

U.S. COMMISSION ON CIVIL RIGHTS

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BRIEFING

SEX TRAFFICKING AS
A GENDER-BASED VIOLATION OF CIVIL RIGHTS

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FRIDAY, APRIL 13, 2012

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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

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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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P-R-O-C-E-E-D-I-N-G-S

(9:33 a.m.)

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.

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1 Today we are going to examine the federal
2 government's response to the issue of human
3 trafficking from a gender-based discrimination
4 perspective. Today I think we stand at a crossroads
5 at the intersection between an issue that intersects
6 both human rights as well as civil rights. And that
7 is why we as the United States Commission on Civil
8 Rights are looking at this issue from a human rights
9 as well as a civil rights perspective, given our
10 historic mandate on issues of discrimination.

11 We are also at an intersection between the
12 past, the present, and the future. A hundred and fifty
13 years ago this year, President Abraham Lincoln issued
14 the emancipation proclamation. Yet, today at the
15 present, slavery remains all too common. In fact,
16 according to the United Nations global report on human
17 trafficking, they estimate about 27 million people
18 worldwide are in bondage. Yet, we also have to make
19 sure that we shine our light on this to affect the issue
20 so that it no longer infects the future. And I am
21 pleased that later this year the Commission, in
22 conjunction and partnership with the Lincoln Cottage,
23 will look at the Emancipation Proclamation as well as
24 address some of the issues that are relevant today,
25 including a continuing dialogue on the issue of human

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1 trafficking. So this will not be the last time our
2 Commission addresses this in some format.

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

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

21 So today I hope that, as a result of what
22 we hear from the briefing, that we will note that this
23 isn't just an international issue but it's also a
24 domestic issue. It is an issue that affects people
25 just not far from where we are convening. In fact,

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1 today's newspaper indicates individuals who are
2 convicted for trafficking teens here in the D.C. metro
3 area.

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

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

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

24 In order to maximize the amount of time
25 for discussion between the commissioners and the

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1 panelists, and to ensure that the panelists in the
2 afternoon have an equal amount of time as those this
3 morning, I am going to try to strictly enforce the time
4 allotments given to each panelist as well as to our
5 commissioners.

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

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

23 So, with those bits of housekeeping out
24 of the way, I would like to have the first panel come
25 forward, please.

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1 ACTING STAFF DIRECTOR TOLHURST: Did
2 someone join the call?

3 COMMISSIONER YAKI: Yes. Commissioner
4 Yaki joined the call.

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

7 PANEL 1

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

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

19 PANELIST STATEMENTS

20 MS. WYNNE: My name is Maggie Wynne. I
21 am the Director of the Division of Anti-Trafficking of
22 Persons in the Office of Refugee Resettlement within
23 the Administration for Children and Families, an
24 agency in the U.S. Department of Health and Human
25 Services.

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1 I appreciate the opportunity to provide
2 you a description of HHS's work to identify and assist
3 victims of human trafficking, including sex
4 trafficking.

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

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

23 The Secretary of HHS delegated
24 responsibility for certification in public awareness
25 activities to the Assistant Secretary for Children and

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1 Families, who further delegated them to the Director
2 of ORR.

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

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

17 Similarly, when Immigration and Customs
18 Enforcement, or ICE, notifies us that it has granted
19 continued presence to a victim of trafficking who is
20 assisting law enforcement investigation and
21 prosecution, ORR can act to get that victim connected
22 to needed health care and social services. The
23 benefits and services available for victims of
24 trafficking are the same ones available to refugees who
25 arrive with the hope of finding employment, education,

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1 and a new life in America. And these, in turn, are
2 largely the same ones available to U.S. citizens and
3 most lawful permanent residents.

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

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

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

18 The three grantees that we fund provide
19 case management to assist victims of trafficking to
20 become certified, and other necessary services after
21 certification through a network of sub-awardees
22 throughout the country. These grants ensure the
23 provision of case management, referrals, and emergency
24 assistance, such as food, clothing, and shelter, to
25 victims of human trafficking and certain family

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1 members. They help them gain access to housing,
2 employability services, mental health screening and
3 therapy, medical care, and some legal services,
4 enabling them to live free of violence and
5 exploitation.

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

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

22 With a tag line of "Look Beneath the
23 Surface," these posters, brochures, videos, and pocket
24 assessment cards encourage intermediaries who
25 encounter victims of trafficking to recognize clues

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1 and ask the right questions because they may be the only
2 outsiders with a chance to reach out and help victims.
3 Materials and other information are available for
4 download and order on our website.

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

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

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

22 They also provide resources and
23 information to those seeking more information about
24 trafficking, access to specialized language outreach
25 materials, and training and technical assistance when

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1 more help is needed for a particular situation or
2 objective.

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

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

23 Thank you very much for this opportunity
24 to describe our efforts to support victims of human
25 trafficking.

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1 CHAIRMAN CASTRO: Thank you, Ms. Wynne.

2 I will next ask the Attorney General,
3 Attorney General Zoeller, to say a few words. And then
4 after that, the commissioners will ask you some
5 questions. Mr. Zoeller.

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

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

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

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1 our own efforts to the cause.

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

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

11 (Laughter.)

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

23 So within three weeks -- and if you have
24 ever dealt with legislation, you will know it is a
25 Herculean task -- but within three weeks they passed

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1 the bill that we had recommended, well in time for the
2 Super Bowl.

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

9 We distributed 2,700-plus educational
10 materials. We worked with law enforcement and others
11 in this effort. And, as a post-game wrap-up, we had
12 68 commercial sex arrests, 2 human trafficking victims
13 that were identified and recovered, 2 other potential
14 trafficking victims who had been identified that are
15 working with our law enforcement.

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

24 The victim was a 14-year-old who had run
25 away from home in a troubled family. Unlike most, she

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1 had a mother who loved her dearly and would not give
2 up. And her obsessed mother tracked her down in
3 Indianapolis and helped the police prosecute or rescue
4 her.

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

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

21 So what I would ask you to do when you
22 listen to the stories of human trafficking and focus
23 on it in somewhat of a -- we treat it somewhat
24 academically, but if you think about the prostitutes
25 that work on our streets and you think about this

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1 14-year-old that's I think the model example of what
2 you would normally see, the age by which they start into
3 the so-called oldest profession, you know, at what
4 point did this prostitute choose to be in this
5 profession? You know, was it when she was of the age
6 of consent? When did she stop being a victim of human
7 trafficking? When would she make the volitional
8 choice prior to her death at the age of 34? And, yet,
9 for the better part of her life, we would have all
10 treated her as a criminal.

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

17 So thank you very much.

18 CHAIRMAN CASTRO: Thank you, General
19 Zoeller.

20 DISCUSSION

21 CHAIRMAN CASTRO: I will take Chair's
22 prerogative and ask the first question. Could both of
23 you focus a little bit on how these victims are
24 targeted? As you know, our premise here is that the
25 targeting is occurring in some measure, if not

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1 completely, due to gender. What do you see out there
2 from your perspectives in terms of how these victims
3 are identified and for the reasons they are identified,
4 they end up in this exploitation?

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

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

16 And so they are offered a job opportunity
17 or they are offered a romance, they are offered a
18 relationship or they are offered schooling. It is
19 lures to get people to hope for and take an opportunity
20 for a better life, but then once they are in a situation
21 where they are dependent on somebody else for their,
22 you know, well-being or movement, they know they may
23 have come here illegally, they don't know what the laws
24 are here with regard to protections for them. And the
25 person exploits those weaknesses.

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1 So traffickers typically assess the
2 vulnerability of the people they are exploiting and use
3 that to use them for their own purposes.

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

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

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

21 The runaway children that get picked up
22 into this criminal enterprise are being recruited from
23 different spots that people know to go to. So most of
24 the law enforcement community can tell you where they
25 start out.

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1 But they are targeted. And it is because
2 they are by themselves and vulnerable and let's say
3 without anybody who cares that makes them quite at
4 risk.

5 CHAIRMAN CASTRO: Commissioner
6 Achtenberg?

7 COMMISSIONER ACHTENBERG: Thank you, Mr.
8 Chairman.

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

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

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

22 But they are really not part of the
23 criminal enterprise other than the fact that they are
24 being either paid, sometimes they have been given drugs
25 as part of their, say, pay. But behind that, you will

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1 start to see this network of much more organized
2 criminal activity.

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

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

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

23 Commissioner Gaziano?

24 COMMISSIONER GAZIANO: Yes. Thank you
25 and thank you both.

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1 I'm going to try to ask you both to help
2 us understand, quantify some aspects of the problem,
3 because I have seen different estimates. And I am
4 grateful for Commissioner Achtenberg's previous
5 question to you, Attorney General, because I've
6 understood over the years that for those in certain
7 organized syndicates, that they, as you just
8 explained, don't want to keep the same young woman that
9 they are exploiting in a particular city.

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

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

21 MR. ZOELLER: Well, the first pillar of
22 our four Pillars of Hope addresses the fact that there
23 are very few statistics. It is not part of the FBI's
24 major crime category. So there are no good
25 statistics.

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1 When we were doing the work-up for the
2 Super Bowl, there were these almost unbelievable
3 numbers that they were talking about from the two
4 previous Super Bowls in Miami and Dallas. And I do
5 think that, in an effort to try to raise awareness to
6 this horror, people may have, let's say, fallen prey
7 to the willingness to exaggerate. So some of the
8 numbers I think have really done a disservice by making
9 them so unbelievable.

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

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

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

25 So I'll say the first pillar explains a

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

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

8 CHAIRMAN CASTRO: Commissioner Kladney?
9 I'm sorry. Oh, I'm sorry, Ms. Wynne.

10 MS. WYNNE: That's okay.

11 CHAIRMAN CASTRO: I apologize.

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

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

21 And overall 75 percent of all victims
22 certified were victims of labor trafficking.
23 Nineteen percent were exploited through sex
24 trafficking. Six percent were victims of both sex and
25 labor trafficking. Ninety-five percent of victims of

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1 sex trafficking or victims of both labor and sex
2 trafficking were female.

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

14 COMMISSIONER GAZIANO: Sure. Thank
15 you.

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

25 So I would suggest that the ones who may

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

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

11 COMMISSIONER GAZIANO: Thank you.

12 CHAIRMAN CASTRO: The Chair recognizes
13 Commissioner Kladney.

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

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

23 And, yet, if you talk to the police, I
24 mean, most of them realize that they may be bit players
25 in a criminal enterprise and maybe not even the -- I

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1 mean, they recognize them as more of a victim. But,
2 you know, our vice units are trained to arrest the
3 prostitute, shake her down to see if she will give us
4 information about somebody higher up in the
5 organization. But it is a very frustrating thing that
6 we still recognize these women as prostitutes, and that
7 is a crime, so, therefore, they are criminals.

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

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

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

22 MR. ZOELLER: Yes.

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

25 MR. ZOELLER: Yes.

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1 COMMISSIONER KLADNEY: -- or young girls
2 or teenagers.

3 MR. ZOELLER: Particularly young ones.

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

11 MR. ZOELLER: It is. Well --

12 COMMISSIONER KLADNEY: What is your take
13 on that?

14 MR. ZOELLER: I don't want to speak for
15 all of the Attorneys General, but I will say from my
16 own education in this short year or so of really
17 focusing on this, that I am going to make an effort to
18 have our legislators address the laws as it relates to
19 prostitutes. And that's what I was trying to bring up
20 is that I don't think they are criminals. I think, you
21 know, the vast majority of them, they're not, you know,
22 the stereotype Hollywood pretty woman. I mean, this
23 is not something that they have chosen to do. And if
24 you think about it, you know, someone who has been
25 abused as a child, so she has already been sexually

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1 abused, she runs away, ends up with like in the case
2 that we have, I mean, that was a 29-year-old boyfriend,
3 boyfriend meaning somebody who would at least give her
4 a place to stay and feed her something. So she is so
5 dedicated to this 29-year-old that by the time he is
6 pimping her, you know, in the streets of, I think
7 Chicago and a handful of other cities and finally in
8 Indianapolis, by the time she is of age, she is not a
9 criminal but that's why I want you to really think
10 about, you know, the civil rights of prostitutes,
11 because they are not criminals.

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

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

20 MR. ZOELLER: Well, you know, I work very
21 closely with the prosecutors throughout my state. So
22 there will be some who want to maintain. They don't
23 like the word "immunity" as prosecutors. But I do
24 think in a defensive capacity, the women -- I mean, I'll
25 call them women -- who started as children, who want

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1 to have as their defense that they're wanting out of
2 this and they can paint this picture of "I started at
3 13, and I am now 22. And I think I have got an
4 opportunity to go off and do something else," even if
5 they had been arrested three times, I mean, they're
6 close to habitual. Remember, by the time you hit the
7 bell a few times, you are going to be looked at as, you
8 know, you can spend some serious time.

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

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

19 COMMISSIONER KLADNEY: Mitigation of
20 sorts?

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

24 CHAIRMAN CASTRO: We do have a Court
25 Reporter present.

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1 MR. ZOELLER: Well, I've worked with our
2 legislature and the prosecutors. And I'll have to
3 negotiate something. But I am pretty capable of
4 working out something.

5 COMMISSIONER KLADNEY: Diversion
6 programs, things like that.

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

11 COMMISSIONER KLADNEY: I would suggest
12 that you -- one more question, Mr. Chair.

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

16 COMMISSIONER KLADNEY: I forget my
17 question. That's okay.

18 CHAIRMAN CASTRO: Commissioner Heriot?

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

23 But it seems to me that before we even get
24 to that, we have got a definitional problem here.
25 Exactly what do we mean by "human trafficking?"

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1 Chairman Castro began the briefing by
2 invoking the Emancipation Proclamation. And it seems
3 to me that, at least part of what you are talking about,
4 General Zoeller, goes way beyond what the Emancipation
5 Proclamation was all about.

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

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

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

22 Then at times you're talking about adult
23 prostitutes. What does the term "human trafficking"
24 mean here? Are we using this as a term that sort of
25 glosses over many different problems, problems that

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1 have to be addressed very differently? And we're kind
2 of putting them together.

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

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

11 MR. ZOELLER: National definitions?

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

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

22 COMMISSIONER HERIOT: What is the
23 federal definition?

24 MS. WYNNE: The federal definition is
25 harboring, transporting, providing, retaining, and I

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1 think -- I can't remember the other verb -- for labor
2 services through force, fraud, or coercion for the
3 purpose of involuntary servitude, peonage, debt
4 bondage, or slavery. That's labor trafficking.

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

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

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

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

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1 work at --

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

5 MS. WYNNE: Right.

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

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

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

19 MS. WYNNE: Yes.

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

22 MS. WYNNE: Yes.

23 COMMISSIONER GAZIANO: -- or the legal
24 process.

25 MS. WYNNE: So that's where when the

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

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

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

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

22 MR. ZOELLER: You are still defining her
23 as a prostitute. So if you look at the legal
24 definition of "volitional," you know, we have defined
25 a certain age by which you cannot choose to entertain

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1 sex. So by definition, she can choose. So someone
2 else, the 29-year-old in this case, is accused of
3 trafficking. And she is a minor. So you don't need
4 to prove force or threat of force. And I think it is
5 perfectly -- I mean, the legislature was perfectly
6 willing to give us that additional tool.

7 MS. WYNNE: Could I add something?

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

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

18 It's not necessarily all domestic. So
19 all these people that come into our city -- and the same
20 was true of Miami and Detroit. So we suddenly see this
21 ramp-up of requests for prostitutes, all because of the
22 Super Bowl. So we wanted to be prepared not only for
23 all of the good things that would come to our city and
24 our state but recognizing the bad things which -- I
25 mean, if you read the Village Voice, they tell you it's

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1 a myth. There is no human trafficking. They just do
2 this to try to develop some kind of political
3 appreciation. And most people wouldn't believe that
4 it is true.

5 The fact that we have not clearly
6 identified this as a problem and it has gone on, of
7 course, it is the world's oldest profession. So it has
8 always been there. And I think there is almost a
9 denial mentality. And until I had to stare at it, it
10 just suddenly became shockingly true that 12- and
11 14-year-old girls were being brought into this oldest
12 profession. And I don't honestly think they have ever
13 chosen that life.

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

25 In the labor trafficking situation, there

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

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

14 Are there any commissioners on the phone?

15 (No response.)

16 CHAIRMAN CASTRO: No? Okay. So
17 Commissioner Kladney?

18 COMMISSIONER KLADNEY: Thank you, Mr.
19 Chairman.

20 First of all, I'd like to go on the record
21 and disagree with Commissioner Heriot that I do not
22 believe that people under age choose to become
23 prostitutes and to go into this profession. And I also
24 believe that by the time they reach the age of consent,
25 that their life is fairly much foretold by their

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1 previous years in the profession. I think that's what
2 you were saying, General Zoeller.

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

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

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

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

25 But I don't think I can speak at length

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1 to your question.

2 COMMISSIONER KLADNEY: Thank you.

3 CHAIRMAN CASTRO: Ms. Tolhurst?

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

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

23 My question to you both is, so our
24 commissioners are going to be making recommendations
25 to the President and to Congress. And this is a really

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1 complex issue. Obviously there are language
2 barriers. There are immigration issues. There are
3 people trafficked domestically who have economic
4 issues. And many of these victims may have HIV or
5 other medical problems. So there is a lot to deal with
6 here.

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

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

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

17 (Laughter.)

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

23 I'll just say from my own, let's say,
24 jaded 10 years in the federal government and now 10
25 years in the Office of the Attorney General, I don't

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1 really expect much out of Washington these days. So
2 we're going to address things on a state level. I am
3 going to try to make some extra efforts to work more
4 collaboratively with the U.S. Attorneys' offices and
5 our state partners, the other Attorneys General. And
6 we will do the best we can.

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

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

15 MR. ZOELLER: Some what?

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

19 MR. ZOELLER: We have had all sorts
20 of -- I've worked with my colleague Mark Shurtleff from
21 Utah. And we came up with a couple of ideas about
22 having state guest worker programs. And if we could
23 get the federal government to give us a few pilot
24 programs where we could have people come to our state
25 and work, we would be responsible for, let's say,

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1 making sure that they exit at the end. But they can
2 come and go and give states a little more latitude until
3 the Congress gets around to an immigration bill.

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

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

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

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

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

23 COMMISSIONER ACHTENBERG: Thank you, Mr.
24 Chairman.

25 General Zoeller, you made a reference to

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1 the FBI's crime statistics and that they are not
2 currently kept in a way that sheds light on the topic
3 of discussion today.

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

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

12 COMMISSIONER ACHTENBERG: Sure.

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

18 There are problems with, you know, the
19 federal definition that I think is at 16. Some states
20 have 18 and 16. So this whole difficulty and exactly
21 agreeing on what it is we're -- because I do think it's
22 commonly understood trafficking is across
23 international borders and may not recognize that a lot
24 of -- I think the majority of the women that are moved
25 around the country are domestic runaways. And maybe

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1 we need to have different categories. We will leave
2 that to the ability to collect data.

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

7 COMMISSIONER ACHTENBERG: Sure.

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

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

20 COMMISSIONER ACHTENBERG: Thank you very
21 much.

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

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1 please do that.

2 MS. WYNNE: Thank you.

3 CHAIRMAN CASTRO: Thank you.

4 PANEL 2

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

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

20 Our second panelist is Salvador Cicero
21 with the Cook County, Illinois Anti-Trafficking Task
22 Force. I am very pleased to see him here. I have
23 known him for many years and have watched his career
24 develop and have seen the good work that he has done
25 in many arenas. So we are very pleased to have you

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1 here.

2 Also, the third panelist is Dr. Merrill
3 Matthews, Chairman of the Texas State Advisory
4 Committee to the U.S. Commission on Civil Rights, one
5 of our 51 state advisory committees.

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

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

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

20 MS. CARR: Great. Thank you.

21 PANELIST STATEMENTS

22 MS. CARR: Good morning. I am a clinical
23 assistant professor at the University of Michigan Law
24 School and Director of the Human Trafficking Clinic.
25 I appreciate the opportunity to discuss this important

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1 issue.

2 In the Human Trafficking Clinic, my
3 students and I provide a variety of legal services to
4 victims of both sex and labor trafficking. Our
5 clients are men, women, and children, foreign
6 nationals, and U.S. citizens.

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

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

25 Law enforcement is well-versed in

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1 arresting and jailing criminals, but as a nation, we
2 cannot improve upon our response to and our protection
3 of victims of sex trafficking unless we create a new
4 model which supports victims, rather than treating
5 them as criminals.

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

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

23 All three, including Sally, were forced
24 to drop to the floor and were put in handcuffs. Sally
25 was detained in a juvenile facility for three weeks

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1 while Brenda, who had turned 18 approximately four
2 weeks prior, was put in the county jail. At no time
3 while being held were Brenda or Sally ever provided
4 services as victims of human trafficking. Nor were
5 they treated as victims.

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

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

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

23 A member of law enforcement who was
24 outraged by her treatment told me of her case, and I
25 immediately tried to reach out to help her. I called

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1 her public defender, offering the resources of the
2 clinic as well as information about shelters and
3 programs to assist the young girl.

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

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

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

24 We are currently serving a woman -- I will
25 call her Emily -- who was brutalized by her trafficker

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1 and sold for sex in multiple states. In one state,
2 Emily was arrested and charged with prostitution.
3 Emily's trafficker hired a lawyer for her. The lawyer
4 never spoke with Emily, only with her trafficker.

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

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

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

23 Arresting, detaining, and jailing
24 victims of sex trafficking is unacceptable. However,
25 it is happening all over this nation. Communities

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1 across the country are working to create an accurate
2 picture of the problems of human trafficking. We ask
3 questions such as, "Where do we find the victims?" or
4 "We want to help victims of human trafficking but don't
5 have any in our community."

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

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

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

23 So what must be done? We must
24 acknowledge that federal human trafficking law is
25 insufficient to combat the problem and protect

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1 victims, especially in areas of law reserved to the
2 states.

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

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

17 CHAIRMAN CASTRO: Thank you, Ms. Carr.
18 Mr. Cicero?

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

23 CHAIRMAN CASTRO: Too bad Commissioner
24 Kirsanow is not here because he would be in favor of
25 that.

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1 MR. CICERO: Then we would be okay, then.

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

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

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

21 At the time nobody understood what it was.
22 The legal definitions were all over the place. The
23 international definition helped us a lot. The United
24 States passed a pretty good law, actually before the
25 Senate ratified the international treaty.

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1 And, thereafter, again I found myself
2 being a founding member of our task force, meaning a
3 bunch of people said, "Hey, there is this issue. Do
4 you want to come to a meeting?" And that's how the task
5 force began, right? So I am a founding member of the
6 task force in Cook County.

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

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

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

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1 adjusted, right?

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

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

22 Another thing that I want for you to look
23 at in terms of recommendations is what are we doing in
24 terms of educating our people because there is a root
25 for this problem, right? And for the Commission to

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1 take it on as a civil rights issue I think is right on
2 point.

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

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

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

24 I, myself, the very first person that we
25 ever rescued, guess where she ended up again. I found

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1 her a job. The woman could -- I mean, she had been
2 prostituted for 10 years. She had started again when
3 she was a teenager. She was 24 years old. Beautiful
4 woman, was harassed everywhere she went, right?

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

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

18 Lastly, I do want to say that if you look
19 at the Illinois law -- and I won't go into detail, but
20 I think that the biggest success there is that they have
21 created a victim-centered issue versus victim guilt.
22 You cannot prosecute these cases by using these victims
23 as witnesses. They are not viable. It takes many
24 months. So you need to do things like wiretaps and
25 other things that as a defense attorney, I am always

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1 opposed to. But I have to tell you they seem to be very
2 effective in helping the victims.

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

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

11 PARTICIPANT: Tax man.

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

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

15 CHAIRMAN CASTRO: Thank you, Mr. Cicero.

16 Dr. Matthews?

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

20 I am Merrill Matthews. I am a resident
21 scholar with the Institute for Policy Innovation.
22 That is a 501(c)(3) nonprofit/nonpartisan research
23 institute, commonly called a think tank, based in
24 Dallas. And I am here representing the Texas Advisory
25 Committee in my role as chairman.

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1 In 2009 and 2010, we began looking at
2 this. The committee was very interested in doing a
3 paper on this looking at the issue of human trafficking
4 in Texas. We created a subcommittee. We produced,
5 the subcommittee, three persons, produced a paper,
6 worked on this 2009-2010, produced a paper in 2011,
7 which is now available on the Commission's website.

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

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

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

25 The U.S. Department of Justice reports on

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1 activities combating human trafficking. It has
2 identified El Paso and Houston as two of the major human
3 trafficking cities. And we have the Interstate 10
4 corridor there, which goes from Houston through San
5 Antonio to El Paso. This is a long interstate highway
6 that apparently facilitates the ability to transport
7 trafficking victims across the state.

8 In our efforts to address this problem,
9 Texas was one of the first states to pass legislation
10 on human trafficking in 2003. It has followed up. In
11 2008, the Attorney General produced a fairly lengthy
12 report, 92 pages, "The Texas Response to Human
13 Trafficking," which created a human trafficking
14 prevention task force and began looking at some of the
15 efforts we were doing in there, identifying the
16 problem, trying to find some resources.

17 In 2011, the Attorney General produced a
18 new report on that from the Human Trafficking
19 Prevention Task Force, where they made several
20 recommendations. It was a timely effort because, like
21 Indiana before, Texas had the Super Bowl last year.
22 And there was a great deal of effort going on because
23 of the expectation of the people who were going to be
24 brought in, the people coming to the state and,
25 therefore, the opportunities for human trafficking.

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1 There were a number of conferences going
2 on prior to that to try to create awareness for this.
3 There were even in the news efforts of -- a number of
4 people would rent out their houses as a way to make
5 money during the Super Bowl. And there were cautions
6 being offered up saying, "Be careful who you rent your
7 house to because you may end up helping out human
8 trafficking and you're not aware of the situation."
9 So the Super Bowl presented an opportunity.

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

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

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1 to the human trafficking victims there.

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

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

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

24 So I think one of our concerns was we felt
25 like there is a lot of attention being given to this

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1 issue in the state but not a lot of resources being put
2 forward to it, especially given the size of the state
3 and the opportunity.

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

9 And, with that, I will stop.

10 CHAIRMAN CASTRO: Thank you, Dr.
11 Matthews.

12 Lieutenant Hughes?

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

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

22 I currently oversee one of the largest
23 teams of detectives in law enforcement that does
24 vice-related investigations. I have two teams that
25 are specifically tasked with doing nothing but

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1 investigating sex trafficking cases, ones that are
2 based for kids under the age of 18. And that's through
3 the Innocence Lost Task Force and another that I
4 recently formed, about three years ago, recognizing
5 that it is our adult victims that can't be forgotten
6 as well.

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

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

24 Hotels within my community, Vegas is
25 ground zero for this, folks. It really is. It is the

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1 prime area that pimps will bring their victims and
2 exploit them through a variety of venues. And the
3 hotels are the biggest venue, the Strip.

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

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

19 Theft is a very significant part of this
20 industry. These girls are taught to be thieves. They
21 are trained to be thieves. And they are put in that
22 role so that they themselves cannot turn on those that
23 are trafficking them. If they themselves are turned
24 into criminals through the eyes of those that are
25 trafficking them, they are less likely to step forward

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1 and say, "I am a victim."

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

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

17 General Zoeller, I don't know where you
18 are at now, but he was talking about the initiative.
19 I'm working currently with our Attorney General,
20 Catherine Masto, who is also working towards this
21 initiative. And we are gathering stats. And we are
22 sharing our information with northern Nevada. And I
23 would be happy to do that with what we are doing with
24 other states, because I agree there is no one way to
25 go and find stats. People guess. And I'm not good

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1 into guessing, but I will tell you the stats that I am
2 going to show you here shortly are things that we have
3 identified, things that we have a hard number on. They
4 are not guesstimates.

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

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

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

22 The one thing that has worked for us -- and
23 it is a cultural change. And I know law enforcement
24 sometimes takes a big hit. We don't get it right all
25 the time. We don't. The best thing that I can say

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1 that we have done in the last five years since I have
2 run my unit is change the mindset and the culture within
3 law enforcement. We have to start doing things
4 better. And I think everybody up here has voiced that.

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

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

25 The demographics as far as their culture

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

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

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

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

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

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

24 I will end it there because that little
25 red light has been flashing.

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1 CHAIRMAN CASTRO: Yes.

2 (Laughter.)

3 CHAIRMAN CASTRO: Sorry.

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

6 CHAIRMAN CASTRO: Thank you, Lieutenant.

7 DISCUSSION

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

17 LT. HUGHES: Yes.

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

20 LT. HUGHES: Just this last year I
21 started working with the local clergy and specifically
22 in the communities that were minority populations. I
23 have got a huge group of pastors and clergy that are
24 stepping to the plate and now providing parenting
25 forums because these pimps are going to bus stops.

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1 They are driving by the bus stops in their Jaguars or
2 their Mercedes. And that is very, very appealing to
3 a young, 14-, 15-year-old girl that may have a parent,
4 a one-parent family or live in foster care and she has
5 no resources. So those things are very, very -- the
6 bling, as they call it, is very appealing.

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

11 CHAIRMAN CASTRO: Commissioner Kladney
12 and then Commissioner Gaziano?

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

21 LT. HUGHES: About two years ago, I
22 received a phone call from a peer of mine. He was a
23 supervisor within the FBI. He was two weeks away from
24 being deployed to Afghanistan. He called me and said,
25 "Karen, I think I remember hearing you talking about

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1 sex trafficking or human trafficking. And I think my
2 daughter is involved in it."

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

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

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

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

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1 those are the things that we are up against.

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

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

18 CHAIRMAN CASTRO: Commissioner Gaziano?

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

25 Many people were surprised when the late

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1 William Buckley became a legalizer. George Will has
2 written I think a second column sort of exploring that
3 option. And I recently read some Central and South
4 American leaders want us to rethink our American drug
5 policy.

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

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

15 LT. HUGHES: Correct.

16 COMMISSIONER GAZIANO: But in some
17 jurisdictions, there are legalized brothels
18 regulated, whatever. It may not be the perfect, but
19 I want first Lieutenant Hughes and then some others to
20 comment on whether there might be some harm reduction
21 if there was a legal outlet for those who want
22 commercial sex, the extent to which that would dry up
23 the incentives for -- if I remember your quote,
24 Lieutenant Hughes, it is all based on money. There
25 would still be a black market for teen and child, but

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1 I would imagine that it would be much reduced and
2 perhaps concentrating resources in that area. And
3 there might be ways to get legislators to treat the
4 victims differently if it was confined to that area.

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

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

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

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

22 LT. HUGHES: I will tell you it is very,
23 very difficult for law enforcement to ever tell you
24 that they would legalize prostitution. I will tell
25 you that I am not a supporter of that. And I will tell

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1 you the one thing that prevents me from ever going down
2 that road or ever entertaining that discussion is
3 because of the victims. When you interview and you
4 talk and you see their scars, both physically and
5 internally, it is not a viable out.

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

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

22 And when I asked her the question how
23 she -- they were about a week old, some of them second-
24 and third-degree burns -- she had relayed to us that
25 she was in a nightclub and had been identified by a

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1 previous pimp, whom she had gone to high school with
2 who had branded her. And she had failed to leave him
3 in the appropriate manner.

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

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

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

18 LT. HUGHES: I don't --

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

22 LT. HUGHES: I hope so.

23 COMMISSIONER GAZIANO: The question is,
24 why do you expect there to be no lessening of the
25 incentive for that organized crime that legalization

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1 would bring? Why do you expect it to be either the same
2 or to go up? I don't understand that.

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

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

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

22 And, you know, everywhere, like in Mexico
23 or Argentina, if you are a prostitute, you have to be
24 registered. You have to have a health card. And this
25 has been going on for 100 and some years.

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1 Now, I am the father of a woman. So
2 certainly I have my ideas about that. But I will tell
3 you that the big issue with trafficking and
4 prostitution here in the United States is that
5 everybody talks about "Oh, prostitution."

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

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

23 So now that most countries have the 18
24 years of age as prostitution, then you have more of an
25 even playing field. There is still a market for that

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1 under-aged trafficking victim.

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

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

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

18 And I ask my friends, "Did you
19 ever" -- they show me the pictures. These kids, they
20 look like 14-year-old girls. "Did you ever stop to
21 think how" -- I mean, they are not doing anything
22 illegal. It's legal in Brazil. Right? The question
23 is, "Did you stop to think what was the age?" Nobody
24 is going to say, "Hey, honey, are you 18 years of age?"
25 Nobody does that.

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1 So is that an answer to your question? I
2 don't know. Maybe you should have some people from
3 other countries to talk about their experience.

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

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

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

19 And so, on the flip side of that, I think
20 we have to ask ourselves, "Well, then what could happen
21 if we instead decriminalize the other side of that
22 transaction; instead of saying it's a no-risk, pretty
23 low-cost proposition to buy, instead it's a no-risk
24 pretty low-cost proposition to be the seller, not
25 talking about the manager or the pimp or the exploiter.

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1 And I think we can lose so much time. And academics
2 often lose a lot of time in theoretical discussion.

3 PARTICIPANT: No.

4 (Laughter.)

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

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

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

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1 extremely low probability that there are victims in the
2 pools of buyers.

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

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

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

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

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

25 DR. MATTHEWS: Right. Different people

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1 would be supplying it, but it doesn't reduce the
2 incidence. So I understand that. And I would carry
3 that analogy over to the human trafficking. I would
4 also suggest, though, that in the one difference that
5 I think here with drugs, you can buy your drugs and take
6 them with you.

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

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

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

25 The question I have is, what is the

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1 federal government doing now that it could be doing
2 better? And what are things that the federal
3 government should do that we are not doing?

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

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

23 And if you look at the results last year,
24 they rescued -- I don't know -- like 40 victims in one
25 operative. They did it old style. They went in there

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1 with the microphones and all the staff and took their
2 time and really built it that way. That is going very
3 well. I can tell you that, again, helping the victims
4 is not going very well.

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

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

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

24 MS. CARR: Yes. I think the national
25 human trafficking hotline is a fantastic resource,

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1 both for people who are interested in the topic, for
2 advocates, and for victims. And they just said that
3 they received their 50,000th call, I joke that I
4 probably have made 150 of those calls personally.

5 (Laughter.)

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

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

19 So, but I think what we have to
20 acknowledge is that, in light of the fact that the
21 regulation on prostitution is left to the states, there
22 is a limit in what the federal government can do on this
23 issue. However, one thing that we have seen is that
24 sometimes bills are introduced and funds are going to
25 be targeted to states who have raised their laws to

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1 recognize 18 and under as a child for trafficking
2 purposes and have done other victim-centered
3 approaches in cases involving sex trafficking.

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

7 CHAIRMAN CASTRO: Commissioner Kladney?

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

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

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

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

23 MR. CICERO: In other countries, like in
24 Mexico, for example, the law only allows a person -- the
25 national law regarding prostitution allows the

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1 prostitution of oneself if you are over the age of 18
2 because you have the legal capacity to choose.

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

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

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

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

19 I'll be brief. I think it was two or
20 three years ago in Mexico, there was a family where the
21 mother and the son basically go out, marry the girls,
22 bring her in. All the sons were marrying women. They
23 have 25 children living with grandma. And all the
24 mothers were being prostituted and told, "If you care
25 about your kids, you are going to do this for them."

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1 So the culture of pimping, the means of
2 coercion, is not physical anymore. And that is very
3 important. You asked about coercion. That is a very
4 important question because the reason that exists in
5 the law and the international definition is that many
6 years ago, when they outlawed slavery, when you talked
7 about women being forced and when you said forced to
8 prostitute themselves, they literally meant forced,
9 like physically forced. Now a cell phone can be a way
10 of forcing somebody.

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

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

25 COMMISSIONER KLADNEY: Could I ask one

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1 more question?

2 CHAIRMAN CASTRO: Sure. Go ahead.

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

7 LT. HUGHES: Every weekend.

8 COMMISSIONER KLADNEY: I like to say
9 that.

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

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

18 The resources that we need are the
19 simplest of things. I will give you an example.
20 Right before I left to come out here, one of my
21 detectives, who is working with a 19-year-old girl,
22 female victim, very, very significant case in that it's
23 a violent gang-involved sex trafficking case -- she is
24 suicidal right now. My detective went to see her.
25 And she just recognized that her vision wasn't right.

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1 And my detective picked up the phone and started making
2 phone calls to get an appointment to get eyeglasses.
3 The next time this victim saw my detective, she's like
4 "Oh, my gosh. That's what you look like."

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

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

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1 a part of this subculture. It is a part of what we are
2 dealing with every day.

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

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

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

17 COMMISSIONER KLADNEY: Thank you.

18 MS. CARR: I just have to second that.
19 It is really easy to not be in law enforcement and say,
20 "Law enforcement should do" this, this, and this. But
21 the reality is that communities provide law
22 enforcement with a place to put people. And that place
23 is jail.

24 Every single community has that option.
25 And until we change that option and provide other

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1 options, that is the only thing they can do: jail or
2 let someone go. And letting someone go means you know
3 what is going to happen to them that night.

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

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

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

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

24 CHAIRMAN CASTRO: Commissioner Heriot?

25 COMMISSIONER HERIOT: I just have a

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

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

20 I do not feel that a victim is absolutely
21 necessary. Is it great to have a victim? Yes. But
22 at what cost? Because it is just like when you go back
23 to the mindset of days when gangs -- well, they still
24 do, but in the early days where gangs in my career were
25 terrorizing neighborhoods, nobody -- we had drive-by

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1 shootings. Nobody would step forward to testify.
2 Retribution was a very, very big part of that
3 subculture, and it is within this one as well.

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

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

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

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

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1 absolute in my opinion.

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

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

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

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

18 I call it, I frequently say, "where a
19 victim dies on the vine." And we want to hold onto her.
20 We want to make sure she understands that we're there
21 for the long haul, not just to get her testimony but
22 to ensure her safety after the fact because she is going
23 to be a target within that subculture, very, very
24 close-knit subculture. But it happens too often.
25 They do not get the resources, the help, the services

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1 to feel comfortable getting up there on that stand.
2 And they are very, very vulnerable.

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

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

11 So a child abuse case, we don't ask the
12 question, "How many times do we lose a prosecution
13 because we couldn't get the child who was sexually
14 abused to testify against the person who abused them?"
15 If we really accepted cases of sex trafficking that
16 involved children, that these are children who have
17 been sexually abused, we just wouldn't ask those
18 questions. And I don't understand how throwing money
19 on the table, that makes it a commercial sex act, rather
20 than a sex act. But it changes how we -- I am not saying
21 that is your intent, but you see that sometimes in the
22 conversations around this issue.

23 And so that is why my comments were
24 focused on the need for a paradigm shift in these cases
25 and the need for investigative approaches like that and

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1 the need for -- you know, how many times did a buyer
2 not get on the stand and say, "I had sex with that girl"
3 and all we had to do was produce the girl's birth
4 certificate to prove her age?

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

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

25 You are not using the victim. The victim

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

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

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

21 And in Illinois, at the state level has
22 been the only successful way to do this.

23 CHAIRMAN CASTRO: Commissioner Kladney?

24 COMMISSIONER KLADNEY: I guess a couple
25 of questions for the panel. One is, are there any

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1 model statutes being drafted in terms of prosecuting
2 panderers? I understand it is very difficult
3 depending on what state you are in what you need to
4 prove pandering.

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

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

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

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

24 MS. CARR: It would be an excellent idea.
25 I think there are a lot of model human trafficking laws.

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1 And the Department of Justice has one. Polaris
2 Project has one.

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

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

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

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

24 There is, I think, one state, it might be
25 Missouri, that their human trafficking law allows for

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1 charging buyers in the way that you envision. To my
2 knowledge, there has been no prosecution like that,
3 though.

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

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

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

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1 that says she couldn't choose to do, you know, this
2 thing.

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

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

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

25 And the legislature first time around,

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

4 CHAIRMAN CASTRO: And we also have a good
5 governor.

6 Commissioner Gaziano and Commissioner
7 Achtenberg?

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

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

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

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1 elements to it.

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

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

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

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

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1 control?

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

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

18 But since you are a fan of what happens
19 in foreign countries, I would tell you that I think the
20 two places you will really want to look at in what you
21 are thinking about are Amsterdam and Sweden. And in
22 Amsterdam, you have complete legalization and I think
23 some of the evidence out of Amsterdam, you know, their
24 evidence, not mine, is showing some surprises that the
25 victimization did not decrease.

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1 And then coming out of Sweden, where the
2 model is maybe what I would call this middle of the road
3 approach, where the act is still illegal but the
4 sellers are decriminalized, they don't have criminal
5 liability, they are showing some results, preliminary,
6 that, in fact, victimization is decreasing. And so
7 right now the evidence we have shows that might be the
8 one that is working.

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

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

24 CHAIRMAN CASTRO: Commissioner
25 Achtenberg?

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1 COMMISSIONER HERIOT: Can I just get a
2 clarification on that answer? You said that in
3 Sweden, there is some evidence that victimization is
4 decreasing. What do you mean by "victimization"?

5 MS. CARR: The human trafficking.

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

9 MS. CARR: Of victims.

10 COMMISSIONER HERIOT: I'm not --

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

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

23 MS. CARR: That there are fewer victims
24 of sex trafficking because it wasn't a labor
25 trafficking case, fewer victims of sex trafficking

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1 being bought. So it could be either. And I can't
2 remember the data broken down that way. Fewer victims
3 of human trafficking being bought for sex after it was
4 decriminalized, the selling of sex.

5 CHAIRMAN CASTRO: Commissioner
6 Achtenberg?

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

10 MS. CARR: It's in Swedish.

11 (Laughter.)

12 COMMISSIONER ACHTENBERG: I'm okay with
13 translation.

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

16 COMMISSIONER ACHTENBERG: That would be
17 great.

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

21 COMMISSIONER ACHTENBERG: Sure.

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

24 CHAIRMAN CASTRO: Thank you.

25 MR. CICERO: In fact, Save the Children

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1 Sweden is the one that created the materials that I had
2 referred to for Nicaragua and El Salvador. The
3 Swedish experience is based on this idea that we are
4 not going to punish the person who has been exploited.
5 We are going to punish the person who is going after
6 and trying to hire this. So what is illegal is to buy
7 the sex.

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

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

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

20 COMMISSIONER ACHTENBERG: Thank you very
21 much.

22 I wanted to direct my question to Dr.
23 Matthews and, first of all, to commend the Texas State
24 Advisory Committee to the United States Commission for
25 the excellent work that they produced here. You said

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1 that, it sounded to me at least that, Texas, the State
2 of Texas, in some ways has made substantial progress
3 on this human trafficking issue.

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

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

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

22 So most of what they have done is to try
23 to bring attention to the issue, get some things into
24 line, but it has not -- it has been I think an important
25 effort, but we don't feel like, from our standpoint,

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1 that nearly enough has been done and we're unable to
2 address this and provide law enforcement with the real
3 resources they need to be able to do it, which is why
4 I pointed out that most of the efforts that have been
5 achieved have been from the federal grant that came,
6 as opposed to initiations at the bottom up from the
7 various cities and counties.

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

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

22 (No response.)

23 CHAIRMAN CASTRO: If not, Commissioner
24 Kladney?

25 COMMISSIONER KLADNEY: Mr. Matthews,

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1 Chairman Matthews -- pardon me -- I actually saw a
2 television show about the Texas border towns and the
3 serious problem in trafficking. Could you describe
4 that to us?

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

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

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

24 But hard numbers on that, we don't have
25 that.

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1 COMMISSIONER KLADNEY: But there is a lot
2 of sex trafficking. Is that correct?

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

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

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

24 MS. CARR: So, you know, I think it's what
25 the buyers want. I mean, I could talk a lot about the

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1 messages society sends to young girls and how we
2 sexualize young girls in lots of ways.

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

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

17 So this dialectic, in our community, it
18 is very well understood, but, like I said, you know,
19 like the professor, I talk about what I see and what
20 I talk in conversations with my own friends and the way
21 that they view women and that a lot of people don't
22 think that it is a big deal, you know. And that is the
23 problem. The problem is that essentially we do not
24 value women at the same level that we value men in our
25 society. And we don't talk about this issue.

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1 So that's why I really mean it when I say
2 I am very happy to see that you guys are taking up this
3 topic because it is a topic we need to talk about.

4 LT. HUGHES: Can I add one thing?

5 CHAIRMAN CASTRO: Sure.

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

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

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

22 We are now going to take a break for lunch.
23 It is 11:55. We ask everyone to be back here in your
24 seats, especially the commissioners miked up so we
25 could start at 1:00 p.m. sharp. Thank you.

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1 (Whereupon, a luncheon recess was taken
2 at 11:56 a.m.)
3
4
5
6
7
8
9

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

11 1:00 p.m.

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

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

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1 period.

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

6 (Laughter.)

7 I'm already thinking about getting home.

8 (Laughter.)

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

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

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

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1 you're back here.

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

4 PANEL 3

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

9 So I wanted to start out with something
10 because reading the title for today's briefing really
11 made me think of this poem by Wallace Stevens. Not
12 only was Wallace Stevens a poet and a writer, but he
13 was also a lawyer. He was admitted to the U.S. Bar in
14 1904, only 42 years before or after, excuse me, the
15 signing of the Emancipation Proclamation. The idea of
16 13 ways of looking at something is appropriate, not
17 only for the topic of our briefing today, whether sex
18 trafficking is a gender-based violation of civil
19 rights, but also for what we, as panelists, have been
20 asked to address, that is, federal efforts to eliminate
21 sex trafficking and ways to improve these efforts.
22 There are many ways of looking at both.

23 Next slide, please.

24 So I, like Wallace Stevens, am of three
25 minds. First of all, it is very clear that sex

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1 trafficking is certainly a violation of gender-based
2 civil and human rights that enslaves women and girls
3 in commercial sex and is rooted in gender-based
4 discrimination. From an international human rights
5 perspective, we know that sex trafficking is a form of
6 slavery and involuntary servitude, resulting in grave
7 human rights violations. Women and girls have the
8 right to security of person, effective remedies, equal
9 protection of the laws, freedom from slavery, torture,
10 and discrimination. And we also know that the United
11 States government has an obligation to promote and
12 protect these rights and to exercise due diligence to
13 prosecute the perpetrators, protect trafficked
14 persons, and prevent human trafficking and modern-day
15 slavery.

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

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1 sex-trafficked. So not all the women are being
2 sex-trafficked. Some of them are being
3 labor-trafficked.

4 Next slide, please.

5 My second mind -- I said that I was of
6 three minds -- is that labor trafficking is also a
7 gender-based civil and human rights violation that
8 enslaves women and girls in domestic servitude, hotel
9 and restaurant, strip clubs, farms, and factories. In
10 other words, not all women are sex-trafficked. Take
11 the case of the New York woman recently who was charged
12 with trafficking. She lives in a 34-room,
13 30,000-square-foot mansion and is facing federal
14 criminal charges related to her employment of a foreign
15 national woman who allegedly served as a domestic
16 servant in a forced-labor situation that included
17 working 17-hour days, 7 days a week and sleeping in a
18 walk-in closet. Acting on a tip received by the
19 National Human Trafficking Resource Center, federal
20 immigration agents last year removed this woman from
21 this 12-acre estate.

22 Next slide, please.

23 My third mind is that sex trafficking is
24 also a civil and human rights violation that enslaves
25 men and boys, particularly gay and transgender

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1 individuals, in commercial sex and is rooted in
2 discrimination on the basis of sexual orientation and
3 is rooted also in social exclusion. In other words,
4 not all sex trafficking involves women or girls.

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

18 Next slide please.

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

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

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1 government perspective.

2 Next slide.

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

12 Next slide.

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

18 Next slide.

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

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

24 MS. ELLISON: Yes, thank you. Finally,
25 I would just close with the fact that we all need to

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1 broaden our vision. President Obama recently
2 declared January as National Slavery and Human
3 Trafficking Prevention Month and I think raised the
4 point that we need to look at human trafficking as a
5 human rights abuse that does affect women, men, boys,
6 and girls. Thank you.

7 CHAIRMAN CASTRO: Thank you. Ms.
8 Rassen.

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

17 SAGE itself was started by a survivor of
18 sex trafficking, one of the multi-generational women
19 who was put out on the streets by her mother, and her
20 mother had been put out on the streets by her
21 grandmother, which we can talk more about later. And
22 it's unique in that it's run by largely -- half the
23 staff are survivors of commercial sexual exploitation.
24 So they know exactly what the clients who come to SAGE
25 are talking about and what they need. We provide

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1 comprehensive services for victims, and also education
2 all around the state and the country and certainly
3 advocacy as well.

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

9 According to the United Nations, people
10 are reported to be trafficked from 127 countries into
11 137 other countries. Forty-three percent of all
12 victims are sexually exploited. Others work in
13 conditions of slavery. Ninety-eight percent of the
14 victims are women and girls. This clearly illustrates
15 the unique way in which human trafficking and gender
16 intersect. And as Secretary Clinton just said
17 recently last month, modern slavery
18 disproportionately affects women and girls and as it
19 does so, it disrupts family networks and it undermines
20 the foundation of stable economies and societies.

21 So from my point of view, and I hope from
22 yours too, children are our future. And they need us
23 to make it possible for them to grow into responsible,
24 education, civic-minded citizens. So today, I'm just
25 going to focus on one area which is the domestic minor

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1 sex trafficking which you heard a bit about this
2 morning.

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

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

25 As you've heard earlier, the FBI

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1 estimates that the average age of entry into the CSE
2 industry is 12. And experts at Shared Hope
3 International estimate that 100,000 American
4 juveniles are victimized through prostitution each
5 year.

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

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

23 So she's the student who sleeps at a
24 different friend's house each night because of the
25 fighting happening at home. She's the girl who runs

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1 away when her parents physically abuse her. She's the
2 foster kid who, after enduring one neglectful foster
3 parent after the next, she gets in the car with a man
4 three times her age simply because he promises her love
5 and a fresh start. She's the sexual abuse victim who,
6 due to immense shame and trauma, has lost all sense of
7 appropriate boundaries and lets adults touch her for
8 money. You could be standing next to a girl who's
9 being trafficked when you're in the grocery store and
10 not know it.

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

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

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1 internet.

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

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

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

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

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1 questions.

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

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

7 Professor Parreñas.

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

19 I believe I am here today because I just
20 completed a book on migrant Filipina hostesses in
21 Japan, which had been a group labeled as sex trafficked
22 persons by the U.S. Department of State in the TIP
23 Report. In the TIP Report they were described as
24 victims forced into situations of sexual exploitation
25 or bonded servitude. The label of sex trafficked

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1 persons actually directly affected their migration.
2 It led to a 90 percent decline in their numbers. When
3 they were labeled as trafficked persons, there were
4 about 80,000 of them going to Japan per annum. And now
5 since 2006 only about 8,000 of them are going per annum.
6 Many would actually consider this drastic decline in
7 their numbers as a victory in the war on trafficking.
8 But as a gender and labor migration scholar, I actually
9 do not. Instead, I see this drastic decline as a
10 threat to their empowerment as women. The rescue,
11 actually for them, had not signaled their freedom, but
12 instead their domination by policy makers including
13 their job elimination and their forcible unemployment.

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

20 Clearly, there's a disjuncture between
21 how they are perceived in the TIP Report and how they
22 perceive their situation. To understand this
23 disjuncture, we need to first know what the U.S. means
24 by sex trafficking. In TVPA, "sex trafficking" is
25 defined as "the recruitment, harboring,

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1 transportation, provision, or obtaining of a person
2 for the purpose of a commercial sex act," which they
3 distinguish from severe forms of trafficking. In this
4 definition, coercion is basically removed from it.
5 And so you basically equate "commercial sex act" with
6 exploitation. This would then mean that the hostesses
7 who I studied-- women who basically engage in the
8 sexual titillation of their clients, but not
9 necessarily by physical contact but by flirting - by
10 this definition it would make them sex-trafficked
11 persons.

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

19 This false assumption is likely to happen
20 because a lot of our knowledge on sex trafficking,
21 including the claims on the trafficking of Filipina
22 hostesses in Japan, is actually not based on empirical
23 research. Even the U.S. Government Accountability
24 Office has critiqued the TIP Report for being based on
25 scant information.

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1 I know that this is a briefing on civil
2 rights and sex trafficking, but I'm actually not here
3 to testify that sex trafficking is a civil rights
4 violation. Instead, I want to show you that false
5 claims of sex trafficking is the civil rights violation
6 that we should be concerned about.

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

15 Without question, the absence of due
16 diligence on the part of the U.S. Department of State
17 and the organizations they have funded to help Filipina
18 hostesses and the false claims of their sex trafficking
19 has violated their civil rights. First, it eliminated
20 their jobs, forcing their return to a life of abject
21 poverty in the Philippines. What rescuers failed to
22 consider is that Filipina hostesses have not been
23 clueless idiots when they go to Japan. Often, they go
24 to Japan knowing that they will be flirting for money
25 and that they will be working in conditions of

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1 servitude with a visa that is contingent on their
2 employment at only one club. I should note that
3 servitude is like a normative condition for migrants
4 globally from HB visa workers here to Kafala workers
5 in the Middle East. This is not an exception for them.
6 However, we should not ignore that these hostesses
7 knowingly choose the unfreedom of servitude in Japan
8 over the unfreedom of poverty in the Philippines.

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

19 Third, false claims of their trafficking
20 has not just violated their civil rights, but has
21 ironically left them more vulnerable to what is labeled
22 as severe forms of trafficking. We have seen a spike
23 in the number of marriage visa applications, with some
24 local migrant advocacy workers suspecting that many
25 are based on false marriages.

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1 Ironically, studies have repeatedly
2 shown that the people who are likely to fall victim to
3 trafficking in Japan are these contract workers, but
4 had been actually the people entering with false visas.
5 So now we see a spike in the number of false visas
6 because of their identification as trafficked persons
7 when they were contract workers.

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

20 If we respect the people who we want to
21 rescue, we owe it to them to do our due diligence and
22 do grounded empirical research to understand their
23 problems. Filipina hostesses had not wanted job
24 elimination. They did not want to be rescued.
25 Instead, what they wanted was greater control over

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1 their labor and migration, including their ability to
2 choose their employers, the elimination of migrant
3 brokers, and the recognition of their form of sex work
4 as viable employment. Thank you.

5 CHAIRMAN CASTRO: Thank you, Professor.

6 Ms. Frundt?

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

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

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

23 Now I want to make something very clear.
24 Courtney House works for boys and girls. And we work
25 with boys and girls because along with me, being

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1 trafficked when I was younger, foster care for boys,
2 and what I saw the most of being trafficked were boys,
3 what I saw less of was services for boys and identifying
4 boys as being sex-trafficked as well. So with that
5 said, we work with both ages 12 to 18, and then support
6 groups that are for ages 18 to 21.

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

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

21 Courtney's House does so much. We
22 provide direct services; we're trying to open a group
23 home right now. We have a For Survivor By Survivor
24 Hotline where 63 percent of our children actually call
25 in for services who are under the age of 18. And that

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1 is based on the street outreach that we do in the
2 Maryland, D.C., and Virginia area, at the malls,
3 daytime, in Virginia we go. We'll talk about that.

4 We go from 2 a.m. to 7 a.m. right outside
5 these doors, down the street from this area right by
6 the Convention Center. How smart are traffickers to
7 know where to put children, boys and girls, which are
8 all in the same area where businesses are, where they
9 know where they're going to get money.

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

20 I am sad to say that 100 percent of our
21 boys are in the foster care system. One hundred
22 percent of our boys have been trafficked between the
23 ages of six and nine years old and came in as
24 family-controlled trafficking as child sexual abuse
25 and they may identify as gay and transgender. It was

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1 missed as child sexual abuse, just like my experience
2 in foster care was missed, even though I reported it,
3 even though I said what was going on, I was not believed
4 as a child at all.

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

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

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1 facility because I denied doing drugs.

2 (Laughter.)

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

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

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

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1 So I want to say really quickly one thing.
2 One of my survivors called me last night and she saw
3 all these cases on the news. And the first thing she
4 said to me, "This is so good that they're finally going
5 after the traffickers, but what are they doing about
6 the tricks?" The men who buy sex, where she actually
7 had to move because there is a man who bought sex from
8 her that's behind her high school. So we're not doing
9 much in the demand. We're still running into these
10 people and I still run into these people to this day.
11 Thank you very much. I'll answer questions later.

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

15 Commissioner Achtenberg.

16 COMMISSIONER ACHTENBERG: Thank you, Mr.
17 Chairman.

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

23 MS. RASSEN: Well, our services are
24 fairly comprehensive, in large part due to
25 partnerships with the federal government which you

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1 heard this morning, OVC, HHS, and San Francisco,
2 because we're located in San Francisco, in the City of
3 San Francisco, which is very supportive of trying to
4 put an end to human trafficking and providing services
5 to victims.

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

22 And we also go out into the community to
23 the jails. We're in the jails and the adult jails and
24 juvenile detention in San Francisco to -- what we --
25 to make relationships with both the kids and the adults

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1 so that they know that -- for the kids, so that we can
2 start beginning the services with them, as Tina is
3 talking about, so that they see that there's somebody
4 who is going to understand them and listen to them.
5 And again, our staff are survivors themselves. So
6 they know what they're talking about.

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

18 COMMISSIONER ACHTENBERG: And all of
19 your work is informed by the survivors who make up the
20 --

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

25 COMMISSIONER ACHTENBERG: Thank you very

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1 much.

2 Ms. Ellison?

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

22 We essentially do receive funding from
23 both the Department of Justice as well as the
24 Department of Health and Human Services, and some of
25 that funding is great and is used, particularly the HHS

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1 funding, the per capita funding, you're allowed to use
2 a portion of that to go towards housing and so we are
3 using that, but a lot of times what we have to do is
4 we have to patch it together. So we might have to have
5 a few nights in a shelter. We may have to even use
6 hotels occasionally which is not great for sex
7 trafficking victims, in particular, because it can
8 often trigger the trauma that they've experienced if
9 they've been sex trafficked in a hotel setting.

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

17 What we're finding from those calls is the
18 top three needs are housing, number one; legal services
19 is number two; and comprehensive case management is
20 number three. So this need for housing is critical.
21 You'll hear many people talk about, as it relates to
22 children, how there are fewer than 100 beds available
23 that are specific to trafficked children. So that's
24 a huge need. There's still a lot of funding that's
25 needed in that regard. A lot of funding needed in

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1 terms of representing the wide range of legal needs
2 which, as you would imagine, are not only immigration,
3 but also things like criminal defense. Oftentimes,
4 sex trafficking victims are charged with prostitution
5 offenses and then go on to have a criminal record, much
6 like Ms. Frundt was talking about. And essentially
7 that is something that keeps them from being able to
8 recover from the situation and go on and lead a
9 productive life. So those are really the top needs
10 that we see and we try to provide for those as best we
11 can.

12 COMMISSIONER ACHTENBERG: Thank you very
13 much.

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

21 But I think the issue that Tina also
22 brought up that you can't take a cookie-cutter approach
23 to any one of these 400 people because their
24 experiences, although they may sound the same, are not
25 the same. Some of them have been raped over and over

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1 again on the streets. Some of them have been held up
2 in somebody's house. I mean some of them have been on
3 the circuit. So their situations are different.
4 Their internal sense of self, though, are very
5 destroyed.

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

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

22 Commissioner Gaziano.

23 COMMISSIONER GAZIANO: Thank you.
24 Thank you all. Your testimony is all very helpful. I
25 want to thank you, not only for your testimony, but for

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1 your work and it really does move me that you all are
2 doing such great work. And it's very interesting,
3 your study in Japan. I want to read your book or at
4 least more about your study.

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

11 Attorney General Zoeller, if I understood
12 him correctly, said the statistics really aren't very
13 good and, if I paraphrase him correctly, that some of
14 the exaggerations are not serving the interest, I
15 wouldn't necessarily say this is a subject we should
16 not study, if certain types of numbers are 3,000 versus
17 300,000, but I noticed Professor Parreñas, in your
18 testimony, I'd like you to talk about, you talked about
19 the lack of serious statistics.

20 And I want to ask also, Ms. Rassen, for
21 one statistic. In your written testimony, you say
22 experts at Shared Hope International estimate 100,000
23 American juveniles are victimized through
24 prostitution each year. I've seen in a different
25 writing that the original study in which that was based

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1 was an estimate of 100,000 to 300,000 minors at risk
2 for being exploited. And that's a very different
3 matter. I don't know how people are defined at risk.

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

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

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

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1 of this is happening and they'll say that we can kind
2 of do that because we can't really know what's going
3 on.

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

19 So then what happens with sex trafficking
20 then is like we just want to rescue them and take them
21 out of the situation. But the problem with that is
22 that we're not acknowledging that a lot of them were
23 like willing workers, rather it's like jobs that we
24 would never do ourselves. They are jobs that we think
25 are just like inherently wrong such as prostitution.

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1 And so then I think this is what brings that disconnect
2 then in our information because of that.

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

12 COMMISSIONER GAZIANO: Ms. Frundt?

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

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1 Department on research and you need a direct service
2 person.

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

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

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

24 And then the kids who are runaways, there
25 have been studies about them. So basically for our

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

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

21 First of all, if you think about it,
22 there's sex trafficking, there's labor trafficking.
23 And essentially within each of those types of
24 trafficking, there are different venues in which it
25 occurs. So in the sex trafficking arena, you have

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1 brothels. You have massage parlors. You have street
2 prostitution. You have strip clubs. You have truck
3 stops. There's all these different venues.

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

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

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1 trafficking victim.

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

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

21 So I do understand the need because it
22 then impacts the need for laws and it impacts the need
23 for funding and so on and so forth. But this is sort
24 of like trying to count needles in a haystack. It's
25 very, very difficult in and of itself.

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1 We still need to do it. We don't need --
2 we can't just shy away from it. But at the same time
3 it's very difficult and there are inherent problems in
4 finding those statistics and getting them correct.

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

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

25 COMMISSIONER GAZIANO: Will there be

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1 uniform definition? Because the state laws are
2 different. The federal laws are different. Will
3 there be a uniform definition?

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

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

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

23 MS. RASSEN: I think technology has
24 actually played a big part in recruitment of girls and
25 women. One in seven kids aged 10 to 17, some figure

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1 similar to that, have been solicited for sex on the
2 internet. And for the lonely, isolated girl who
3 doesn't feel too good about herself, who may not have
4 family support, or anybody in the community who is
5 looking out for her and so forth, she responds. So she
6 puts up an ad herself and then gets solicited and
7 connects and then worse things happen to her.

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

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

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1 internet, I think. It needs help.

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

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

23 The kids age out of foster care at 18 and
24 they are virtually left on the street as if they were
25 getting out of jail or prison with \$200 or something.

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1 Now what does an 18-year-old these days, these days,
2 not 40 years ago, know about taking care of themselves.
3 Nothing. And with no resources and no support, no
4 community support, obviously no family support, they
5 then get into a lot of trouble and a life of crime. And
6 a lot of states are looking at providing more support
7 to the kids themselves. And I think the federal
8 government can play a role in that.

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

18 CHAIRMAN CASTRO: Any recommendations
19 for the federal government?

20 MS. FRUNDT: The demand, you know,
21 without supply there's no demand. And giving the
22 appropriate charges for these men who are buying sex
23 from children and not being able to prove -- you
24 shouldn't have to prove that oh, I didn't know that she
25 was a minor, when you called and asked for one. And

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1 so I truly believe that sends out a message. It sends
2 out a message to the survivors of this crime. What our
3 kids say, it's okay, we get the trafficking, we get the
4 pimp was wrong. But is it right to buy sex from
5 children? That's legal, right? That's what they ask
6 me, because that's what the law is showing them. They
7 still see these men every single day. So if we're not
8 taking care of the demand and getting these appropriate
9 charges and actually putting these men on a sex
10 offender list, then what are we doing this for?

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

22 This is an area that touches on every
23 government agency, whether it's federal level or
24 state, in terms of making sure that they're all
25 collaborating together and working on a plan that will

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1 address trafficking in a holistic way and look at all
2 forms of trafficking and all types of victims.

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

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

24 DR. PARREÑAS: I want to add some
25 recommendations as a scholar and as a researcher. So

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1 I think one thing definitely is that. I mean first I
2 don't really think it's necessarily true that it's a
3 needle in a haystack. I think there's been a lot of
4 scholars who have done work on groups who are
5 vulnerable to sex and human trafficking and basically
6 they basically look at labor migrants and in their
7 research have identified such people as vulnerable to
8 human trafficking. And that they've actually
9 documented like the nuanced ways to become trafficked
10 persons. But they also recognize that while within
11 this vulnerable group some fall into trafficking, not
12 all do. So I think more funding, definitely, for
13 scholars doing research on vulnerable populations is
14 needed.

15 I think more conversations between
16 scholars and people outside academia, and to make
17 available the work being done in academia to better
18 inform people of vulnerable populations, is necessary.
19 And then I think, broadly I think that there also has
20 to be a linkage made between how we perceive human
21 trafficking and how we perceive labor migration. I
22 think what we're not taking into account is that most
23 labor migrants are not free people. Most labor
24 migrants are working under conditions of legal
25 servitude. So their visas basically bind them to a

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1 particular employer. They cannot quit that job,
2 unless they want to get deported. But a lot of them
3 don't want to get deported and a lot of them don't want
4 to quit because they usually accrue a ton of debt before
5 they get there.

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

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

25 And like in The Netherlands, for example,

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

16 CHAIRMAN CASTRO: Commissioner Heriot
17 and then Commission Gaziano.

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

20 (Laughter.)

21 I'm fascinated with how people finance
22 immigration and how somebody from a poor country who
23 wants to come to a country where they think they're
24 going to get a better break economically, how they're
25 able to finance that, and you might be able to tell me

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1 something about that with the Filipinas going to Japan.
2 I mean, if a young woman in the Philippines wants to
3 move permanently to Japan, can she finance it this way
4 or is there a certain time limit? What's the --

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

16 When you become a domestic worker, if you
17 choose to become a domestic worker, it will cost you
18 a lot of money. So on average, it will cost you about
19 \$12,000 US dollars to go to Italy; \$8,000 to go to
20 Canada; \$5,000 to go to Taiwan; \$3,000 to go to Hong
21 Kong. It will not cost you anything to go to Jordan
22 because it's an undesirable location, or Saudi Arabia.

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

25 DR. PARREÑAS: No. So then when they go

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1 to Japan, they usually actually don't have to pay
2 anything. But what happens, however, is because they
3 are trained -- they get into debt because they're
4 required to train as a dancer and singer.

5 COMMISSIONER HERIOT: So who pays for the
6 transport?

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

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

23 So then when they get to Japan, their
24 wages are actually, they're not paid in full, but
25 they're only paid a quarter of their wages because

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1 three quarters of it goes to their brokers. So this
2 kind of labor migration system is not just particular
3 to them, but it actually goes on like globally for
4 almost all migrant workers --

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

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

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

25 CHAIRMAN CASTRO: Commission Gaziano,

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1 then Commission Kladney, then myself.

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

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

22 MS. ELLISON: I think in terms of a legal
23 definition, so what we have to look to, obviously, is
24 the Trafficking Victims Protection Act as well as the
25 state laws. And basically, you know, I think

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1 Professor Parreñas talked earlier about the definition
2 under the TVPA about sex trafficking which is
3 receiving, recruiting, enticing, harboring, providing
4 somebody for the purposes of a commercial sex act.

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

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

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

24 MS. ELLISON: I would hate to venture a
25 guess because it would be a guess in terms of the

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

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

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1 around that or sex trafficking. So I think there's
2 good arguments either way.

3 COMMISSIONER GAZIANO: Ms. Frundt.

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

16 So when you get to that decision, to me,
17 any time you have a pimp manager that takes all of your
18 money, puts you on the website and you get nothing, then
19 that would be a control mechanism, just point blank.
20 It's your own mindset that doesn't even understand it
21 because it's what you've been used to your whole entire
22 life. And with that said, using Amsterdam as one of
23 those places where it was legal, well, they had a
24 problem when they had to shut down 20 or so businesses
25 because of the trafficking situation.

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1 When you legalize something, what do you
2 think the traffickers are going to do? They're going
3 to have to false-identification the material and bring
4 the girls there. Just like in the U.S. they bring
5 girls overseas as well, same thing. This is a business
6 venture. Pimps think like marketers. So they're
7 going to think of a way of how they're still going to
8 make their money. So to me, even though you may be over
9 18, if you say you're doing it on your own, fine. Then
10 no one gets a cut and you solely are the one that's
11 responsible and in control of who you sleep with and
12 when. If there's not, and there is no mechanism,
13 someone else is making dates and driving you and taking
14 all your money and holding it for you, then that's not
15 truly you doing it on your own.

16 CHAIRMAN CASTRO: Commissioner Kladney.

17 MS. RASSEN: Can I add something? At
18 SAGE we have the same perspective that Tina has which
19 is people get into a certain life and even the young
20 adults that we see, under 24, a lot of them who have
21 been put in jail for prostitution charges, they don't
22 feel they've been exploited, even though they have a
23 pimp and they've been trafficked and so forth. They
24 think that somehow it has been their choice, even
25 though they've been beaten and raped.

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1 So it comes down to one thing that -- one
2 group that I think does choose what they do with their
3 bodies are sort of the high-end escorts, very high-end
4 where even though they may have internal
5 vulnerabilities that we're describing they are somehow
6 able, in my perspective, to make some kind of a choice.
7 Whereas from what we see at SAGE, nobody can make a
8 choice. You get into -- which we started to this
9 morning, the philosophical debate about what is
10 choice.

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

19 CHAIRMAN CASTRO: Commissioner Kladney.

20 COMMISSIONER KLADNEY: Thank you, Mr.
21 Chairman.

22 CHAIRMAN CASTRO: You're welcome.

23 COMMISSIONER KLADNEY: Professor
24 Parreñas, thank you for coming. I have a couple of
25 different areas I'd like to explore if I could. One

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1 is this idea of a four- or five-century-old process of
2 brokers for labor. And there are a bunch of anecdotal
3 stories. People go to the Mideast and they don't come
4 back or they're slaves, just like the one in New York
5 or whatever.

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

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

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

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

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

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

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

24 DR. PARREÑAS: What I was just calling
25 attention to was the condition of legal servitude that

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1 most migrant workers today are subjected to. And so
2 that also occurs in the U.S., so for example, HB visa
3 workers in high-tech technology in the U.S. are under
4 that same condition. It's a condition they share with
5 a manufacturing worker in Taiwan. They're bound to
6 their employer. So we just have these assumptions
7 that they would just be more humane here to that worker
8 than they would be in Taiwan. But it's the same legal
9 status that --

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

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

14 COMMISSIONER KLADNEY: Okay.

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

23 COMMISSIONER KLADNEY: You know how
24 valuable that is.

25 DR. PARREÑAS: So it's a question for us

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

8 COMMISSIONER KLADNEY: And what is your
9 conclusion?

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

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

18 DR. PARREÑAS: I haven't really proposed
19 a mechanism, but I think that, for example, like they
20 should be able to go to their embassies. I think that
21 they should be able to find a way to be free of their
22 debt. But for the most part I do think that migrant
23 brokers should be minimized. I think direct
24 employment should be a possibility because a lot of
25 what happens in most of these servitude cases there is

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1 a migrant broker that then prevents them from quitting
2 because they accrue such debt to that migrant broker.

3 COMMISSIONER KLADNEY: And they can be
4 abusive, can they not?

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

10 COMMISSIONER KLADNEY: And this is a
11 worldwide problem?

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

14 COMMISSIONER KLADNEY: And it happens
15 here in this country?

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

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

23 DR. PARREÑAS: Yes, I believe so. The
24 temporary work visas, I think oftentimes if they're
25 like temporary work visas in other countries, they're

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1 conditional -- the visa is conditional to your
2 continued employment to your sponsor, so you are bound
3 to a citizen sponsor, yes.

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

8 MS. ELLISON: Yes, actually --

9 COMMISSIONER KLADNEY: Thank you.

10 (Laughter.)

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

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1 worker.

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

14 Essentially, what it does is it creates
15 a registry system. Actually, the Department of Labor
16 is already keeping track of labor recruiters, but we
17 need to get a little stronger on requiring them to
18 register in this system and then being able to track.
19 Employers would be able to use it to find out okay, this
20 is a registered labor broker. They are doing what
21 they're supposed to be doing. They're abiding by the
22 laws and so on and so forth. And then also that would
23 allow us to track kind of ongoing their activities.
24 There would be a penalty if people don't abide by the
25 system and there would be other protections in place

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1 as well, so we do have a fully-fleshed-out proposal.

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

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

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

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

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

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

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1 servitude is better than poverty. So they do this.

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

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

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

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

17 DR. PARREÑAS: Yes.

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

21 DR. PARREÑAS: Okay.

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

24 DR. PARREÑAS: So I think we're talking
25 --

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1 COMMISSIONER KLADNEY: The children of
2 the Pot Pang.

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

5 COMMISSIONER KLADNEY: Right.

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

9 COMMISSIONER KLADNEY: That, I
10 understand.

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

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

23 DR. PARREÑAS: It's a problem, yes. I
24 tried to avoid the word sex trafficking because I want
25 to be clear what we're talking about. Are we talking

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1 about child prostitution. Are we talking about forced
2 labor -

3 [unintelligible - multiple voices]

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

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

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

15 CHAIRMAN CASTRO: Thank you. Ms.
16 Ellison, I have two questions for you. The first is,
17 in your PowerPoint you talked about that domestic
18 servant who is kept in that mansion. You mentioned
19 that they were taken away by Immigration, but what
20 actually ended up happening to that person? And
21 secondly, you also referenced the work that you do in
22 the transgender community. Could you elaborate a
23 little bit on the challenges that the transgender
24 community faces when it comes to the issue before us
25 today?

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1 MS. ELLISON: Sure, so in reference to
2 the New York case, that case is still ongoing, but the
3 person that was in domestic servitude has been taken
4 out of the situation and is safe, so I can say that.
5 And the case is ongoing.

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

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

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

24 I also want to add my sincere thanks and
25 congratulations to Margaret Butler who really led the

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1 team that put together today's panel. So thank you,
2 Margaret.

3 (Applause.)

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

7 I also just want to let the public know
8 that the record for this briefing report is going to
9 remain open for the next 30 days. If panelists or
10 members of the public would like to submit materials,
11 they can mail them to us here at the United States
12 Commission on Civil Rights, Office of the General
13 Counsel at 624 9th Street, N.W., Washington, D.C.
14 20425. It is now 2:30 and this meeting -- this
15 briefing of the U.S. Civil Rights Commission is
16 adjourned. And briefly we will convene our monthly
17 business meeting. Thank you.

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

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