

Oversexed

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A young Kenyan woman named Alice B. is classified by the US government as a victim of human trafficking, but you've probably never heard of her case, because the work she was forced to do didn't involve turning tricks. Alice, who did not want to use her last name for fear of retaliation, took a childcare job a few years ago that required her to move from Africa to the Bay Area. She agreed to work regular hours for about \$200 a week. But when she got to California, her boss--a prominent Kenyan woman journalist--confiscated Alice's visa and made her baby-sit day and night for as little as \$50 a month. Alice fled after several months and notified authorities. Eventually she got legal residency under a federal law known as the Trafficking Victims Protection Act (TVPA). The law, she says, has helped her put her life back together.

First passed in late 2000, the TVPA slaps penalties onto those who move people across borders and force them to work against their will. It also offers assistance, including permission to settle in the United States, to immigrant victims like Alice.

On paper the law looks good. But in practice it hasn't helped many people so far, and it's hurt others, while placing undue emphasis on commercial sex work and downplaying the plight of victims in other jobs, like Alice. Probably because she was "just" an imprisoned nanny and not a brothel captive, the Feds declined to criminally prosecute her boss, and they hardly publicized her case. That's often what happens with people forced to work in factories, fields, restaurants and homes--and there are plenty of them in the United States. Meanwhile, government press releases and the news are rife with accounts of "sex slaves"--even though the limited evidence that exists suggests sex work is not the most common type of forced labor, and even though most immigrants who work as prostitutes do so voluntarily.

Officially, TVPA enforcers count "voluntary" prostitutes as victims of trafficking and go out looking for them. But once found, these so-called victims are often deported. According to Dawn Passar, a Thai immigrant who has worked for years doing AIDS prevention with San Francisco-area prostitutes, "I've never met a Thai woman smuggled in for sex work who didn't know that's what she'd be coming here to do." But the women often get snared in massage parlor raids and are slated for removal from the country. "It costs \$40,000 to get legal help," says Passar. "To pay, they have to do even more sex work."

The TVPA is also policing the speech of labor- and women's-rights groups, and sanctioning countries--like Cuba and Venezuela--whose politics the US government doesn't like. The law's split personality derives from the fact that a split group created it. On one side were evangelical Christians, with their typical fears of foreigners, leftists and sex--and their morbid fascination with forced prostitution, even though more people may be forced to pick broccoli than to rent out their

genitals. Then there were feminists whose concern about the exploitation of women--like the evangelicals'--also fixated on commercial sex. The evangelicals and feminists seized the lobbying reins by making common cause around what both call "sex slavery." For evangelicals the deal was a bargain. For feminists it's turned Faustian. Meanwhile, the pact between these two groups remains under most progressives' radar. It seems too weird to imagine.

Gloria Steinem working with the likes of Chuck Colson? It makes sense if one looks at history, going back about a decade. That's when US anti-porn feminists gave up trying to ban sexual imagery and shifted their energies to prostitution. Former anti-porn activist Laura Lederer, for example, helped develop an "abolitionist" movement that aims to ban all commercial sex acts, involuntary and voluntary--even if prostitutes themselves protest the prohibition. There's no such thing as consent, as far as abolitionist organizations, like the Coalition Against Trafficking in Women, are concerned. For them, everyone who crosses borders to work in prostitution is a "trafficking" victim.

Other feminists--particularly those who work with immigrants and women in developing countries--disagree. Activist theorists like Ann Snitow and Carole Vance view prostitution as just one of many onerous and often sexist jobs available to poor women who migrate to support their families. They reject the idea of singling it out for opprobrium if it's done voluntarily, by adults. Wary of law-and-order solutions to structural economic and social problems, these feminists talk about "sex work" and encourage members of the trade to unionize. Organizing in countries like India, they note, has educated voluntary prostitutes to identify captives in the brothels and help liberate them. That approach combats trafficking better than does relying on often corrupt, macho police. Even do-gooder raids frequently end with "victims" being deported--or fleeing their "rescuers" and returning to the brothels. Organizing also helps sex workers protect themselves from sexually transmitted disease, violence and exploitation by pimps. Organizing would be much easier if prostitution were decriminalized, proponents of this approach believe. It would promote gender and socioeconomic equality--making it easier for sex workers to leave the trade if they wish to.

During the 1990s feminists from the abolitionist and the sex-work camps engaged in spirited debate about prostitution and the definition of trafficking, at gatherings such as the UN Fourth World Conference on Women, in Beijing in 1995. But soon the discussion was pre-empted by another, monolithic voice: that of the evangelicals.

In 1998, under the tutelage of Michael Horowitz, of the neocon think tank the Hudson Institute, leaders like Watergate felon Colson--who found Jesus while in prison--and Richard Land, head of the ethics and religious liberty commission of the Southern Baptist Convention, lobbied successfully for the Religious Freedom Act, which makes "promoting religious freedom" a "core objective of U.S. foreign policy," according to the State Department. The act earned evangelicals a State Department office and an at-large ambassadorship. It justified funding for "faith-based" groups to monitor religious persecution abroad. It gave evangelicals clout in decisions to sanction nations deemed out of compliance. And it established the US Christian right as a player in the international human-rights field.

While pushing the Religious Freedom Act, Colson, Land and their allies gained a certain ecumenical cachet by working with other constituencies, such as Jewish rabbis and politicians who were troubled by persecution. With their newfound respectability, the evangelicals proceeded to

the trafficking issue and linked up with abolitionist feminists. The two groups garnered support from conservative New Jersey Congressman Christopher Smith. An evangelical and arch-foe of *Roe v. Wade*, Smith is co-chair of the House's "Pro-Life Caucus" and has written a spate of legislation banning US financial backing for family-planning clinics in the Third World that offer abortions. But just as feminists joined moral conservatives on the Meese Commission to get porn outlawed in the 1980s, they were willing to wheel and deal with people like Smith around the trafficking issue.

By the late 1990s the media were full of stories about the globalizing push to move people around the world for forced and child labor. Little boys toiling on cocoa bean plantations in Cameroon, Mexican deaf mutes made to sell tchotchkes on the streets of New York--clearly, many trafficking victims were not employed in brothels. But Representative Smith drafted a bill that limited the definition of trafficking to work involving sex--whether coerced or not--and eliminated from consideration all victims except women and children.

Labor-rights-oriented groups objected, and the late Senator Paul Wellstone wrote most of the TVPA's final wording. It outlaws all forced work--not just prostitution, and not just labor done by women and children. For the TVPA coercion is required in order to prosecute perpetrators and help victims. But abolitionist feminists and evangelicals retained language that labels as "trafficking" all smuggling of immigrants into prostitution--even if they knew what line of work they'd be getting into and are doing it voluntarily, and even though immigrants working voluntarily as prostitutes probably far outnumber those who are coerced, both internationally and in this country, according to researchers such as University of West Indies sociologist Kemala Kempadoo, who studies migration and sex work. In a slick rhetorical maneuver, the TVPA offers no assistance to individuals who've been voluntarily smuggled to work as prostitutes, yet it counts them as "trafficking" victims, along with brothel prisoners. The conflation inflates the severity of the "sex slave" problem in the public mind.

The TVPA is now almost five years old. It created a "Trafficking in Persons" office in the State Department and employs yet another at-large ambassador--currently John Miller, a former Republican congressman from Washington State. The Bush Administration has earmarked about \$150 million to enforce the law and help victims. Much of the money has gone to NGOs with long experience in assisting immigrants suffering from problems such as domestic violence and labor exploitation. But funding is also being snapped up by "faith-based" groups who've never before done this kind of work. Many, like Beverly LaHaye's Concerned Women for America, are obsessed with rescuing prostitutes from moral turpitude. For them, commercial sex is far worse than other exploitative work poor people do--forced or not.

The government encourages the fixation. The TVPA's preamble, written in 2000, estimated that each year the United States was receiving 50,000 trafficked people. All were assumed to be women and children--by far the likeliest groups to be pressed into prostitution. Not until 2003, when the TVPA was amended (and the 50,000 annual victim figure slashed to at most 20,000), did the State Department include men in its estimate.

Forced prostitution clearly does exist in the United States. In one notorious case, five Mexicans--including three women--pleaded guilty to recruiting teen girls in Mexico with promises of good jobs across the border, imprisoning four of them in a house in Plainfield, New Jersey, and making them have sex six days a week with paying customers. A similar scenario in New York City led to

guilty pleas in April by a family of pimps.

These cases could be the tip of an iceberg. Or they could be rare. No one knows. Even the State Department's revised 20,000 figure remains "very suspect" as being too high, says David Feingold, an anthropologist who's in charge of anti-trafficking projects for UNESCO. Estimates aside, very few people in this country are coming to the authorities to complain they've been trafficked. The dearth is reflected in figures for the T visa, the one Alice B. got that allowed her to stay in the country after she ran away from her nanny job in Palo Alto. Each year since 2001, the government has set aside 5,000 of these for trafficking victims. Thus, the authorities by now could have counted more than 20,000 victims. Yet according to the Department of Homeland Security's Citizen and Immigration Services Division, only 1,084 people have filed for T visas. Most applicants reported being forced into labor such as construction, welding and domestic work. These figures suggest that the nation harbors more enslaved drywallers and baby-sitters than it does brothel prisoners.

Still, the media favor sex-trafficking stories over accounts of other forced work. Television and the press are full of titillating reports, often with suggestive visuals (a *New York Times Magazine* cover piece featured a photo of a teenaged victim posed in a Catholic-style schoolgirl uniform--sitting on a bed). Despite the likelihood that the coverage is skewed, researchers such as Kevin Bales, of the NGO Free the Slaves, have tallied press clippings to argue that prostitution predominates over other types of labor trafficking. The State Department makes the same claim by citing the Bales study. The International Labor Organization used similarly shaky methodology to arrive at its claim, published earlier this year, that most immigrants trafficked to industrialized countries are brought for sex work.

But that's not what people who work with forced labor victims are finding. "Only one-third of my cases are about sex trafficking," says Suzanne Tomatore, an attorney who heads the Immigrant Women and Children Project of the Association of the Bar of the City of New York. Tomatore says that the "vast majority" of her clients were trafficked into domestic work, including immigrants brought to work for UN and consular officials. The typical employee "gets paid \$50 a month or not at all. They're working seventeen, eighteen hours a day, catering parties, washing laundry by hand even though there's a washing machine. They've had their documents withheld and their phone calls monitored." It's the same story in the Washington, DC, area, according to Layli Miller-Muro, director of the suburban Virginia-based women's human rights group the Tahirih Justice Center--except that many traffickers there are World Bank employees.

In Los Angeles, the Coalition to Abolish Slavery and Trafficking (CAST) also deals mainly with victims who've had nothing to do with prostitution. "Besides bondage in households, we're seeing an increase in people of both sexes trafficked into restaurants and construction," says CAST director Kay Buck. "And factories--often victims are forced not just to work but to sleep in them."

Though the NGOs refer many of these people to the Feds, they seem to get a lot less government PR than do victims who can be portrayed as sex slaves. The Department of Justice publishes a newsletter with colorful bar graphs illustrating its prosecution statistics. The blue bars, for "Sex Trafficking," are much higher than the red ones, for "Labor Trafficking"--implying that the vast majority of DOJ cases under the TVPA are about prostitution. The DOJ won't release comprehensive narratives of each case, but details scattered in departmental press releases and newsletters reveal that many involve women and girls trapped in domestic or restaurant work who

were molested or raped by a male employer or by men in his family. The main work these victims did was as cooks, waitresses and housekeepers. The sexual assaults did not involve money. Still, the government apparently is classifying these scenarios as sex trafficking.

Service providers stress that coerced sex brutalizes victims, and they're glad the government and the media are concerned. But they wonder why other workers' suffering gets so much less attention. The terror evoked by imprisonment in a sweatshop, says CAST's Buck, "is just as severe as it is for a person who's sex trafficked." What's more, most people who've been trafficked are in the country without immigration papers. Indeed, they went into bondage to begin with because enforcement of this country's borders is getting more and more strict. Tightening borders ups the price of being smuggled, according to UN researcher Susan Forbes Martin. Smugglers often import their clients on credit, selling the debt to restaurant, sweatshop and brothel owners; debtor immigrants then work off the money they owe. Even when voluntary, this debt-bondage arrangement is illegal, like just about everything else in undocumented immigrants' lives. They're so used to being underground that "they're more terrified of the government than of traffickers," says attorney Juhu Thukral, director of the New York City-based Sex Workers Project of the Urban Justice Institute.

As part of its work with prostitutes, the Sex Workers Project assists trafficking victims. But "when we say, 'You have to sit down with FBI agents,'" Thukral says, "suddenly the trafficking situation they escaped from doesn't seem so bad." Or at least not bad enough to apply for TVPA assistance--even when the forced labor involves prostitution. Immigrants "may say, 'What do I need a green card for? I can get a job in a restaurant without it. I just want to make some money for my family, then go home.'" Three out of four of Thukral's clients refuse to talk to the government. Other service providers cite similar ratios. Trafficking victims who do cooperate can get a T visa even if the government decides it's too much trouble to prosecute their case (this is what happened to Alice B.).

But cooperation is often a carrot-and-stick deal: In return for visas, victims help curtail other people's ability to immigrate without papers. Mie Lewis, an attorney who worked until recently with the Bay Area Anti-Trafficking Task Force, recalls that her clients who met with prosecutors "would be grilled about the circumstances of their entry into this country." Immigration agents "used them as sources of information about holes in the border, asking, 'Where, exactly, did you cross out of Canada? Where did you get your [fake] documents?'" As University of Southern Maine sociologist and women's studies professor Wendy Chapkis says, the TVPA "serves as a soft glove covering a still punishing fist" of US immigration policy.

The law contains yet another stick. Under the TVPA the US government can yank nonhumanitarian foreign aid from nations that, in its estimation, aren't hard enough on trafficking. Currently twelve countries are on this list, including Cuba, North Korea and Venezuela. Meanwhile, the State Department does not evaluate the United States' anti-trafficking work--though the Justice Department prosecuted only thirty-two trafficking cases from the time the TVPA was instituted until late last year.

And "sex trafficking" has created another foreign and domestic policy knout. The government has lately begun to argue that legal sex work causes sex trafficking. It backs up this claim with dubious data--including from Rhode Island University women's studies professor Donna Hughes, an

outspoken advocate of morally conservative policies on trafficking who is getting research money from the State Department. Thus, a revision last year to the TVPA (and an additional law enacted this year for groups working to prevent AIDS--see Esther Kaplan, "Just Say *Não*," May 30), allows the government to refuse money to NGOs that "promote, support, or advocate the legalization or practice of prostitution." The result: Groups that combat trafficking and HIV infection by helping organize prostitutes, groups that believe prostitution should be decriminalized, groups with no position one way or another on legalization--all now risk losing resources unless they put in writing that prostitution should be outlawed. The Tahirih Justice Center is one victim of the loyalty oath. "We applied last year for money from the State Department to do training on trafficking issues in India," says director Miller-Muro. "We were told, 'You don't have a policy on prostitution.' My understanding is, that's one reason we didn't get the funding."

NGOs are afraid of Bush Administration blacklisting, says Ann Jordan, director of the Initiative Against Trafficking in Persons (IATP) at the Washington, DC-based International Human Rights Law Group. "A new round of funding is coming up," Jordan says. "People feel very intimidated about talking about legalizing prostitution."

Not only is critical discussion about an important feminist issue being chilled. The "sex slave" panic is also silencing critical discussion about the law-and-order fetish for border control in the age of transnationalized labor. "When are we ever going to have a conversation in this country about the fact that we're holding millions of people hostage to immigration policy?" asks Jordan. "Anti-trafficking activists need to hook up with immigration-rights organizing. And with labor organizing, too."

About Debbie Nathan

Debbie Nathan, a New York City-based writer, is the author of *Women and Other Aliens: Essays From the U.S.-Mexican Border*. [more...](#)

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