children. And the precise scale of the problem is hidden and unknown.

As you've heard earlier, the FBI
estimates that the average age of entry into the CSE industry is 12. And experts at Shared Hope International estimate that 100,000 American juveniles are victimized through prostitution each year.

According to the National Center for Missing and Exploited Children, one in five of all girls in America and one in ten of boys in America will be sexually victimized before they turn 18. And we in the field know that sexual victimization is linked very closely with youth who have been trafficked.

So who are these youth who remain invisible before our eyes and where might we find them? We see two primary trends within the domestic minor trafficking population. The first is early sexual abuse and that's very dominant. And the second is exposure to either or both the juvenile justice and foster care systems. Other trends include runaways, of course, and high rates of poverty, domestic violence, poor academic skills. But these trends are to us smoke signals for where we might find victims and also those at greatest risk of victimization.

So she's the student who sleeps at a different friend's house each night because of the fighting happening at home. She's the girl who runs...
away when her parents physically abuse her. She's the foster kid who, after enduring one neglectful foster parent after the next, she gets in the car with a man three times her age simply because he promises her love and a fresh start. She's the sexual abuse victim who, due to immense shame and trauma, has lost all sense of appropriate boundaries and lets adults touch her for money. You could be standing next to a girl who’s being trafficked when you're in the grocery store and not know it.

In the absence of supportive families and empowering mentors, young girls fall victim to negative stereotypes and messages about their self-worth and they become easy prey for those who know how to manipulate and profit from their vulnerability. They're most clearly identified as the youth that every system has failed, starting with their family, public education, and health care systems, and moving on to the systems that we've put in place to help them: law enforcement, social services, foster care, and juvenile justice.

Who are the traffickers? You've heard about them this morning, but they're also parents. They're drug-addicted parents, members of the family. They are sexual predators reaching out to girls on the
internet.

The current state of our child protection system makes it difficult to both protect vulnerable children from human traffickers and for a child victim to leave behind her history of exploitation when she enters adulthood. You've heard this morning that minors are picked up for prostitution charges. It's on their record. They're put in jail. There are no other ways for law enforcement to protect them for their own safety. They then get a record. It's very difficult for them to then recover from any of this.

The government has taken a strong stance to wipe out human trafficking. The federal laws, specifically the Trafficked Victims Protection Reauthorization Act, which you've heard some about. The second is the President's Inter-Agency Task Force to Monitor and Combat Trafficking in Persons. The third is the leadership within federal agencies such as the Department of Justice’s Office of Victims of Crime and various government offices which you've heard about.

So there's a lot that can be done and more details on --

CHAIRMAN CASTRO: We'll give you an opportunity to elaborate when we ask you some
questions.

MS. RASSEN: Okay, good. Because I have
suggestions for what we need to do. Thank you very
much.

CHAIRMAN CASTRO: That will be the first
question we ask of you.

Professor Parreñas.

DR. PARREÑAS: My name is Rhacel Salazar
Parreñas and, as noted, I'm a Professor and the Chair
of the Sociology Department at USC. It's a privilege
to be heard by you today and I want to thank you for
this opportunity. I will be using this opportunity to
be a teaching tool for my students. I am accompanied
this afternoon by Ph.D. students I've been working with
from Brown University and UCSF and so by example, I'm
hoping to show them that the rigorous work that they're
doing on race and gender in the U.S. can potentially
be heard outside of the ivory towers of academia.

I believe I am here today because I just
completed a book on migrant Filipina hostesses in
Japan, which had been a group labeled as sex trafficked
persons by the U.S. Department of State in the TIP
Report. In the TIP Report they were described as
victims forced into situations of sexual exploitation
or bonded servitude. The label of sex trafficked
persons actually directly affected their migration. It led to a 90 percent decline in their numbers. When they were labeled as trafficked persons, there were about 80,000 of them going to Japan per annum. And now since 2006 only about 8,000 of them are going per annum. Many would actually consider this drastic decline in their numbers as a victory in the war on trafficking. But as a gender and labor migration scholar, I actually do not. Instead, I see this drastic decline as a threat to their empowerment as women. The rescue, actually for them, had not signaled their freedom, but instead their domination by policy makers including their job elimination and their forcible unemployment.

We actually need to listen to Filipina hostesses and wonder why -- when I was living among them in Japan for about a year -- they kept on asking me, in reaction to their labeling as sex trafficked persons by the U.S. government, they kept on asking me, "Why is your government making our lives difficult?"

Clearly, there's a disjuncture between how they are perceived in the TIP Report and how they perceive their situation. To understand this disjuncture, we need to first know what the U.S. means by sex trafficking. In TVPA, "sex trafficking" is defined as "the recruitment, harboring,
transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” which they distinguish from severe forms of trafficking. In this definition, coercion is basically removed from it. And so you basically equate “commercial sex act” with exploitation. This would then mean that the hostesses who I studied-- women who basically engage in the sexual titillation of their clients, but not necessarily by physical contact but by flirting - by this definition it would make them sex-trafficked persons.

This makes me wonder then if the labeling of hostesses as trafficked persons comes from the conflation of prostitution and sex trafficking. This conflation leads to the misunderstanding of their job--the false assumption that these women had not been willing to be there, but were somehow duped and forced to be in that situation.

This false assumption is likely to happen because a lot of our knowledge on sex trafficking, including the claims on the trafficking of Filipina hostesses in Japan, is actually not based on empirical research. Even the U.S. Government Accountability Office has critiqued the TIP Report for being based on scant information.
I know that this is a briefing on civil rights and sex trafficking, but I'm actually not here to testify that sex trafficking is a civil rights violation. Instead, I want to show you that false claims of sex trafficking is the civil rights violation that we should be concerned about.

I've come to realize that the civil rights of Filipina hostesses have actually been violated not by sex trafficking, but by the false claims of their trafficking. False claims of their sex trafficking in the TIP Report and the efforts to rescue them by various well-intentioned organizations have imposed unwarranted infringement on their liberty to migrate and work, placing their individual freedom at risk.

Without question, the absence of due diligence on the part of the U.S. Department of State and the organizations they have funded to help Filipina hostesses and the false claims of their sex trafficking has violated their civil rights. First, it eliminated their jobs, forcing their return to a life of abject poverty in the Philippines. What rescuers failed to consider is that Filipina hostesses have not been clueless idiots when they go to Japan. Often, they go to Japan knowing that they will be flirting for money and that they will be working in conditions of
servitude with a visa that is contingent on their employment at only one club. I should note that servitude is like a normative condition for migrants globally from HB visa workers here to Kafala workers in the Middle East. This is not an exception for them. However, we should not ignore that these hostesses knowingly choose the unfreedom of servitude in Japan over the unfreedom of poverty in the Philippines.

Second, the civil rights of Filipina hostesses have been violated by the false claims of their trafficking because it exacerbated the conditions of servitude for the few who managed to return to Japan. To prove their ranking in the U.S. TIP report, Japan now requires Filipina hostesses to go through two years and not just six months of singing and dancing lessons to qualify. What this does is it increases their debt to their brokers prior to migration, aggravating their indenture.

Third, false claims of their trafficking has not just violated their civil rights, but has ironically left them more vulnerable to what is labeled as severe forms of trafficking. We have seen a spike in the number of marriage visa applications, with some local migrant advocacy workers suspecting that many are based on false marriages.
Ironically, studies have repeatedly shown that the people who are likely to fall victim to trafficking in Japan are these contract workers, but had been actually the people entering with false visas. So now we see a spike in the number of false visas because of their identification as trafficked persons when they were contract workers.

To conclude, we need to do our due diligence on sex trafficking. Claims based on scant information, the conflation of sex work and sex trafficking, and the use of one person's experience to generalize about an entire group's experience only results in our misunderstanding of the problem. This misunderstanding then leads to the implementation of the wrong solutions. We see this clearly in the rescue of Filipina hostesses, one of the largest groups of supposed victims of sex trafficking, but whose labeling as such has done nothing but violate their civil rights.

If we respect the people who we want to rescue, we owe it to them to do our due diligence and do grounded empirical research to understand their problems. Filipina hostesses had not wanted job elimination. They did not want to be rescued. Instead, what they wanted was greater control over
their labor and migration, including their ability to choose their employers, the elimination of migrant brokers, and the recognition of their form of sex work as viable employment. Thank you.

CHAIRMAN CASTRO: Thank you, Professor.

Ms. Frundt?

MS. FRUNDT: Thank you. Well, thank you for inviting me here again today. I appreciate that. My name is Tina Frundt. I'm the Executive Director and Founder of Courtney's House. And I'm a survivor of child sex trafficking here in the United States.

So today I have dual roles. Today, I'm going to speak from a survivor perspective and I'm going to talk about our services and our survivors' perspectives and getting their voice out on these three components here today.

With that said, my original trafficking situation started in Chicago, Illinois. I am from Chicago, Illinois. And I guess it would sound typical at first, because I was in the foster care system until I was adopted to a loving family. And then also my trafficking situation continued.

Now I want to make something very clear. Courtney House works for boys and girls. And we work with boys and girls because along with me, being
trafficked when I was younger, foster care for boys, and what I saw the most of being trafficked were boys, what I saw less of was services for boys and identifying boys as being sex-trafficked as well. So with that said, we work with both ages 12 to 18, and then support groups that are for ages 18 to 21.

Now when I say that we do not have housing at this time and we provide drop-in center services, please understand that there is no blanket services for survivors of trafficking. We cannot write bills and make a blanket bill and say everyone needs housing. Everybody's situation is different and everyone was trafficked in a different way in reference to sex trafficking. So you can't create a blanket because creating a blanket would not help. It would help some, it won't help all.

With that said, a group home component wouldn't have worked for me at all. My family was loving and caring. What I needed was services that I was never able to receive.

Courtney's House does so much. We provide direct services; we're trying to open a group home right now. We have a For Survivor By Survivor Hotline where 63 percent of our children actually call in for services who are under the age of 18. And that
is based on the street outreach that we do in the Maryland, D.C., and Virginia area, at the malls, daytime, in Virginia we go. We'll talk about that. We go from 2 a.m. to 7 a.m. right outside these doors, down the street from this area right by the Convention Center. How smart are traffickers to know where to put children, boys and girls, which are all in the same area where businesses are, where they know where they're going to get money.

Doing the direct street outreach component allows the survivor, for us to go to them and not wait for them to come to us, and we can tell them what type of services and help get out of their situation immediately. As of today, we have over 20 cases that we work with. We also have parent support groups as we have a lot of loving parents that their children were trafficked. After all, this is about predators who prey on children and force them into trafficking situations.

I am sad to say that 100 percent of our boys are in the foster care system. One hundred percent of our boys have been trafficked between the ages of six and nine years old and came in as family-controlled trafficking as child sexual abuse and they may identify as gay and transgender. It was
missed as child sexual abuse, just like my experience in foster care was missed, even though I reported it, even though I said what was going on, I was not believed as a child at all.

When I ran to police at the age of 15 for help finally, couldn't take it any more, my help came in being charged in juvenile detention and did a year in juvenile facilities. Before I did a year in the juvenile facility in Chicago, Illinois, I also did time at 14 in Cook County Jail. I lied about my age and said that I was an adult, just like the trafficker told me, and did time for that. So over the years, those laws kind of weren't there and that followed me trying to pull that record off of me because I was 14, but charged as a 26-year-old with a fake ID in the Cook County Jail system at the time.

When I did reach out for help and tried to get help inside the Juvenile Detention Center, I never did drugs, so not every child is forced on drugs. I never did drugs. My urine came up negative all the time. However, I was placed into the prostitution rehab which means there was a drug component where I did not comply. I got in trouble for not complying because you have to write a drug statement. I do not do drugs. Then they put me into a mental health
facility because I denied doing drugs.

(Laughter.)

And was placed for 30 days’ hold in Cook County Mental Health facility and heavily drugged. And was not able to work on any of the trauma because I was heavily drugged.

I wish I can tell you right now that that happened eons ago and we don't have to worry about that. That's what we deal with on a regular basis. So when children come to me and read my story about what happened, they tell me, “How do you know my story?” Because I am doing intakes and my staff is doing intakes in Juvenile Detention.

These stories that are airing all over in Virginia, we're doing intakes in juvenile facilities, so we're saying yes, we understand that you're a victim of a crime because we have the trafficker. But we need to hold you accountable in some way. So when we're doing these laws, how does that affect the trauma on the child? And if that's happening for girls, then our boys have no places to go. And they're all in the foster care, so they're being sent to mental health facilities for gender identification issues. The message that we're still sending is that children just aren't really -- we don't care enough for that.
So I want to say really quickly one thing.

One of my survivors called me last night and she saw all these cases on the news. And the first thing she said to me, "This is so good that they're finally going after the traffickers, but what are they doing about the tricks?" The men who buy sex, where she actually had to move because there is a man who bought sex from her that's behind her high school. So we're not doing much in the demand. We're still running into these people and I still run into these people to this day.

Thank you very much. I'll answer questions later.

CHAIRMAN CASTRO: Thank you. I appreciate it. At this point we'll begin questions from the Commissioners.

Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: Thank you, Mr. Chairman.

Could you, Ms. Rassen, and the lady from Polaris Project, could you talk about the services that you're in a position to offer these survivors of sexual exploitation, and the services you'd like to be in a position to offer if the resources were available?

MS. RASSEN: Well, our services are fairly comprehensive, in large part due to partnerships with the federal government which you
heard this morning, OVC, HHS, and San Francisco, because we're located in San Francisco, in the City of San Francisco, which is very supportive of trying to put an end to human trafficking and providing services to victims.

Very much as Tina is describing, the services start with both girls and women, also boys, but where the person is, and their trauma, inform services across the board. Because the understanding that we have is that anyone who has been trafficked, or anyone who has been in the situation that these kids and women have described, are trauma victims. So there's no point from our perspective to just giving housing or just give mental health or just do wraparound case management, all the five or six legal services, things that everybody does. If you don't address the trauma that the girl, in particular, experienced so that she can recover and move on to then job training, education, completion of education and so forth. So we have all that range of services on site.

And we also go out into the community to the jails. We're in the jails and the adult jails and juvenile detention in San Francisco to -- what we -- to make relationships with both the kids and the adults
so that they know that -- for the kids, so that we can
start beginning the services with them, as Tina is
talking about, so that they see that there's somebody
who is going to understand them and listen to them.
And again, our staff are survivors themselves. So
they know what they're talking about.

And just recently, we were able to get
funding from the Sheriff's Department in San Francisco
to go into the jails to be there more than we have been,
but more importantly to be on the steps when they get
out of jail, when they're actually discharged,
whatever time of day or night it is, to take them across
the street to a women's resource center and begin the
hard work of finding them the basics and also helping
them find themselves. So it's pretty intense on the
direct service side. We also do a lot of education and
a lot of advocacy.

COMMISSIONER ACHTENBERG: And all of
your work is informed by the survivors who make up the
--

MS. RASSEN: Absolutely, by the
survivors. The model is all based on their experience
and view and it's all deeply based on trauma in form
practices.

COMMISSIONER ACHTENBERG: Thank you very
Ms. Ellison?  

MS. ELLISON: Thank you, Madam Commissioner, so at Polaris Project, we have client services both here in D.C. as well as in Newark, New Jersey. And we provide what we call comprehensive case management which includes basically doing intakes with our clients and identifying what needs they have which would range from social service to counseling to medical needs to housing, employment, job retraining, education, so on and so forth. And that case manager then works with that client on an ongoing basis, will reach out to others as needed so if, for example, the client needs assistance with any legal matters, reaching out to pro bono attorneys that are willing and able to come in and represent them on a range of legal issues, and so essentially the needs that we have identified in terms of our top needs and challenges that we're continuing to face, I would say really are in the area of housing, first of all. We struggle to find housing for our survivors that we're working with.

We essentially do receive funding from both the Department of Justice as well as the Department of Health and Human Services, and some of that funding is great and is used, particularly the HHS
funding, the per capita funding, you're allowed to use
a portion of that to go towards housing and so we are
using that, but a lot of times what we have to do is
we have to patch it together. So we might have to have
a few nights in a shelter. We may have to even use
hotels occasionally which is not great for sex
trafficking victims, in particular, because it can
often trigger the trauma that they've experienced if
they've been sex trafficked in a hotel setting.

We also have some transitional housing,
but all in all, what we're finding for ourselves and
also for all of the calls that we receive on the
National Human Trafficking Resource Center Hotline, we
have received 50,000 calls since December of 2007 from
every state in the United States and every U.S.
territory as well as international locations.

What we're finding from those calls is the
top three needs are housing, number one; legal services
is number two; and comprehensive case management is
number three. So this need for housing is critical.
You'll hear many people talk about, as it relates to
children, how there are fewer than 100 beds available
that are specific to trafficked children. So that's
a huge need. There's still a lot of funding that's
needed in that regard. A lot of funding needed in
terms of representing the wide range of legal needs which, as you would imagine, are not only immigration, but also things like criminal defense. Oftentimes, sex trafficking victims are charged with prostitution offenses and then go on to have a criminal record, much like Ms. Frundt was talking about. And essentially that is something that keeps them from being able to recover from the situation and go on and lead a productive life. So those are really the top needs that we see and we try to provide for those as best we can.

COMMISSIONER ACHTENBERG: Thank you very much.

MS. RASSEN: If I could just add to that, we agree entirely, I think, we would all agree. At SAGE, we see about 400 people a year, adults and children, about 150, 200 children and the balance in adults and in whole varieties of ways, educational support groups, all kinds of things that you read about.

But I think the issue that Tina also brought up that you can't take a cookie-cutter approach to any one of these 400 people because their experiences, although they may sound the same, are not the same. Some of them have been raped over and over
again on the streets. Some of them have been held up
in somebody's house. I mean some of them have been on
the circuit. So their situations are different.
Their internal sense of self, though, are very
destroyed.

While there's very much a shortage of
housing and a need for trauma-focused housing for kids,
girls, women who have been sex-trafficked, when
they're put in other, like drug facilities or mental
health facilities, they not only don't do well, but
they're retraumatized, thinking, is this something
else that's wrong with me? And they're also
influenced by the people around them who also have
serious problems, and a lot of them are mental health
problems and a lot of them are drug addiction problems.
And these girls and women don't need that put on them
as well. They've got their own things to deal with.

CHAIRMAN CASTRO: Before I go to
Commissioner Gaziano, I just want to ask are there any
Commissioners on the phone that want to ask questions,
just identify yourself.

Commissioner Gaziano.

COMMISSIONER GAZIANO: Thank you.

Thank you all. Your testimony is all very helpful. I
want to thank you, not only for your testimony, but for
your work and it really does move me that you all are
doing such great work. And it's very interesting,
your study in Japan. I want to read your book or at
least more about your study.

So if I don't ask you a question about the
more important things it's because you've done such an
effective job explaining it. And I've read your
written testimony, so pardon me in that. But I did
want to go back to one of these factual statistical
points.

Attorney General Zoeller, if I understood
him correctly, said the statistics really aren't very
good and, if I paraphrase him correctly, that some of
the exaggerations are not serving the interest, I
wouldn't necessarily say this is a subject we should
not study, if certain types of numbers are 3,000 versus
300,000, but I noticed Professor Parreñas, in your
testimony, I'd like you to talk about, you talked about
the lack of serious statistics.

And I want to ask also, Ms. Rassen, for
one statistic. In your written testimony, you say
experts at Shared Hope International estimate 100,000
American juveniles are victimized through
prostitution each year. I've seen in a different
writing that the original study in which that was based
was an estimate of 100,000 to 300,000 minors at risk for being exploited. And that's a very different matter. I don't know how people are defined at risk.

Could either of you comment on whether you agree with Attorney General Zoeller about the state of statistics and that particular statistic that's come up in a couple of different periodicals?

DR. PARREÑAS: Well, I think many scholars would agree with me that a lot of our general knowledge about human trafficking or sex trafficking in general are based mostly on speculation. That is not to say that the problem doesn't exist and it doesn't say that people don't fall victim to like forced labor or unfree labor. But the extent of it is something that's really blurry. And so even the UN Office of Drugs and Crime which is responsible for human trafficking on the UN level basically admits on their website that a lot of what they're saying is speculation and it's speculation because -- basically we're in this Catch-22.

The crime occurs underground, so we can't really see it. So it's impossible to see it, so therefore we can't do anything but kind of guess what's going on. So then what happens is we'll find one case, two cases, and then we'll kind of use that to say more
of this is happening and they'll say that we can kind of do that because we can't really know what's going on.

But then as a scholar who has been really involved in labor and migration studies for more than a decade, and I collaborate with researchers all over Europe and all over Asia, and what's interesting is we don't really see this as human trafficking, but we look at it as labor and migration. And as labor and migration scholars, we have identified the vulnerability of various migrant groups we’ve looked at from domestic workers to farm workers to sex workers, but like what's missing in the discussion of sex trafficking is the lack of acknowledgement that a lot of these people want to do this job, but then they end up vulnerable because laws are not helpful to them or because the job is informal, so they're easy to abuse.

So then what happens with sex trafficking then is like we just want to rescue them and take them out of the situation. But the problem with that is that we're not acknowledging that a lot of them were like willing workers, rather it's like jobs that we would never do ourselves. They are jobs that we think are just like inherently wrong such as prostitution.
And so then I think this is what brings that disconnect then in our information because of that.

And that's why as a scholar, I'm really advocating that we do a lot more of like grounded empirical studies so that the people we actually want to help because they are vulnerable, because they are abused, they actually do what they want to do. So in the case of the people I studied, who are identified as sex traffic victims, the majority of them did not want to lose their job. And the majority of them did actually.

COMMISSIONER GAZIANO: Ms. Frundt?

MS. FRUNDT: One thing you said that's definitely correct is that the research is done by scholars. We need to pair this a little bit better. Of course, the numbers aren't going to be correct. They're not. And if they are not correct on girls, there's nothing on the boys. But the way we're collecting the data is incorrect, I believe. You'll get an incorrect number. You'll see something and say all homeless and throwaway children, why did they run away? What is the percentage? What was the real reason? Was there someone behind that? So connecting the research component and actually what we're doing right now is also working with the
Department on research and you need a direct service person.

So we'll be releasing some data of our own, a collection of our research that we've been doing on boys on that. But then we need more of a national connection. What are we looking for? What are the measurable outcomes that we're going to have from it? Again, you have to be with a direct service. You can go ask 10, 15 a couple of questions. That's not the reality of the trafficking situation and how it should be, to me, collected.

So no, the numbers are fluctuating because we're not collecting the data correctly, but we need the funding to do it correctly so we can have the right number.

MS. RASSEN: Well, from my point of view, a few things. One is that the numbers are an extrapolation of different variables like things that we have tested, the percentage of kids say in San Francisco who were in the juvenile justice system who have been exploited. We have numbers on that because we've done a study on that ourselves which is very high. It's something like 85 percent.

And then the kids who are runaways, there have been studies about them. So basically for our
purposes of human trafficking, we have extrapolated from that other data and I'm not a statistician, but my son tells me this is very bad. But I think the demand, if I were just to go to the real world, the demand for sex from women in particular, I focus on women and girls, is huge. It's a gigantic business. It's billions of dollars of an industry. So that tells me that it's real, that the numbers of people who are being abused, exploited, raped, taken advantage of, is extraordinarily large and I agree, we don't have the mechanisms for actually tracking them. And we need them. There's no national tracking system other than for those of us who are grantees of ORR and HSS to give our numbers.

MS. ELLISON: Yes, and I think my point really just piggybacks on yours which is that people have tried. People have tried to collect numbers on human trafficking. A few years ago, Northeastern University in Massachusetts undertook a study to try to count the number of human trafficking victims.

First of all, if you think about it, there's sex trafficking, there's labor trafficking. And essentially within each of those types of trafficking, there are different venues in which it occurs. So in the sex trafficking arena, you have
brothels. You have massage parlors. You have street
prostitution. You have strip clubs. You have truck
stops. There's all these different venues.

On the labor trafficking side you have
hotels and restaurants. You have factories. You
have farms. You have construction work. You have
agricultural work, et cetera. So what they did is just
for a moment think about there being essentially just
a three-by-three square. So you have nine blocks.
What they were able to do by looking around the field
was they were able to find data in some of those blocks.
So they could take a corner from here. They could take
maybe this middle section from here, maybe this other
corner down here. But there were several corners in
that three-by-three or nine-squared area that they
could not find data on.

And so their data was based on something
that was like Swiss cheese in effect. And the reason
some of that data isn't there is because human
trafficking by its very nature is a clandestine
activity. And you have the traffickers in a sex
trafficking situation, for example, telling the young
women or the girls, basically, do not -- you're going
to have to plead guilty to this prostitution charge.
So they're never going to be identified as a sex
trafficking victim.

In the labor trafficking side, what you'll see is that workers are mistreated and made to work 7 days a week, 12 hours a day, maybe in debt bondage and so on. But because many of the labor-trafficked individuals are also undocumented, they're afraid to ever even report that. So that's not going to ever come to anyone's attention to even be counted. So there's kind of a double-edged sword here.

On the one hand, I very much understand the need for statistics because certainly the more we're able to show that this problem exists and this is something that we're trying to do at the National Human Trafficking Resource Center is to be able to actually count the number of calls which I mentioned earlier. We count the number of potential human trafficking victims within that broader number of calls and we slice and dice it every way we can to get as much data as possible.

So I do understand the need because it then impacts the need for laws and it impacts the need for funding and so on and so forth. But this is sort of like trying to count needles in a haystack. It's very, very difficult in and of itself.
We still need to do it. We don't need -- we can't just shy away from it. But at the same time it's very difficult and there are inherent problems in finding those statistics and getting them correct.

COMMISSIONER GAZIANO: Well, if you think that Northwestern study would be particularly helpful, reliable, help us locate it and that would be nice. It's a challenge for us and I'll suggest it to all the witnesses, or those who may read this transcript, to help us. There are other analogous crimes like drugs where you've got a transaction that neither side wants to report, but we seem to have reliable statistics and you've given me some reasons to explain why this may be a little bit harder and so it's important for me to understand why or if this isn't harder and it's just not being collected, if it's the same problem as a different illicit market.

MS. ELLISON: Right. Certainly, I'd be happy to. And one other just quick thing that I'll mention is the uniform crime reports are going to be changing as of January 1, 2013 so that human trafficking is actually going to be an offense that has to be reported by the states when they report their numbers to the uniform crime reporting.

COMMISSIONER GAZIANO: Will there be
uniform definition? Because the state laws are different. The federal laws are different. Will there be a uniform definition?

MS. ELLISON: That's an excellent question. That's something that the Uniform Law Commission is actually looking at right now. They're in the process of drafting a uniform state statute on human trafficking because of the differences in definitions among the states.

CHAIRMAN CASTRO: I've got a couple of questions. I'll direct them to Ms. Rassen. One is, I want you to talk about the recommendations that you said, and anyone else can do that. But before you do that, you mentioned in your remarks as well about an interest in elaborating on technology. Technology -- we've seen in one of our other briefings on bullying, where cyber-bullying has made an even more terrible situation worse, the impact of technology. And that case has been used for bad as opposed to good.

You talked about children being sold on the internet. So what has the advent of this kind of technology done to have an adverse impact in this area?

MS. RASSEN: I think technology has actually played a big part in recruitment of girls and women. One in seven kids aged 10 to 17, some figure
similar to that, have been solicited for sex on the
internet. And for the lonely, isolated girl who
doesn't feel too good about herself, who may not have
family support, or anybody in the community who is
looking out for her and so forth, she responds. So she
puts up an ad herself and then gets solicited and
connects and then worse things happen to her.

I think the internet has been very
dangerous in this regard for not just the girls, but
anyone who is being solicited because this
backpage.com that people spoke about this morning,
So they're very aggressive about telling everyone that
being prostituted is fine and people are making a
choice. Everybody is making a choice, and no problems
with being an escort, no problems with anything related
to what we consider human trafficking.

It's not the case for what actually
happens to the girls and the women, and I think the
internet needs -- the federal government needs to do
something about the use of the internet for
solicitation and pairing up of predators with --
certainly with kids and also for men and women, even
though they're over the age of 18 and presumably have
a choice about this. So that's the response to the
internet, I think. It needs help.

And the other areas that I think the federal government could help, one is that the -- if there's any way for the federal government to influence the tactics and the strategies that the fashion and the media industry use in advertising, we are -- pimping is a common word now. It's a plus, it's something good for some reason. Being hot and sexy is in. Well, for a 12-year-old, a 14-year-old, these lead kids in the wrong way, when you see body images on TV of these skinny kids in underwear, wanting some piece of clothing they then want to buy. I think the federal government can take some action there to help at least see what's going on because, to me, the media are partially responsible for the predicament we're actually in.

The foster care system, funds need to be allocated more -- foster care needs to be looked at much more closely than it is. A lot of the kids that we see are in the foster care system and you heard from Tina that all the boys in her program are in the foster care system.

The kids age out of foster care at 18 and they are virtually left on the street as if they were getting out of jail or prison with $200 or something.
Now what does an 18-year-old these days, these days, not 40 years ago, know about taking care of themselves. Nothing. And with no resources and no support, no community support, obviously no family support, they then get into a lot of trouble and a life of crime. And a lot of states are looking at providing more support to the kids themselves. And I think the federal government can play a role in that.

More after-school programs. That would certainly keep kids off the streets. The reauthorization of the Trafficking and Protection for Victims Act, which has been sitting in committee in the House for quite a while. Although it doesn't affect services that are funded, it's still -- it makes a statement. It needs to be reauthorized. Those are just a few. I think I'll let others add in their thoughts.

CHAIRMAN CASTRO: Any recommendations for the federal government?

MS. FRUNDT: The demand, you know, without supply there's no demand. And giving the appropriate charges for these men who are buying sex from children and not being able to prove -- you shouldn't have to prove that oh, I didn't know that she was a minor, when you called and asked for one. And
so I truly believe that sends out a message. It sends out a message to the survivors of this crime. What our kids say, it's okay, we get the trafficking, we get the pimp was wrong. But is it right to buy sex from children? That's legal, right? That's what they ask me, because that's what the law is showing them. They still see these men every single day. So if we're not taking care of the demand and getting these appropriate charges and actually putting these men on a sex offender list, then what are we doing this for?

MS. ELLISON: I would just say that recently we saw that the President's Interagency Task Force on Human Trafficking met and many of the secretaries from all of the different government agencies were there and present and talking about their plans which I think was a really important step. This was the first time that it was ever, I think, broadcast online. So that was really wonderful to see the transparency on that. I think what is continually needed is collaboration across government departments.

This is an area that touches on every government agency, whether it's federal level or state, in terms of making sure that they're all collaborating together and working on a plan that will
address trafficking in a holistic way and look at all forms of trafficking and all types of victims.

I think we've talked a lot already about the need for funding, but just as one small example, the Department of Justice has seen a 600 percent increase in the number of cases that they are taking on in terms of the prosecution of traffickers. However, the numbers for services to those of us that are service providers working with trafficking survivors in the field have not increased to match that. So that's just one small example.

Finally, I would say we are constantly in need of more training, training for government officials who may be interacting with this. And we need to think broadly about that, whether it's the labor inspector going into a factory that might be able to be trained to recognize a trafficking situation in a factory, or whether it is emergency room personnel who might be seeing a child who has been sexually assaulted and then be able to learn that that child actually has been sex-trafficked. So we need to think broadly about that and make sure that training is available.

DR. PARREÑAS: I want to add some recommendations as a scholar and as a researcher. So
I think one thing definitely is that. I mean first I
don't really think it's necessarily true that it's a
needle in a haystack. I think there's been a lot of
scholars who have done work on groups who are
vulnerable to sex and human trafficking and basically
they basically look at labor migrants and in their
research have identified such people as vulnerable to
human trafficking. And that they've actually
documented like the nuanced ways to become trafficked
persons. But they also recognize that while within
this vulnerable group some fall into trafficking, not
all do. So I think more funding, definitely, for
scholars doing research on vulnerable populations is
needed.

I think more conversations between
scholars and people outside academia, and to make
available the work being done in academia to better
inform people of vulnerable populations, is necessary.
And then I think, broadly I think that there also has
to be a linkage made between how we perceive human
trafficking and how we perceive labor migration. I
think what we're not taking into account is that most
labor migrants are not free people. Most labor
migrants are working under conditions of legal
servitude. So their visas basically bind them to a
particular employer. They cannot quit that job, unless they want to get deported. But a lot of them don't want to get deported and a lot of them don't want to quit because they usually accrue a ton of debt before they get there.

So what happened with the Filipina hostesses I interviewed, for example, they were labeled as sex-trafficked persons, but they were accruing some debt before they got there. Now they're accruing debt by fourfold. So they get there, they're even more vulnerable to human trafficking because they were labeled as trafficked persons.

But I think this linkage between labor migration and human trafficking really has to be made. And I think the solution, I don't think is to therefore eliminate all labor migrations because then -- just because they're vulnerable to human trafficking, but perhaps to revisit how to make sure that when labor migrants do migrate that they have freedom to choose employers, or they have freedom to quit if they want to quit, or freedom to report the abuses they get, more monitoring of like farm workers, for instance, but because this is linked to sex trafficking then.

And like in The Netherlands, for example,
we all know that prostitution is legal there. We know that a lot of workers who engage in sex work are not trafficked, but we do know some fall into trafficking and a lot of them are the foreign workers who end up there. And so local scholars and NGOs there have basically said it's like we need to give a visa for the sex workers who are going into this legal industry, but because we're not, we're forcing them into going into the informal section of the trade. So they're not easy to monitor. They're not easy to protect. And so I do think giving greater flexibility to workers working in legal servitude, many of whom are in the U.S. as domestic workers and farm workers and like hotel workers in Michigan, so I think we need to include those groups in our discussion of human trafficking.

CHAIRMAN CASTRO: Commissioner Heriot and then Commission Gaziano.

COMMISSIONER HERIOT: I think I changed my mind about what set of questions I want to ask.

(Laughter.)

I'm fascinated with how people finance immigration and how somebody from a poor country who wants to come to a country where they think they're going to get a better break economically, how they're able to finance that, and you might be able to tell me
something about that with the Filipinas going to Japan.
I mean, if a young woman in the Philippines wants to
move permanently to Japan, can she finance it this way
or is there a certain time limit? What's the --

DR. PARREÑAS: So let me just give you a
kind of overview about Philippine migration. I can
just use Philippine migration. They go to 160-plus
countries. They're kind of like a model of migration
for the world. A lot of countries look to them to see
how they should monitor the out-migration of the
workers. So when the Filipinos migrate, it usually
costs them money. So for example, most Filipino
migrants are domestic workers, the majority of them are
domestic workers. About half men, half women, and
two-thirds of the women are domestic workers.

When you become a domestic worker, if you
choose to become a domestic worker, it will cost you
a lot of money. So on average, it will cost you about
$12,000 US dollars to go to Italy; $8,000 to go to
Canada; $5,000 to go to Taiwan; $3,000 to go to Hong
Kong. It will not cost you anything to go to Jordan
because it's an undesirable location, or Saudi Arabia.

COMMISSIONER HERIOT: And actually, you
can't put it on their Visa, right?

DR. PARREÑAS: No. So then when they go
to Japan, they usually actually don't have to pay anything. But what happens, however, is because they are trained -- they get into debt because they're required to train as a dancer and singer.

COMMISSIONER HERIOT: So who pays for the transport?

DR. PARREÑAS: The broker. There's a labor migrant broker. So there's actually all these protectionist laws. So these protectionist laws basically prevent a prospective hostess from working at a club or from being hired by a club directly. Because the club is assumed to abuse them, there are two brokers, one from Japan and one from the Philippines, who ensures that the labor rights of this migrant is protected. But no one monitors those brokers.

Those brokers, for their job of ensuring the protection of these workers, what they do then is they charge these women a lot of money for that protection. But instead what they're doing is they're making these women indebted to them. Not in perpetuity, but like for a certain time period.

So then when they get to Japan, their wages are actually, they're not paid in full, but they're only paid a quarter of their wages because
three quarters of it goes to their brokers. So this kind of labor migration system is not just particular to them, but it actually goes on like globally for almost all migrant workers --

COMMISSIONER HERIOT: Sounds not that different from the 17th and 18th century, they had brokers as well.

DR. PARREÑAS: Yes. So then this working as free workers is actually an anomaly for most migrant workers who come -- who go everywhere. And so for example, if you work as an au pair in Denmark, the same conditions would apply to you that you can't quit. The same -- some countries, like Italy is more flexible, but for example, if you're a domestic worker and you're in Canada, you are required to work as a live-in domestic worker for two years for one employer. And usually you owe a lot of money, not to that employer, but to a broker, so you don't want to quit because you have to pay that broker.

So that's why I think when you think about human trafficking and the unfreedom of workers, we can't lose sight of the fact that most migrant workers are vulnerable to human trafficking because they are in these conditions of legal servitude.

CHAIRMAN CASTRO: Commission Gaziano,
then Commission Kladney, then myself.

COMMISSIONER GAZIANO: One of the Professor's previous answers sort of suggested this question, because it's still definitionalist between trafficking, sex trafficking, focusing on sex trafficking for the purpose of this question and prostitution. And prostitution is more uniquely a state issue. Sex trafficking, both states and national government have a responsibility. And I understood from the Professor's answer that from talking about The Netherlands, there's distinction again between those who engage in the sex trade and those who are trafficked.

So for many of you, but especially the other three of you, what in your definitional makeup, based on the kind of testimony you've been giving today, is the distinction between prostitution and sex trafficking? And if you can give me a guesstimate, even if it's a wild guesstimate, what is the proportion of the commercial sex market, that is prostitution, and what percentage is sex trafficking?

MS. ELLISON: I think in terms of a legal definition, so what we have to look to, obviously, is the Trafficking Victims Protection Act as well as the state laws. And basically, you know, I think
Professor Parreñas talked earlier about the definition under the TVPA about sex trafficking which is receiving, recruiting, enticing, harboring, providing somebody for the purposes of a commercial sex act.

In terms of the criminal offense under federal law, when it comes to an adult, there has to be force, fraud, or coercion used to actually make that happen. So in other words, if an adult were voluntarily engaged in a commercial sex act, and there wasn't any force, fraud, or coercion used by the trafficker, then that would be a distinction.

Where it comes to minors, the U.S. law has recognized that if you're under 18 that that force, fraud, and coercion does not have to be shown. And so therefore --

COMMISSIONER GAZIANO: If you don't mind me clarifying, someone once told me they believed that there is no, or virtually no, prostitution that doesn't fit that federal definition, and so I'm partially interested in whether you agree with that, or what rough guesstimates you would think the subset of prostitution that does not fit the federal definition might be?

MS. ELLISON: I would hate to venture a guess because it would be a guess in terms of the
numbers. I don't think I have any empirical evidence to back it up. However, I would say that not all prostitution is sex trafficking. I don't know what the percentage is. But I do think that there are situations where individuals may be engaged in prostitution where they may not have a trafficker that is using force, fraud, or coercion to make them a trafficking victim. Now that doesn't mean that prostitution is something that's desirable in our society. Prostitution, I think, inherently has an element of gender-based discrimination as a part of it, simply because obviously it's a woman's body that is for sale. And so I think there are arguments to be made on that side.

How we deal with prostitution is a whole other question, and I think there are very solid arguments on the side of maybe we should just better regulate prostitution so there isn't abuse in situations, and possibly ensure that individuals know what their rights are and have access to health care and so on and so forth. There's also good arguments on the other side which say that, unless we abolish prostitution and undo the situation that we have in our society where there is this phenomenon of people buying and selling sex, that we cannot ever change the dynamic
around that or sex trafficking. So I think there's good arguments either way.

COMMISSIONER GAZIANO: Ms. Frundt.

MS. FRUNDT: I'm going to speak as a survivor on this one and say, and we'll start at 18 then and say most survivors and most people involved in prostitution, most, we don't know the exact number, have started much younger. Even if they said they did it on their own at 15, 16 years old, their family, they started. So right then and there, that kind of phases your life. That is what you were taught as a child to do. So when you turn 18, 19, you're on your own, you say this is what I'm going to do, this is what you've been doing since you were 12, 13, 14, 15 years old, normally.

So when you get to that decision, to me, any time you have a pimp manager that takes all of your money, puts you on the website and you get nothing, then that would be a control mechanism, just point blank. It's your own mindset that doesn't even understand it because it's what you've been used to your whole entire life. And with that said, using Amsterdam as one of those places where it was legal, well, they had a problem when they had to shut down 20 or so businesses because of the trafficking situation.
When you legalize something, what do you think the traffickers are going to do? They're going to have to false-identification the material and bring the girls there. Just like in the U.S. they bring girls overseas as well, same thing. This is a business venture. Pimps think like marketers. So they're going to think of a way of how they're still going to make their money. So to me, even though you may be over 18, if you say you're doing it on your own, fine. Then no one gets a cut and you solely are the one that's responsible and in control of who you sleep with and when. If there's not, and there is no mechanism, someone else is making dates and driving you and taking all your money and holding it for you, then that's not truly you doing it on your own.

CHAIRMAN CASTRO: Commissioner Kladney.

MS. RASSEN: Can I add something? At SAGE we have the same perspective that Tina has which is people get into a certain life and even the young adults that we see, under 24, a lot of them who have been put in jail for prostitution charges, they don't feel they've been exploited, even though they have a pimp and they've been trafficked and so forth. They think that somehow it has been their choice, even though they've been beaten and raped.
So it comes down to one thing that -- one group that I think does choose what they do with their bodies are sort of the high-end escorts, very high-end where even though they may have internal vulnerabilities that we're describing they are somehow able, in my perspective, to make some kind of a choice. Whereas from what we see at SAGE, nobody can make a choice. You get into -- which we started to this morning, the philosophical debate about what is choice.

And in America, we presumably have freedom of choice about everything. So we -- I don't really want to go there because I think there are factors and we see them in everybody who we see at SAGE. They're driven by the things that have happened to them, how they feel about themselves so that they're not really able to make a rational choice about their lives.

CHAIRMAN CASTRO: Commissioner Kladney.

COMMISSIONER Kladney: Thank you, Mr. Chairman.

CHAIRMAN CASTRO: You're welcome.

COMMISSIONER Kladney: Professor Parreñas, thank you for coming. I have a couple of different areas I'd like to explore if I could. One
is this idea of a four- or five-century-old process of brokers for labor. And there are a bunch of anecdotal stories. People go to the Mideast and they don't come back or they're slaves, just like the one in New York or whatever.

You talk about how much the worker pays the broker. How much does the employer pay the broker?

DR. PARREÑAS: It depends on the country, but in Japan, they don't pay the broker.

COMMISSIONER KLADNEY: But other countries do, don't they?

DR. PARREÑAS: In other countries, they do. Taiwan, for example.

COMMISSIONER KLADNEY: It's a very profitable business, is it not?

DR. PARREÑAS: The broker receives, yes, it's like a third of -- three months' wages in Taiwan, for example, for domestic workers and factory workers.

COMMISSIONER KLADNEY: So I guess you were talking and it went by pretty quick. The part about you think that these workers ought to be allowed to quit their jobs once they arrive and go to work for other people, what was that you were getting at?

DR. PARREÑAS: What I was just calling attention to was the condition of legal servitude that
most migrant workers today are subjected to. And so that also occurs in the U.S., so for example, HB visa workers in high-tech technology in the U.S. are under that same condition. It's a condition they share with a manufacturing worker in Taiwan. They're bound to their employer. So we just have these assumptions that they would just be more humane here to that worker than they would be in Taiwan. But it's the same legal status that --

COMMISSIONER KLADNEY: Do those folks pay a broker, the H-B1 visa?

DR. PARREÑAS: Yes, they do actually. They do.

COMMISSIONER KLADNEY: Okay.

DR. PARREÑAS: Actually, a cousin who was employed as an accountant for five years working like for less than minimum wage so she could get her green card, an HB visa worker here, right? So her reward was that green card at the end, but really she was in this condition of legal servitude for five years which she thought was worth it because she got a green card at the end. So then it's a question for us --

COMMISSIONER KLADNEY: You know how valuable that is.

DR. PARREÑAS: So it's a question for us
which is should we say this not happen, but then if we didn't let this happen then my cousin wouldn't be here and she would be angry that she's not here. So it's like really kind of a tricky situation which is how can then we utilize the labor of migrant workers, reward them for that labor, but ensure that the abuse that they could potentially face is minimized.

COMMISSIONER KLADNEY: And what is your conclusion?

DR. PARREÑAS: I'm not into ending labor migration. I think that they should have, if they find themselves in abusive situations, they should be in a position to change their employers. But they cannot even do that.

COMMISSIONER KLADNEY: Who should be able to enforce that? What is the mechanism you propose?

DR. PARREÑAS: I haven't really proposed a mechanism, but I think that, for example, like they should be able to go to their embassies. I think that they should be able to find a way to be free of their debt. But for the most part I do think that migrant brokers should be minimized. I think direct employment should be a possibility because a lot of what happens in most of these servitude cases there is
a migrant broker that then prevents them from quitting
because they accrue such debt to that migrant broker.

COMMISSIONER KLANDNEY: And they can be
abusive, can they not?

DR. PARREÑAS: Migrant brokers, yes, but
employers also, right? Employers also, but not all
employers are. But if employers are abusive, you
won't quit if you owe a lot of money to your migrant
broker is the problem right now for many workers.

COMMISSIONER KLANDNEY: And this is a
worldwide problem?

DR. PARREÑAS: Yes, it's a worldwide
problem.

COMMISSIONER KLANDNEY: And it happens
here in this country?

DR. PARREÑAS: Yes, from farm workers to
hotel workers in like rural Michigan to the domestic
workers that we hear about that are employed by ex-pats
and diplomats, yes.

COMMISSIONER KLANDNEY: So is this
similar to like what's been proposed as temporary work
visas, things like that?

DR. PARREÑAS: Yes, I believe so. The
temporary work visas, I think oftentimes if they're
like temporary work visas in other countries, they're
conditional -- the visa is conditional to your continued employment to your sponsor, so you are bound to a citizen sponsor, yes.

COMMISSIONER KLANDNEY: So is there any person, organization, NGO, somebody out there working on trying to create a better system that you're saying basically is a bad system?

MS. ELLISON: Yes, actually --

COMMISSIONER KLANDNEY: Thank you.

(Laughter.)

MS. ELLISON: Yes, I've been trying to jump in. Polaris Project is a member of a national anti-trafficking coalition called the Alliance to End Slavery and Trafficking which is 12 member organizations based on the U.S. but working all around the world on this issue. One of the things that we've been working on a lot is this issue of foreign labor recruiters. And so basically what I can tell you is first of all, yes, this is definitely happening exactly as the Professor was describing, the H-2A, H-2B visa programs, the A-3, the G-5 and also the J-1 visa program, we get calls about those types of visas and exploitation and trafficking occurring with those visas exactly because they are tied to their employer and so their employer has this ultimate power over the
worker.

And so I can verify that that is happening. We have statistics on the hotline that I can provide to you and so together with a test, Polaris Project has been working on this issue of foreign labor recruiters and developing a policy proposal. That policy proposal actually did make it into the original House version of the Trafficking Victims Protection Reauthorization Act which was H.R. 2830. And that bill has subsequently been replaced by a different bill that doesn't include that provision. But what we're now trying to do is take that provision and make it a stand-alone bill that we could move forward.

Essentially, what it does is it creates a registry system. Actually, the Department of Labor is already keeping track of labor recruiters, but we need to get a little stronger on requiring them to register in this system and then being able to track. Employers would be able to use it to find out okay, this is a registered labor broker. They are doing what they're supposed to be doing. They're abiding by the laws and so on and so forth. And then also that would allow us to track kind of ongoing their activities. There would be a penalty if people don't abide by the system and there would be other protections in place.
as well, so we do have a fully-fleshed-out proposal.

COMMISSIONER KLADNEY: I have a couple more questions and I'm running out of time.

CHAIRMAN CASTRO: And I want to ask one before we run out, too.

COMMISSIONER KLADNEY: That is a proposal for the United States. Do you think we need, Dr. Parreñas, do you think we need a wider proposal?

DR. PARREÑAS: I do want to clarify that I think, and many scholars agree with me, that legal servitude is not human trafficking and we have been very clear about that, right? A lot of migrant workers knowingly agree to this contract. And so there are --

COMMISSIONER KLADNEY: You don't think it's a contract that they can actually negotiate?

DR. PARREÑAS: No, but a lot of times labor brokers work illegally, is the problem. So a lot of times they will add on these like extra kind of contingencies that are not part of the contract and it's this unspoken agreement. A lot of times they'll hold these people accountable by a blank check. So a lot of times the people are willing to do that. They give the blank check. They put themselves in these vulnerable positions because they think that servitude is better than poverty. In their head, they think
servitude is better than poverty. So they do this.

So I think -- but there are a lot of local organizations that try to educate various migrant groups globally, like not to do that or, if they find they want to quit and they can't, what they can do. But in terms of like a global alliance, there's not much, but there's this disconnect that we see. But we see local agencies from like Rome, Italy to like Taipei to Hong Kong doing advocacy work.

COMMISSIONER KLADNEY: But you would agree that that would be better than no regulation at all?

DR. PARREÑAS: I think that we should be aware of it, yes.

COMMISSIONER KLADNEY: Finally, I appreciate your work on the Japanese study.

DR. PARREÑAS: Yes.

COMMISSIONER KLADNEY: But I actually have a little experience in the Philippines, the Pot Pang and Thailand.

DR. PARREÑAS: Okay.

COMMISSIONER KLADNEY: Would you agree that a lot of those people are trafficked?

DR. PARREÑAS: So I think we're talking --
COMMISSIONER KLADNEY: The children of the Pot Pang.

DR. PARREÑAS: We're talking about two different or three different groups of workers.

COMMISSIONER KLADNEY: Right.

DR. PARREÑAS: And so the women who end up in Japan actually I do want to clarify, they're not prostitutes.

COMMISSIONER KLADNEY: That, I understand.

DR. PARREÑAS: They do commercial flirtation. And the people who engage in prostitution in the Philippines that cater to foreigners, I think that's a very different group. And they do range in age from like the low 18 to above 18. And I think child prostitution is a problem caused by severe poverty in the Philippines, but I do want to clarify. I don't want to just lump in sex trafficking because I want to be very clear about what we're talking about. And yes, child prostitution happens, and yes, it is a problem.

CHAIRMAN CASTRO: Ms. Ellison, did you want to --

DR. PARREÑAS: It's a problem, yes. I tried to avoid the word sex trafficking because I want to be clear what we're talking about. Are we talking
about child prostitution. Are we talking about forced labor –

[ unintelligible – multiple voices ]

COMMISSIONER KLADNEY: The truth is it could be one or the other depending on the situation of the person involved.

DR. PARREÑAS: I guess as a scholar I just want to be careful and I try to avoid like broad definitions that we could just lump all these different kinds of subjugations and I think that could be careless as well.

MS. FRUNDT: I think a better term then would be children who are prostituted, because under federal law children can't be prostitutes.

CHAIRMAN CASTRO: Thank you. Ms. Ellison, I have two questions for you. The first is, in your PowerPoint you talked about that domestic servant who is kept in that mansion. You mentioned that they were taken away by Immigration, but what actually ended up happening to that person? And secondly, you also referenced the work that you do in the transgender community. Could you elaborate a little bit on the challenges that the transgender community faces when it comes to the issue before us today?
MS. ELLISON: Sure, so in reference to the New York case, that case is still ongoing, but the person that was in domestic servitude has been taken out of the situation and is safe, so I can say that. And the case is ongoing.

In terms of transgender, you know, what we're seeing there is just that the -- and we're also working with some gay, lesbian children in New Jersey, and so what we're seeing there is simply that it's another layer of vulnerability that exists for those individuals. And so it's even more difficult, I think in some circumstances, to make sure that they are identified and assisted, and also for people within the systems that are touching them to understand what their situation is and treat them in a way that is respectful of what their gender identity or their sexual orientation may be.

CHAIRMAN CASTRO: Any other questions? If not, I want to thank the panel very much for your participation today.

I also want to personally thank all the staff at the Commission who worked hard to bring this briefing together.

I also want to add my sincere thanks and congratulations to Margaret Butler who really led the
team that put together today's panel. So thank you, Margaret.

(Applause.)

And thanking all of our panelists for their informed views which will certainly be helpful to us.

I also just want to let the public know that the record for this briefing report is going to remain open for the next 30 days. If panelists or members of the public would like to submit materials, they can mail them to us here at the United States Commission on Civil Rights, Office of the General Counsel at 624 9th Street, N.W., Washington, D.C. 20425. It is now 2:30 and this meeting -- this briefing of the U.S. Civil Rights Commission is adjourned. And briefly we will convene our monthly business meeting. Thank you.

(Whereupon, at 2:28 p.m., the briefing was concluded.)