STEVE GOLDSTEIN

THE INVISIBLE ONES

BY REBECCA CLARREN

_Ms._ undertook an investigation into the shadow world of sex and labor trafficking in the United States, and learned not just the dimensions of the problem but the startling inadequacy of the federal response

WE LIKE TO THINK OF SLAVERY IN AMERICA AS SOMETHING CONSIGNED TO HISTORY books, a dark chapter set in Southern cotton plantations and the hulls of ships set sail from Africa. Florencia Molina wishes this were true.

For part of the year in 2002, Molina, a 30-year-old Mexican, was held against her will and forced to work in a factory in Southern California, making dresses from 5:30 in the morning until 11 at night, seven days a week. She was not allowed to take a shower or leave the factory, at night sharing a small bed with another woman. She received one meal of beans and rice a day. If she didn't sew fast enough, her boss would pull her hair, pinch and slap her. Though she often worked 17 hours a day, her time card only gave credit for three.

Molina wasn't physically chained to her sewing machine; she wasn't shackled to the floor of the factory. Even so, she says she was in bondage. The factory doors were locked during the day and at night a watchman prevented her from leaving.

"If we wouldn't do what she [her boss] said, she told us somebody who we love would pay the consequences," says Molina, a small woman with steady dark eyes and black hair that falls below her waist. "She told me she could kill me and no one would ask her for me. She told me dogs have more rights than I have in this country."

Left: Florencia Molina, trafficking survivor

MAURA C. LANAHAN

Molina is one of the estimated tens of thousands of people trafficked into the U.S. from other countries and forced to work against their will. Large numbers are from El Salvador, Mexico, Korea, Vietnam and China, but in any country where people are desperate for jobs, they're prey to the allure of a mythic, prosperous U.S. It's hard to find an incontrovertible estimate of the numbers, because trafficking operates in a shadow world, but the CIA estimated in 1999 that as many as 50,000 women and children were trafficked into the U.S. each year. More recent estimates by the Bush administration have lowered this figure—to between 14,500 and 17,500. Polaris Project, an international anti-trafficking group, thinks there are likely more than 100,000 trafficking victims currently enslaved in the U.S., and those include, unbelievably, an undetermined number of enslaved U.S. residents as well.

Whatever the tally of victims, all modern-day slavery, or human trafficking, operates on coercion, fear, psychological abuse, torture or rape. About 80 percent of those enslaved are women and girls, pawns in the fastest-growing and one of the largest criminal industries in the world, second only to the drug trade, and tied with the arms trade. With an estimated 800,000 people trafficked across all international borders each year, the shadow industry is estimated to generate $31.6 billion in profits annually.

Molina's story is not unusual. Desperate times had prompted her to leave Mexico, after her ex-husband kicked her and their young children out of the house. She seized a chance to work in a U.S. factory owned by a woman from her town, planning to return to Mexico in six months with enough money to open her own sewing shop.

However, when she arrived in Southern California, the boss confiscated her birth certificate and ID and told her that if she tried to run away and go to the police, she would be jailed. Without knowing English, and with a fear of police based on the corrupt law enforcement of her hometown, Molina believed her.

"When I came to this country, I came with a lot of dreams," she says. "But when I arrived I realized that my dreams were dead. I was in the darkness with no hope and no light."

THERE IS A PERCEPTION, PROPAGATED IN LARGE PART BY MAINstream media, that slavery in the U.S. occurs mostly in the guise of forced prostitution. But sex trafficking constitutes only about half of slavery in the U.S., according to a report by the Berkeley Human Rights Center and the nonprofit Free the Slaves based on surveys of trafficking service providers, newspaper articles and government reports.

The majority of trafficking victims are people who may be sewing our clothes, picking our crops, washing dishes in our restaurants, cleaning our motel rooms and building our homes and office buildings. They may be enslaved as domestic servants in our neighbors' homes. And they're everywhere in the U.S. While trafficking victims are most prevalent in New York, Texas, Florida and California, investigations have been opened in 48 states and all U.S. territories.

Due in large part to the efforts of feminist groups, in 2000 Congress passed the Trafficking Victims Protection Act (TVPA), which created a special "T visa" that enables victims of sex and labor trafficking to remain temporarily in the United States—if they agree to assist in the investigation or prosecution of their traffickers and if they would suffer severe harm if removed from the U.S. After three years, the attorney general can admit them for permanent residency—though a process for doing so has yet to be worked out. Previously, trafficking victims were often deported as "illegal" aliens.

Under the TVPA, trafficking victims also become eligible to receive federally and state-funded services just as if they were refugees. These include cash assistance, housing, food stamps, health care, and educational and job services.

According to President George W. Bush, human trafficking is an issue that his administration cares about deeply. "We're beginning to make good, substantial progress," said Bush in 2004. "The message is getting out: We're serious. And when we catch you, you'll find out we're serious. We're staying on the hunt."

But, in fact, seven years after the passage of what was hailed as a very innovative law that created powerful new tools to prosecute and punish traffickers, the Bush administration has failed to fund and implement its provisions in a truly meaningful way. There has been a shocking lack of trafficking investigations—just 639 were opened by the Department of Justice between fiscal years 2001 and 2006. Only 360 defendants have been charged, resulting in 238 convictions. And, as of January, the federal gov-

BOB CAREY

Left: Julie Su, co-founder of Sweatshop Watch. Above: Thai nationals who were trafficked to El Monte, Calif., waiting to meet with Thai consul general after a raid that freed them.

ernment has provided refugee-type benefits to just over 1,100 people who had been trafficked.

"Here we have this crime that is often rape plus torture plus assault, and yet we have very little enforcement," says Kevin Bales, president of the Washington, D.C.-based Free the Slaves, which works to end slavery worldwide. "Think of it this way: Roughly 17,000 people were murdered in America last year—about the same number as the State Department claims were trafficked. Imagine if we only prosecuted, as we do with slavery, a little over 100 of those cases. People would freak out; it would be on the cover of *Time*. So far we've heard plenty of talk and [had] very little walk."

Furthermore, the regulations that the federal government was supposed to write enabling victims of trafficking to gain permanent residency status have yet to be completed, so those who have been released from enslavement are left in limbo. A spokesperson for the Department of Homeland Security says that the rules remain in draft form and there is no pending date for their release.

HOPE FOR VICTIMS OF TRAFficking has an address; it's just very hard to find. In Los Angeles, off a busy street near apartment buildings and convenience stores, hidden away behind oodles of security, is a confidential shelter. In the backyard, bright flowers and fruit trees line a vegetable garden where survivors of trafficking plant not only vegetables and herbs, but also the seeds of their own recovery.

"Our clients planted this garden as a place of refuge and meditation to help them start to take control of their lives again. It's about trying to re-create a normal life," says Kay Buck, executive director of the Coalition to Abolish Slavery & Trafficking (CAST), a nonprofit that runs the shelter and provides other social services for trafficking victims.

In the entire U.S., there are only a handful of shelters devoted entirely to victims of trafficking, and the situation is unlikely to improve in the near future. CAST has seen its budget sliced by over 50 percent since the federal Office of Refugee Resettlement, under the Department of Health and Human Services, restructured its funding stream in 2006. Now, over half the federal money available for victim services no longer goes directly to nonprofit service providers, but instead is given to intermediaries, primarily the U.S. Conference of Catholic Bishops' Migration and Refugee Services. The Conference, which receives up to $6 million per year under a five-year contract, then subcontracts with individual groups like CAST, reimbursing groups on a per-victim basis—at an initial maximum of $600 per victim per month—to pay for such needs as food, rent and health care. The groups are only guaranteed these funds, individual by individual, for a few months at a time before they must reapply, thus hindering long-term service plans. The U.S. Conference of Catholic Bishops also requires that service providers stipulate that they won't hand out condoms or provide referral for abortion.

"HERE WE HAVE THIS CRIME THAT IS OFTEN RAPE PLUS TORTURE PLUS ASSAULT, **YET WE HAVE VERY LITTLE ENFORCEMENT."** —KEVIN BALES

"We are being nickeled and dimed to the point where we do not have time to provide much-needed services to trafficked individuals," says Joy Zarembka, director of Break the Chain Campaign, a Washington, D.C.-based group that helps victims of domestic servitude. "Because organizations have no way of knowing how many cases they will have or how much money they will receive, they cannot guarantee that there is funding for staff. How can you predict a

Left to right: San Francisco district attorney Kamala Harris; state officers and El Monte police search suspected trafficking site.

HARRIS: MARCIO JOSE SANCHEZ; OFFICERS: RICK MEYER/LOS ANGELES TIMES

budget that is predicated on the amount of trafficked individuals who *may* escape in your jurisdiction over the course of a year? This is not what the Trafficking Act intended."

For women like Eyam (not her real name), 37, a former slave of an Indonesian family living in Beverly Hills, this failure to create a process for permanent residency has prevented her from feeling truly free. Enslaved for 17 years, Eyam was beaten with hangers, raped and often fed only noodles or rice. She was paid nothing to clean, cook and wait on the family 24 hours a day.

"I was living in a hell," she says in her heavily accented voice. "They make me really hurt in my life. I don't trust any more with men. Only thing they didn't do to me was to take my spirit out of my body."

Eyam escaped in 2000, using a knife to open a lock while her captors were out of town. She is worried that she will not receive permanent residency and will be forced to return to Indonesia. Returning to Indonesia permanently, where her U.S. captor has many connections and where she fears retaliation for cooperating with U.S. law-enforcement authorities, isn't an option. Eyam is desperate to visit her family—poor farmers in rural Indonesia—but immigration attorneys warn her and others not to travel outside the U.S. until their permanent residency status is approved.

The requirement that trafficking victims must cooperate with law enforcement to prosecute their traffickers in order to receive a T visa can put women or their families at tremendous risk, says Kamala D. Harris, district attorney of San Francisco. Harris was one of the driving forces behind state legislation to make human trafficking a felony in California and to provide additional funds for trafficking survivors to receive social services.

"We have to do everything we can to make sure women and girls don't face retaliation, even death, for testifying," she says. "First and foremost our guiding approach should be protecting victims. Then, in the process, if victims want to come forward and lend their voices, that's all the better."

Trafficked women don't easily trust law enforcement anyway, according to Mario Estrada, a 32-year veteran with the Los Angeles County Sheriff's Department. As he passes through Hacienda Heights, a middle-class community east of the city of Los Angeles, he recalls a raid at an ordinary-looking beige house six months before. There, behind the boarded-up windows, seven Korean women, the youngest aged 15, were forced to work as prostitutes.

"The girls kept saying they were OK," says Estrada. "They're so afraid of law enforcement, they won't help us, they won't open up. It's the hardest thing to convince them that [they're] not suspects, [they're] victims."

While Estrada suspects there could be over 100 similar operations in Los Angeles County, he isn't optimistic about uncovering too many of them. There are 9,000 law enforcement officers in the Sheriff's Department, but only Estrada and three others have experience and training in human trafficking. In the past year, they've busted just five human trafficking operations.

And Los Angeles—where county sheriff's department and city police personnel are now being educated on human trafficking—is better at dealing with trafficking than most jurisdictions. While 34 states have passed some form of anti-trafficking law, only California and a few other states mandate that law enforcement be trained in recognizing and apprehending traffickers. On the federal level, as of May the U.S. Department of Justice had given only 42 grants to cities and states to train local law enforcement. That means that while agents at the FBI and at Immigration and Customs Enforcement offices throughout the country may understand human trafficking, many local law enforcement officers—who are most likely to be the first to come in contact with trafficking victims—remain clueless.

"In the absence of training, the concern is that trafficking cases may be misdiagnosed," says Katherine Chon, executive director of Polaris Project, a Washington, D.C.-based nonprofit. "For example, in the Asian massage-parlor network, women are transported to the parlor by taxis that are controlled by traffickers. An untrained observer might assume that the woman was free to walk to a street corner and hail a cab, not realizing she was a trafficking victim."

Aside from federal and local law enforcement identifying trafficking victims, the federal Department of Labor (DOL) also plays a role, as it's charged with monitoring labor conditions to ensure that slavery doesn't

occur. The DOL's already understaffed Wage and Hour Division, which interfaces with victims of trafficking in farm fields and factories, saw its staff cut further between 2001 and 2005. And it shows. At the DOL office in Fort Myers, Fla., for example, which serves an estimated 100,000 Spanish-speaking migrant workers, there is no full-time staff and the office is open just a half-day a week.

WITHIN THE NEXT YEAR, Congress will very likely reauthorize the Trafficking Victims Protection Act for the next two years. It's an opportunity, say advocates, to reform the law. Aside from trying to untangle T visas from the requirement that victims cooperate with law enforcement, a coalition of anti-trafficking advocates wants U.S. and international agencies to establish a database on patterns of trafficking.

At the state level, says Jessica Neuwirth, founder of the international human-rights-for-women organization Equality Now, the need remains for anti-trafficking legislation to authorize local prosecutions and provide more money for shelters, victim services and law-enforcement training. Neuwirth helped draft stronger anti-trafficking legislation for New York—which passed this June—to separate sex and labor trafficking into separate categories, placing sex-trafficking crimes under the existing laws against prostitution and pimping. The law also works to stop sex trafficking at the demand end by increasing penalties for johns.

"We have to shift the burden of responsibility to the people who go out and buy a woman for sex," says Neuwirth. "Hopefully other states will use the New York law as a model."

Clearly, better training for law enforcement will be a key to victim identification. Groups such as the National Center for Women & Policing (NCWP), a Washington, D.C.-based division of the Feminist Majority Foundation (publisher of *Ms.*), have brokered meetings between nonprofit social service providers and federal law-enforcement authorities to increase outreach and education about trafficking. In addition, NCWP has brought together law-enforcement officials from various foreign embassies to share their country's experiences with trafficking and attempt to coordinate international responses to trafficking. More models such as this are needed, says Margie Moore, director of the NCWP.

Ultimately ending labor slavery will take more than good laws and trained law enforcement. Corporations that profit from cheap labor must be held accountable, says Julie A. Su, co-founder of Sweatshop Watch in Los Angeles and litigation director of the Asian Pacific American Legal Center. Those corporations often subcontract labor, then claim ignorance of worker enslavement by their subcontractors. That's no excuse, says Su: "If they claim they don't know the conditions in which workers labor, they're willfully ignorant. A primary reason trafficking exists is the demand by companies for the cheapest, most vulnerable workers."

While Su and others have filed lawsuits over the past several years to ensure that companies pay legal wages, she suggests the situation won't improve greatly until the public becomes aware and outraged by the conditions under which a pair of pants was sewn, or produce was picked. Laws that require "sweatshop free" labeling in garments and on food products would increase consumer awareness and pressure for change.

Trafficking survivors such as Molina and Eyam are instigating change, and reclaiming their lives. They have joined a 10-member advisory caucus created by CAST to advocate for local and national policy, empower other survivors and become leaders in the fight to end modern-day slavery.

Today, Eyam lives in her own apartment, and cooks and cleans at a local homeless shelter. When she talks about her job, her face breaks into a wide smile, exposing brand-new braces on her teeth.

Molina works as a security guard in Los Angeles; she's completed English classes and is working toward her GED. But she has not yet been able to bring her sons from Mexico to the U.S.

"Not being with my children is the hardest part. I know some days they might have pain and feel sad and I'm not there to console them," she says, tears streaking her cheeks. Then she swallows hard and talks about her hopes: She wants to become a sheriff to help other victims of trafficking.

"IF [CORPORATIONS] CLAIM THEY DON'T KNOW THE CONDITIONS IN WHICH WORKERS LABOR, THEY'RE WILLFULLY IGNORANT. **A PRIMARY REASON FOR TRAFFICKING IS DEMAND FOR THE CHEAPEST WORKERS."**

—JULIE SU

"I want to be for my children somebody who can inspire them to be a good person. I want to be a voice for those who are in fear, who don't have the power or the courage to come forward. There were a lot of people who helped me; I call them my angels. I want to be one of them for someone else." ■

REBECCA CLARREN *writes about labor issues for a variety of national magazines. She lives in Portland, Ore.* Ms. *research associate Jennifer Hahn contributed to this article. For ways to help stop trafficking, see www.msmagazine.com.*