

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2873

Center president **Leslie R. Wolfe** continued making presentations around the country on **Fighting the War on Trafficking of Women and Girls: The Role of State Legislatures**. She presented testimony at the first hearing of the new *California Assembly Select Committee on Human Trafficking*, chaired by Assemblywoman Sally Lieber in San Francisco in October.

In Nebraska in October, **Wolfe** briefed legislative staff at a special legislative briefing, hosted by **Senator Elaine Stuhr** at the state Capitol in Lincoln. She also spoke on a panel at the annual meeting of the Nebraska Women's Bar in Omaha, with Lou DeBaca of the US Department of Justice Civil Rights Division and Missouri state Senator Joan Bray — a graduate of the *Foreign Policy Institute* who introduced the criminalization statute that passed in Missouri in 2004.

In November, **Wolfe** made a presentation to the members of the new *Connecticut Interagency Task Force on Trafficking in Persons*, at the state Capitol in Hartford. The legislature created the Task Force in 2004 by a bill introduced by Senator-elect **Andrea Stillman**, a graduate of the *Foreign Policy Institute for State Legislators*.

Wolfe made presentations in October at the *American Association of University Women (AAUW)* of Virginia, northern district branches meeting and at the Intercommunity Gathering

for Members of *UNANIMA International* — a coalition of several congregations of sisters who are committed to confronting trafficking in the United States and throughout the world.

Wolfe spoke on advocacy for women-centered health policy at the *Women and Politics Institute's* class on Women's Health Policy, taught by Susan Wood, at The American University School of Public Affairs in September.

NEW FROM THE CENTER

A *Profile of Low Income Women Students in Postsecondary Educational Institutions* presents a demographic profile of low income women enrolled in US colleges and universities and is based on an analysis of data

from the National Center for Education Statistics' (NCES) National Postsecondary Student Aid Study (NPSAS).

The **Fact Sheet from the National Institute on State Policy on Trafficking of Women and Girls** summarizes all anti-trafficking legislation passed by the states as of July 2004 — including criminalization statutes, statutes creating state Task Forces, and statutes that regulate international matchmaking organizations and sex tourism. The **Fact Sheet** briefly defines the issues for the United States and also describes several federal cases brought under the *Trafficking Victims Protection Act of 2000*, as amended by the *Trafficking Victims Protection Reauthorization Act of 2003*.

The **Fact Sheet on Recent Federal and State Threats to Women's Reproductive Right and Health** provides information on recent state and federal initiatives that seek to establish "fetal personhood" by defining the fetus as a victim — of violence against women or of maternal prenatal behavior — and as a patient separate from the pregnant woman.

The **Survey on State Legislative Caucuses** report demonstrates the role of both women's legislative caucuses and reproductive rights legislative caucuses in several states.

All of these reports are available at our website at www.centerwomenpolicy.org.

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We express our enduring gratitude to all of the individuals who have made contributions to the Center during 2004. Their financial support — and their commitment to the Center's mission — give us strength and make our work possible.

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RESOURCES FROM OUR FRIENDS

- Learn more about the importance of the United Nations Population Fund (UNFPA) to women around the world, take a look at the new music video featuring the legendary Odetta, and make a contribution to UNFPA through **34 Million Friends of UNFPA** at www.34millionfriends.org.
- Learn about **Congresswoman Lynn Woolsey's (D-CA) SMART Security** resolution. Introduced in March 2004, **H. Con. Res. 392, Sensible, Multilateral American Response to Terrorism (SMART) Security Platform for the 21st Century** emphasizes the need to create security policy that would seek to prevent acts of terrorism, strengthen international cooperation, address the root causes of terrorism, and promote disarmament. To learn more, contact the Congresswoman's office at 202-225-5161 or our colleagues at Women's Action for New Directions (WAND) at www.wand.org.
- Order *Slip-Sliding Away: The Erosion of Hard-Won Gains for Women Under the Bush Administration and an Agenda for Moving Forward* by the National Women's Law Center at www.nwlc.org.
- Order *The Feminization of Racism: Promoting World Peace in America* (Greenwood, 2003) by Irene Blea, a member of the Center's Research Advisory Board, directly from Amazon.com or ask for it at your local bookstore. To learn more, visit www.ireneblea.com.
- Subscribe to the **Vital Voices Global Partnership** monthly newsletter, *Trafficking Alert*, by sending an email to wendyuperkins@vitalvoices.org.
- Subscribe to the journal, *Gender and Development*, at www.tandf.co.uk/journals/titles.
- Subscribe to *New Moon Magazine for Girls* at www.newmoon.org.
- Get the American Civil Liberties Union (ACLU) Lesbian and Gay Rights Project's online tool kit to help LGBT people

to obtain equal treatment from schools, businesses and government at www.aclu.org/getequal/index.html.

- *Black American Feminism: A Multidisciplinary Bibliography* is an online resource at the Davidson Library, University of California at Santa Barbara, at www.library.ucsb.edu/subjects/blackfeminism/index.html
- Order *Policy Matters: Educating Congress on Peace and Security*, by Lorelei Kelly and Elizabeth Turpen, from the Stimson Center at www.stimson.org/newpubs.cfm.
- Order *The Curious Feminist: Searching for Women in a New Age of Empire* by Cynthia Enloe, at the University of California Press website, www.ucpress.edu.
- Order *Vermont Farm Women* by Peter Miller at www.silverprintpress.com.
- Order *Proposition 209 and the Decline of Women in the Construction Trades*, a report of the impact of ending affirmative action in California by the Discrimination Research Center and Equal Rights Advocates, at www.drcenter.org
- Order *Building an Inclusive Development Community: A Manual on Including People with Disabilities in International*

Development Programs from Mobility International USA at www.miusa.org.

- Download the National Women's Law Center's brochure, "ACK! Will the moral or religious beliefs of your health care providers limit your access to health care?" at www.nwlc.org.
- Join us in supporting the Tashkent Center for Women Leaders in Uzbekistan by making a contribution to its work for women through the Heartland Center for Leadership Development; learn more at www.heartlandcenter.info or send your tax deductible contribution to "Tashkent Partnership" at the Heartland Center at 941 O Street, Suite 920, Lincoln, NE 68508.
- Take part in the 16 Days of Activism Against Gender Violence between November 25 and December 10; request the "16 Days Take Action Kit" and other materials from the Center for Women's Global Leadership at www.cwgl.rutgers.edu.
- Save the Date: Come to Health Action 2005, the 10th annual national grassroots conference, in Washington, DC — January 27-29, 2005. To learn more, go to www.familiesusa.org.



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Representative Beth Kerttula
October 17, 2004
Douglas United Methodist Church
Juneau, Alaska

Thank you for letting me speak today; it is an honor to be asked to speak in the church and it is very meaningful to me that I am beginning to speak out on this issue here, in our church.

Before I start, I want to thank a few people without whom I would not be doing this. The first is my husband, Jim Powell. Besides being a great husband, Jim completely supports and encourages my activism, and it is a blessing that I am married to him. The second is Pastor Covey, who understood the importance of this issue and asked me to speak. The third, and the main motivator behind this is Sandi Coons. Since the day I told her about this issue she has worked to help me, and I cannot thank her enough for believing in this and for her effort.

To begin:

This year I was fortunate to receive a fellowship from the Center for Women Policy Studies in Washington, DC, to attend a weeklong Foreign Policy Institute. When I was accepted, I thought "great." I get a nice break, I get to stay in a nice hotel, this will be fun and I might learn something.

As cliché as it is, the only thing I can say about what I thought is "NOT."

The week was amazing, and in a way life-changing. The women legislators who attended the institute (and is was all woman) worked 12 – 14 hour days – learning, asking questions, and then lobbying Congress and the State Department. I was so angry during one meeting at the State Department that I realized why some countries hate us.

We met Ambassadors, experts, and international non-profit leaders. We learned about everything from the current administration's Gag Rule on family planning information to how international trade agreements impact women in 3rd world countries.

But, by far and away the most critical, heart-rending issue we learned about was how today, in the 21st Century, across the world, in the United States, and as I will tell you soon, right here in Alaska, the practice of trafficking of women is alive and well.

What is "trafficking?" It is slavery – the international and domestic transport of human beings solely for the purpose of their exploitation.

According to information from Sutapa Basu, a Professor at the University of Washington who spoke to my group in Washington D.C.,

It is the third largest growing sector of international organized crime, surpassed only by drugs and arms, and amounts to \$15.25 billion a year.

Worldwide, at least four million people are victims of human trafficking each year, or one person every thirty seconds.

According to information from the Center for Women Policy Studies, and I will be quoting from them for quite awhile,

In the United States, Sexual trafficking of women and girls is a huge criminal enterprise that generates enormous profit for the traffickers. Between 20,000 and 100,000 women – the data are far from accurate, or even agreed upon – are trafficked into the United States each year from grievously impoverished communities in Asia, Latin America, eastern Europe and Africa.

Although this trade in human beings is described in the context of trade in other illegal "commodities," [the center] believes that there is no analogy that truly reflects the underlying truth of this trade – not the analogy to the trade in illegal drugs, not the analogy to the trade in illegal guns. [The center] also rejects the analogy to illegal

immigration for work and economic betterment, which inspired so many of our grandparents and parents – and many of us – to immigrate to the United States to create a better life. (end quote)

Instead, the Center for Women Policy Studies believes that (and again I quote)

Sexual trafficking is a disease of our patriarchal society, the quintessential violation of women's autonomy and human rights, and the ultimate reflection of women's status as the property of men and as creatures that exist primarily to service men's sexual desire. Trafficking in women and girls is the soul of women's oppression.

Sexual trafficking presents a clear case of gendered racism. In fact, racist and sexist stereotypes drive international trafficking patterns across borders – because men express preferences for women or girls they define as more appealing. In the United States, for example, this often translates into a preference for women from Asia and Eastern Europe – because some American men think these women will be more passive and subservient than “liberated” American women. (end quote)

As the center goes on to point out, (again quoting)

Men – including American men – participate in sex tourism, traveling on vacation to “try” prostitutes in other countries. They demand younger and younger girls – virgins – because they believe that they can thereby avoid HIV infection or even be cured of AIDS by sexual contact with a virgin. And so, young girls are forced into the sex trade, infected with HIV by these men, and then tossed aside by the traffickers and brothel owners when they are sick and therefore useless as moneymakers.

Traffickers lie to women and girls, and to their families, making an appealing and persuasive case for “immigration” to such wealthy countries as the United States. Traffickers lie about the jobs and economic opportunities they will provide.

But young women do not know that these are lies when they are recruited and wooed by traffickers. Once in the United States, these young women and girls find that the promised jobs do not exist and instead they are forced into sexual exploitation. These women are victims of terrorism, rape, and subjugation.

Further, women who are trafficked for exploitative labor – as domestic workers in private homes and as laborers in sweatshops or agricultural fields – almost always are subject to sexual violence as well.

(This ends my quoting from the center for a while.)

What does trafficking look like?

Let me use an example that is close to home.

In 2000, a man from Chugiak, Tony Kennard and a Russian, Victor Virchenko, brought seven women Russian dancers to Alaska to perform traditional folk dances. Virchenko was a dance instructor who had rehearsed with the women in Russia. Once they were brought to Alaska they were taken to the Crazy Horse strip club in Anchorage. They were shocked when told they would be dancing in a strip club, and first they only danced folk dances, but then they started to change into stripper clothing, and perform table dances for tips. Within days, they were encouraged to dance topless and nude. The men collected all of the money. The women lived at the Kennard's home and the men kept their passports and airline tickets. Some of the women were minors, only 16 and 17 years old.

Thankfully, then U.S. Attorney, Robert C. Bundy, with whom I have been very lucky to practice when he was

a District Attorney, brought the first case in the country under the Victims of Trafficking and Violence Protection Act of 2000, and Virchenko and Kennard were convicted. Virchenko received a 30-month sentence.

My sister, Anna, has lived in Russia and maintains close ties there. Anna knows the INS agent who broke this case. The agent just happened to see an advertisement for the Crazy Horse and didn't think the ad sounded right – Russian Women dancing at a strip joint. He had the good sense to check it out, and when he did, he found the victims.

So, this is Alaska. Although I don't know what these women's lives were like, or what has since happened to them, I can tell you that it sounds like they may have been lucky in comparison with other women who have been caught in trafficking. One of the saddest stories I have ever heard was that of a couple of girls from India who had been brought to Washington State and forced into prostitution. These children got AIDS, and, in the words of Professor Basu, who I quoted earlier, they became "human trash." She told us that due to the extreme poverty in India, parents give their daughters to men who promise their parents the girls will have better lives in the city. They are then sold into sexual slavery.

Unfortunately, these stories are not unusual. In Berkeley, California, Lakireddy Bail Beddy used

women who worked virtually as slaves or indentured servants in Reddy's buildings and restaurants. Reddy was prosecuted and sentenced to 8 years in federal prison, fined, and registered in California as a sex offender.

In August 2003, Librada and Antonia Jimenez-Calderon were sentenced to over 17 ½ years in prison for conspiracy and sex trafficking. In May 2004, they also were ordered to pay a total of \$135,240 to four of their victims. The two women pled guilty to luring young Mexican girls, between the ages of 14 and 18 to the United States with promises of legitimate jobs. Upon arriving in Plainfield, New Jersey, however, the girls were confined to a brothel and forced to perform acts of prostitution six to eight times each day for \$35 per act. They were not allowed to leave the house or speak to each other and were subjected to threats of arm, force, and psychological coercion.

In May of 2002, a couple was sentenced to five years in prison and three of supervised release, and ordered to pay \$516,152 in restitution for trafficking women from Uzbekistan into the United States and forcing them to work in strip clubs and bars in El Paso, Texas.

A year earlier, a couple in California was sentenced for involuntary servitude and violating immigration laws for bringing a young woman from Bangladesh to

the US to be their housekeeper and nanny. They repeatedly beat and threatened her.

In Texas in 2004, seven men were sentenced to a combined 51 years in prison for smuggling four women into the U.S. from Guatemala, Honduras, and El Salvador and then forcing the women to cook, clean and do housework for no pay, and for repeatedly raping them.

A man in Florida got a nine-year sentence for trafficking a Guatemalan teenager into Florida and then requiring her to do manual farm labor during the day and sexual acts for him at night. The man had raped and kidnapped the young woman, then held her in servitude through "sexual violence, psychological coercion, cultural isolation, and financial dependence," to quote information from the center.

I have focused on U.S. cases, but this is a global issue. In Thailand, young girls are kidnapped and taken to work in embroidery factories to work for 14 hours a day for food and clothing. If they fight back, they are beaten. According Secretary of State Colin Powell, as quoted in an article in the Boston Globe from June 2004, one young girl was stuffed into a closet, where a factory owner's son poured industrial chemicals over her and disfigured her.

Cambodia is considered "a paradise" for foreign pedophiles according to a lawyer with a Cambodia-

based group that assists prostitutes and abuse victims who was quoted in the New York Times in a June, 2004 article. Many residents are young and impoverished, the country's judicial system is prone to bribery, and corruption, and neighboring Thailand, – also a favorite destination for sex tourists - has cracked down on the sex trade, according to this lawyer. A Seattle man was recently prosecuted under a new federal law that expanded legal authority to pursue molesters abroad, and there are now international groups who are working against foreign sexual predators.

As the Secretary of State, Colin Powell, said this year, “human trafficking affects 6-800,000 people each year. We’re talking about women and girls as young as 6 years old trafficked into commercial sexual exploitation, men trafficked into forced labor, [and] children trafficked as child soldiers.”

Further, As a State Department publication says, “Human trafficking ... deprives people of their human rights and freedoms, it is a global health risk, and it fuels the growth of organized crime.”

Trafficking is bad no matter what the scale, but frighteningly, there are now networks that, according to a September, 2003 National Geographic article, have the ability to bargain and complete financial transactions from a distance. Simply call Moscow, ask for women, and they will be sent to Romania and

from there on through Bulgaria to Greece. They parties don't even have to know each other. The importer simply says, "I want so-and-so many first quality women, so-and-so many second quality, so-and-so many third quality."

Chilling, isn't it?

Finally, before I turn to what is being done and what can be done, I must mention another practice that is growing and which we are seeing quite a bit of in Alaska. This is the so called "mail-order brides." In Washington State, there has been a real effort to expose cases of abuse, and even murder that have been perpetrated on women who were mail order brides. As an article on the subject noted, "Foreign women are rarely informed of a potential husband's past marriages, history of domestic violence, or criminal record." This is a particularly disturbing and growing practice. Just go to Google on the Internet and type in "Mail Order Bride," and you will see just how bad this is.

So, what is being done to fight trafficking and what can we do?

There are worldwide, federal, and state agreements and laws against trafficking. The Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW, was adopted by the United Nations in 1979. But, while the U.S. was one of the

first countries to sign it, the U.S. Senate has failed to ratify the treaty.

Federally, the State Department is required by law to report to Congress on foreign governments' efforts to "eliminate severe forms of trafficking in persons." The so called "TIP" report outlines "tiers" of offenders, ranking countries from 1 -- 3 (from good to bad), in terms of how they comply with the U.S.' standards for eliminating trafficking. This report is used "as a diplomatic tool" and the focus is on "encouragement," not sanctions. However, as the Washington Post reported in January of this year, the threat of economic penalties has started to have an impact, with countries such as Turkey and Georgia setting up screening procedures to recognize victims and broadcasting hotline numbers for victims on national television.

Within the U.S., we now have the Victims of Trafficking and Violence Protection Act passed in 2001 (our Alaskan case was the first one prosecuted under it), and a new child protection law signed last year that allows U.S. prosecutors to go after U.S. citizens who have or try to have illegal sex abroad.

On the state level, four states, Washington, Texas, Missouri, and Florida have enacted laws to make trafficking a state felony. Three states have task forces on trafficking. Three states also have laws regulating "international matchmaking organizations,"

and a federal law is pending. Finally, Hawaii has a law that makes it illegal to sell or offer to sell travel for the purposes of engaging in prostitution.

What should we do?

The first piece of legislation I intend to introduce next session is to make trafficking a felony in Alaska, so that it can be prosecuted not only federally, but also on a state level. Close behind that will be legislation to regulate "international matchmaking organizations."

I ask for your help in reviewing, drafting, testifying, and lobbying for this legislation. It will take a lot of work to get this legislation passed. But, I am very motivated to do this, and I know it is the right thing. Last summer Jim was in Russia. While he was there, Russians told him that they knew that Russian women were being trafficked through Alaska. This motivates me even more to get state legislation so that we can fight this terrible crime on the state level.

But, criminal laws are at the end of this process. It's not enough to throw people in jail after women's lives have been ruined. Along with the criminal bills I want to introduce, I will also introduce a resolution urging the U.S. Senate to ratify CEDAW. We must eliminate discrimination against women in all of its forms to stop this practice. We must educate the world about how wrong this is, and about how all people are equal

under the law, and about how women must be treated as humans.

And, it's not just about laws, treaties, and international issues. It is about how we treat each other. It is about raising our children to treat women with respect.

I hope this has been an informative talk for you. I owe a debt of gratitude to the Center for Women Policy Studies and Professor Sutapa Basu, who opened my eyes and whose information I have liberally quoted today.

To end, I just want to say that as I wrote this talk I kept thinking about how to relate it to our religious beliefs. Trafficking certainly goes against everything I have ever been taught, and against what Christ taught. But the verse that kept coming back to me is one of the most simple and powerful – from John, saying “ you shall know the truth and the truth shall set you free.” We must seek the truth for the victims of trafficking, both across the globe and here in Alaska, and we must hope that if we get to the truth, it will set them free.

Thank you so much for letting me talk today. I will be at our fellowship and would be happy to get you more information about this issue, and next session, assuming I am still in office, I would very much

appreciate your help as we start to move legislation.
Thanks.

March 4, 2005

Dear Representative Kertulla:

You may add my name to the list of those who support the passage of HB148, which would make the trafficking of persons an unclassified felony in the State of Alaska.

During a meeting March 1st, where this bill was discussed, someone said something that sparked a memory regarding trafficking that I would like to share.

A divorced young mother I know was living in Sacramento, California with her two children. She was having a tough time financially. Her landlord, who lived next door, suggested she contact a friend of his who handled booking jobs for models.

Excited at the prospect of additional income she made an appointment for an interview. When she got to the address she saw it was an auto parts store but this was the agent's "other job" so she went in. She became nervous when he locked the door and suggested they go to the back for an interview.

His next suggestion was that she remove her dress and model in her slip, which she declined to do. She said all she could think of to say was she had to discuss this with her Mother but it worked. He backed off and she left.

A few weeks later, the "agent" and several other men were arrested. He was part of a prostitution ring that lured women in with promises of a job. They took pictures of the women modeling under unusual circumstances and threatened to show the pictures to their families, etc.

I told a friend of mine that we all needed to support the passage of the bill that would criminalize the trafficking of persons. His response was "That's a no brainer!" I certainly hope it is.

Sincerely,
Barbara May
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March 4, 2005

Representative Beth Kerttula
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Kerttula:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 148, relating to trafficking of persons.

The APOA State Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

This bill addresses the issues involved in trafficking of persons and also covers sentencing considerations and definitions.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

ORIGINAL
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State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

March 21, 2005

The Honorable Beth Kertula
State Capitol, Room 430
Juneau, Alaska 99801

Dear Representative Kertula:

This letter is written in support of House Bill 148 that you have sponsored to criminalize the trafficking of persons by making it an unclassified felony. This will allow for the prosecution of those traffickers in the State of Alaska, complementing existing federal regulations.

I believe this legislation is a step in the right direction to fighting this scourge on society and protecting victims who fall prey to these immoral human beings. I find it appalling that men, women and children are enslaved so others can profit from their misery.

The fourth annual "Trafficking in Persons Report" as published by the U.S. Department of State, reflects the growing concern of the president, members of congress, and the public over the serious human rights, health, and security implications of human trafficking around the world. I think former Secretary of State Colin Powell said it very well when he remarked about this modern-day slavery by asserting, "Together we can bring an end to the shadow (human trafficking) it has cast on too many lives."

Human trafficking cases are among the most labor and time intensive matters brought before the courts. Typically they involve multiple investigating agencies, as well as requiring the expertise of various professionals to deal with the trauma that so many of them have endured.

Hopefully the legislation you've introduced will act as a deterrent to someone or some organization and halt their illicit activities regarding the horrors of human trafficking.

Thank you for your initiative to criminalize this activity.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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March 15, 2005

The Honorable Representative Kerttula
State House
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Kerttula:

The Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) supports House Bill 148 – An act relating to trafficking of persons. The majority of trafficked persons are women and girls, in particular from developing countries and countries with economies in transition. In Alaska there is an increasing occurrence of trafficking for all forms of exploitation, especially for commercial sexual exploitation, which overwhelmingly affects women and girls.

Many of the women and children that the ANDVSA serves face multiple forms of discrimination, violence and conditions of disadvantage which contribute to their vulnerability to trafficking and violence.

All states have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons and to provide protection to the victims. Trafficking of persons violates and nullifies the enjoyment of human rights and fundamental freedoms.

Alaska has no particular state law to address trafficking of persons. Alaska must prosecute under federal provisions. This bill provides better protection for the rights of women and girls and effective punishment for perpetrators, through both criminal and civil measures.

Sincerely,



Peggy Brown, Executive Director
ANDVSA

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HEADLINE: Slavery and Trafficking in the United States

BYLINE: Jonathan Mann, Thelma Gutierrez

HIGHLIGHT:

A look at human trafficking and the illegal slave trade in the United States and America.

BODY:

JONATHAN MANN, CNN HOST: The USA's secret slaves, smuggled into the country and then sold over and over again for sex. An outrage-turned-industry in the land of the free.

Hello and welcome.

There are places intamous around the world for the sex trade and the trade in human beings that are led into it. U.S. President Bush may have had South Asia or Eastern Europe in mind when he called sex trafficking a special evil, an underground of brutality and lonely toil.

But no one in the United States had to look that far. His country has generated its own terrible underground industry of people held against their will and forced into prostitution. Estimates of the numbers vary widely from a few thousand to tens of thousands.

But the U.S. government has been slow to find them, in part because until recently it wasn't really looking. It's looking now.

On our program today, Thelma Gutierrez follows the journey of tears.

(BEGIN VIDEOTAPE)

THELMA GUTIERREZ, CNN CORRESPONDENT (voice-over): It is a hidden crime.

UNIDENTIFIED FEMALE (through translator): Yes, I believe we were slaves.

GUTIERREZ: From secret residential brothels in the city.

UNIDENTIFIED FEMALE (through translator): RR they wouldn't let us leave or go anywhere.

GUTIERREZ: To brothels in the agricultural fields, women are being bought and sold.

UNIDENTIFIED FEMALE: It is a very lucrative crime and that's why people are willing to exploit other human beings.

GUTIERREZ: It's called human trafficking and only drugs and guns generate more money for organized crime.

Meet Alex.

UNIDENTIFIED FEMALE (through translator): The woman who brought me here told me I would work in a restaurant and I would pay her off with my labor.

GUTIERREZ: Instead, Alex was forced to pay off her debts with her body. We can't show you her face because she is a federal witness in the case against her captors.

UNIDENTIFIED FEMALE (through translator): We were thinking, my God, we're all going to die here.

GUTIERREZ: Alex was smuggled from Mexico through the desert to a house here in Los Angeles, where her dreams were shattered.

UNIDENTIFIED FEMALE (through translator): They didn't tell me what was going to happen. They just told me you are going to go with this man.

GUTIERREZ: It was a frightening realization. The restaurant job was a farce. Alex and a dozen others, including two 16-year-old girls, were forced to work as prostitutes.

UNIDENTIFIED FEMALE (through translator): We were working 24 hours. It didn't matter if we were sleeping. They would get us up. If we were hungry, there was nothing to eat. All that mattered was their money.

GUTIERREZ: Sheriff's Deputy Rick Castro (ph) leads a small strike force against human traffickers.

We followed the team as they conduct ongoing surveillance of an agricultural field in the suburbs of San Diego.

Deputy Castro (ph) and Sergeant Marcos Ramirez (ph) told me it is common for traffickers to set up brothels for migrant workers. Here we watch them atop a mountain range.

On this night, our camera captures several people running into the field. Deputy Castro (ph) is an expert on trafficking. He says in the past three years he has noticed a marked increase in traffic victims and they're not easy to identify.

RICK CASTRO (ph), DEPUTY: Unfortunately, when I first started interviewing some of these victims, I didn't know what human trafficking was. And I let a lot of victims -- when I think back, I let a lot of victims go.

GUTIERREZ: It is a transient operation where women are brought to the field. They disappear into a grove of trees. This is where business is conducted, through the bush and on the ground.

UNIDENTIFIED MALE: They're out here in this bush doing it because they have to.

GUTIERREZ (on camera): And if they don't want to or if they try to run away?

UNIDENTIFIED MALE: They'll be dealt with severely by the persons who are basically the ones that we're after.

GUTIERREZ (voice-over): Castro says punishment for running away is brutal.

CASTRO (ph): These girls will get raped violently. They'll get sodomized. Beaten very badly. And in one case specifically I remember that the family was beaten with a clothes hanger for about two hours and just by witnessing this torture for two hours, those girls will have that lasting impression for the rest of their life and they will never, ever go against that trafficker.

HEIDI RUMMEL (ph), ASST. U.S. ATTN.: The youngest girl at this house was 14 years old.

GUTIERREZ: Heidi Rummel (ph), is an assistant U.S. attorney in Los Angeles.

RUMMEL (ph): October, she had 80 clients. In November, 91. December, 97.

GUTIERREZ: She shows us the journal of a young victim who was forced to prostitute herself here in a house without windows.

(on camera): Why do you think it was important to keep these journals?

RUMMEL (ph): Because the defendant had promised them that when they left he would pay them for the clients they had serviced. They didn't receive money for it time that they were working here.

GUTIERREZ (voice-over): Over four months, the girl was forced to have sex with 174 clients. Her trafficker, Sammy Chang (ph), is now serving 12- 1/2 years in federal prison.

From Texas to New Jersey to California, international trafficking rings have been busted across the country. As of February of this year, the Justice Department has 203 open trafficking investigations.

UNIDENTIFIED FEMALE (through translator): I would get sad at times because I would imagine my dreams escaping like water through my hands.

GUTIERREZ: Alex is convinced that many of the clients knew that she and the others were being forced to sell themselves, but didn't care.

UNIDENTIFIED FEMALE (through translator): To the men, I have so little to say. I hope they will take a step back and think, especially if they have children or daughters. I don't think they would like to see their daughters in these places.

GUTIERREZ: For her traffickers, Alex was a reusable commodity who could be used over and over again, just like the women we see here running across a field on a degrading journey that may have no end.

(END VIDEOTAPE)

HANN: We take a break now. When we return.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: How horrible. How unjust. And what it does to their lives.

MANN (voice-over): We pick up the trail in the Mexican border city of Tijuana.

Stay with us.

(END VIDEO CLIP)

MANN: The Mexican border town of Tijuana has a reputation in the United States as a city of easy morals and illicit entertainment. Prostitution is legal there, as it is in much of the country, and Americans only have to take a short drive to find the things they're denied back home.

Welcome back.

The Tijuana border crossing is one of the busiest in the world. The vast majority of the people and the business moving north and south are law abiding, but Tijuana is also a transit point for some of the victims of sexual slavery in the United States.

Once again, here's Thelma Gutierrez.

(BEGIN VIDEOTAPE)

GUTIERREZ (voice-over): His voice echoes through this neighborhood in Tijuana, Mexico. It is a song without words. Only melancholy, haunting songs from a child who was once bought and sold.

Tijuana sits on the United States-Mexican border. On the weekends, Americans flock here to party. Just five blocks away is a dark side few outsiders have seen. This is what police call the tolerant zone. It is a maze of dark alleys lined with small bars and young prostitutes.

In this zone, prostitution is legal, but sex workers must be at least 18. Many don't look a day over 15, and some maybe even younger than that.

UNIDENTIFIED FEMALE (through translator): I don't like it, but what can I do? I started this a year ago, when I was 17.

GUTIERREZ: It's hard to know just how old this teenage prostitute really is because they all say they're at least 18.

We can't show you her face because she'd be in danger from the men who control this zone and who enforce strict discipline on the young prostitutes who work for them.

The teenager says she was lured to the border from another state in Mexico and that she's doing this to earn money to send to her family. Trafficking experts say young women like her would be even more profitable commodities in the United States.

UNIDENTIFIED FEMALE (through translator): I've had guys ask me to go with them. I would like to leave here if I could. Some people have even tried to take me to the United States.

GUTIERREZ: This is how international traffickers lure young women into the underground world of sex slavery, where they might disappear forever.

CHARLES SONG, COALITION TO ABOLISH SLAVERY: People will be promised different jobs or different opportunities to come here to the United States or they will actually be literally kidnapped and forced to come over here.

GUTIERREZ: Federal authorities say Mexico is predominantly a source country,

where human beings are found, bought and sold by traffickers. According to CIA estimates, nearly 18,000 people are trafficked into the United States each year. One-third are from Latin America and no one knows how many are minors.

UNIDENTIFIED FEMALE: They range from ages 14 to 18 and maybe younger. They've got a lot of makeup on. (UNINTELLIGIBLE).

GUTIERREZ: Marissa Barber (ph) is a human rights activist who works with other groups to protect the most vulnerable, treat children who work in the sex trade.

MARISSA BARBER (ph), HUMAN RIGHTS ACTIVIST: They have no place to go, so they roam the streets. They do survival sex. They do other things that you don't want to mention. They don't do them because they're bad, but because it is a need.

GUTIERREZ: The main thing children need is a place where they can feel safe.

JORGE BADOYA (ph), SHELTER DIRECTOR: This is the sleeping area. We have three sleeping areas.

GUTIERREZ: We were granted rare access to this government-run shelter in Tijuana, where sexually exploited boys are counseled, educated and given a second chance at childhood. Jorge Badoya (ph) is the director.

BADOYA (ph): We are most of the time full because we have the problem with street children.

GUTIERREZ: It was here at this shelter where I first met the boy with the voice who sings songs that only have meaning to him. We'll call him Tomas.

TOMAS, VICTIMIZED CHILD (through translator): When I sing, I forget everything, all the hurt, the rejection and the abuse. I express my feelings by singing.

GUTIERREZ: Tomas also expresses his feelings by writing. He showed me his journal. Inside, the tragic story of a mother who did not want him and the abuse that led him to the streets when he was only 11.

TOMAS (through translator): My mother and stepfather threw me out of the house. I was crying on the street, and a man came and took me home.

GUTIERREZ: Tomas ran away from a series of child molesters until one day he says he met a woman with whom he thought he'd be safe.

TOMAS (through translator): The woman took me home with her and fed me. Within a week, I learned it was a brothel. I had nowhere to go, so I stayed there. The woman gave me things. In exchange, I had to prostitute myself.

GUTIERREZ: Tomas says he was forced to wear makeup and dress as a girl for clients, some of whom were American men.

He says he lived this twisted existence for four years as a child prostitute, until he learned he was about to be trafficked.

TOMAS (through translator): I found out they wanted to sell me to a person. He offered to buy me, but I said no.

GUTIERREZ: This time, when he ran away he managed to find his way to Jorge's shelter.

Sister Dora (ph) says there is no shortage of exploited children in her shelter either. She bought it and runs it with money she made in California real estate.

This was a socialite who once owned beachfront property in San Diego and 120 pairs of designer shoes, a far cry from how she lives now.

She has space for six kids, but 16 live here.

SISTER DORA (ph), SHELTER DIRECTOR: We actually are hoping and started praying for a center that would house as many as 80 to 100 children.

GUTIERREZ: Sister Dora (ph) says it was a calling from above that compelled her to dedicate her life to the children and her own money to pay tuition so that each one can go to school. For many here, it is the first time in a classroom.

She says every boy and girl here has a story of heartache and stolen innocence, stories she's heard for 10 years.

SISTER DORA (ph): And I cannot fathom or even understand how anyone man, whether it is your child or your present wife or what, that you would violate them. I cannot understand that, and it just breaks me up terribly. How horrible. How unjust. And what it does to their lives. They're just absolutely in shambles, and this is why we have so many that do attend, go into prostitution for that reason. They say, well, I'm not worth anything.

GUTIERREZ: In the tolerant zone, child prostitutes learn the tragic lesson: that the value of their lives is ultimately measured in the desires and wallets of strangers.

(END VIDEOTAPE)

MANN: We take another break, and then.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: It's a hugely profitable industry, the selling and buying of human beings.

MANN (voice-over): A glimpse elsewhere inside America's forced labor trade.

Stay with us.

(END VIDEO CLIP)

MANN: Most Americans never expect to meet a slave. They probably don't know where to look. The U.S. government says that it's a relatively rare phenomenon, but in some of the country's largest cities, on its farms, in all kinds of businesses and in private homes, there are people who are forced to work against their will.

Welcome back.

The immediate threat of punishment isn't the only thing that keeps slavery secret. Sometimes victims don't turn to U.S. authorities for help because they're afraid of being deported, and maybe even punished when they get back home.

The United States now has a special visa that gives trafficked people the same rights as refugees, temporary legal residence, and then a chance to stay for good. Even so, it is a problem across the country.

One last time, here's Thelma Gutierrez.

(BEGIN VIDEOTAPE)

GUTIERREZ (voice-over): From New York to Los Angeles and most every major city in between, a secret labor force is hard at work.

In the fields, garment shops, restaurants and even in some homes. We're not just talking about undocumented workers.

DAN STORMER, CIVIL RIGHTS ATTNY.: Slavery is alive and well. Trafficking in slaves is alive and well.

GUTIERREZ: We're talking about modern-day slaves, living and working in this country without pay and against their will.

UNIDENTIFIED FEMALE (through translator): For example, my experience was really hell.

GUTIERREZ: 47-year-old Tan Lyn Campidinon (ph) is a mother of two from Thailand.

UNIDENTIFIED FEMALE: I was a slave to my traffickers.

GUTIERREZ: Nanette Louise (ph) is a mother of three from a small village in the Philippines. Both struggled to eke out a living in their own countries, but like so many others who live in poverty, Nanette (ph) and Tan Lyn (ph) were easy targets for traffickers looking for slave labor, and this is their story.

UNIDENTIFIED FEMALE: Because my family is poor, right, they wanted to make money and then they wanted to take care of my son and my children and make them happy.

GUTIERREZ: Tan Lyn (ph) dreamed of giving her kids the education she never had and believes the only way was to leave Thailand and everything she loved behind.

UNIDENTIFIED FEMALE: When I want a job and want to make money.

GUTIERREZ: So when this woman, Silvawan Verapol (ph), a Thai socialite living in the United States, offered Tan Lyn (ph) a job in a restaurant in California, she thought her prayer were answered.

UNIDENTIFIED FEMALE: Tell me, if you want to come back to Thailand, you work for me like four years.

GUTIERREZ: Tan Lyn (ph) didn't understand what she was in for until she landed in Los Angeles with no money and no friends. Silvawan (ph) even took her passport away.

Tan Lyn (ph) says she was forced to work around the clock seven days a week.

UNIDENTIFIED FEMALE: I worked like an 18 hour or 19 hour day.

GUTIERREZ: When her day ended at the Thai restaurant, her second job would begin at Silvawan's (ph) home, where Tan Lyn (ph) and seven other Thai women worked as house servants.

She says she will never get over the humiliation she felt when Silvawan (ph) forced her to serve meals and perform other chores on her hands and knees as a sign of submission. And then there was the broken dreams.

UNIDENTIFIED FEMALE: I come here, everything I pay.

GUTIERREZ: Tan Lyn (ph) hoped to send money home to her children, but her salary was only \$240 a month. From that, all of her living expenses were deducted, leaving her with nothing. When she explained or talked about leaving, she says she was threatened.

UNIDENTIFIED FEMALE (through translator): If I run away and tell the police, my family will suffer.

GUTIERREZ: And so she kept silent for nine long years without seeing her children. Until one day she and another woman escaped. That's when the FBI and Immigration authorities got involved.

Nanette Louise (ph) was a teacher in a rural village in the Philippines. She thought she was coming to the United States to work as a travel companion to an elderly woman. Instead, she says, she ended up in Los Angeles, working here, in

the home of then Sony executive Judd Jackson and his wife, Beth, whom she was to refer to as Sir Judd and Ma'am Beth.

UNIDENTIFIED FEMALE: I started to work at 5:30 to 8 or 10 at night.

GUTIERREZ: Nanette (ph) says the Jacksons had strict daily, weekly and biweekly schedules for her to follow, which included meticulous care of the couple's two dogs, Andrew and Stella.

UNIDENTIFIED FEMALE: I had to brush the dogs teeth, clean their ears and even give them vitamins every day, but I was forced to sleep on a dog bed.

GUTIERREZ: Nannette (ph) says she slept on the floor of this dining room and because her passport was taken she couldn't escape. She said she was charged room and board, and by the time her living expenses were deducted, she had nothing. And she claims on several occasions she was hit.

UNIDENTIFIED FEMALE: Follow my instructions. I follow the instructions, but she just hit across face and across my mouth.

GUTIERREZ: A neighbor finally called the police. No criminal charges were filed against the Jacksons, but civil rights attorney Dan Stormer filed a civil law suit against them.

STORMER: The Jacksons have stature within the community. I mean, this is a man who is vice president of corporate legal affairs for Sony. The jury found under the laws of this country that she had been held, falsely imprisoned, held as a slave, and her rights violated.

GUTIERREZ: After the verdict, Judd Jackson was let go from his job at Sony. Neither of the Jacksons agreed to be interviewed for this story, but their attorney, Jack Daniels (ph), says his clients never physically abused Nanette (ph).

JACK DANIELS (ph) ATTNY.: She certainly wasn't an indentured servant. She had free access to leave anytime she wanted to. All she had to do was walk out the front gate and turn a knob.

GUTIERREZ: In the 12 months and 3 weeks she worked for the Jacksons, Nanette (ph) says she was paid \$300. At trial, the jury awarded her \$825,000 in damages.

As for Tan Lyn (ph), her trafficker, Silwawan Verapoi (ph), is serving an 8-year sentence in federal prison for harboring illegal aliens and violating involuntary servitude laws.

Tan Lyn (ph) now has a real restaurant job and she's able to send money home to her family.

UNIDENTIFIED FEMALE: I wanted everything like American people.

GUTIERREZ: As for the dream that she could one day educate her children.

UNIDENTIFIED FEMALE: I love America.

GUTIERREZ: She did it. By scraping together meager funds, she managed to send her daughter, Lin (ph), to a university in Thailand and now the little girl Tan (ph) left behind years ago is the first in her family to become a university graduate, a very American dream come true.

(END VIDEOTAPE)

MANN: And that's INSIGHT for today. I'm Jonathan Mann. Before we go, a reminder that we like to hear from you. We'd like to hear your thoughts on the program you've seen or the topics we've covered. Send them to INSIGHT@CNN.COM, once again INSIGHT@CNN.COM.

For now, the show continues, here on CNN.

Excerpt of a draft of a book Professor Sutapa Basu is currently writing. It was given to the Committee by permission of the author. Please do not copy.

Sutapa Basu, PhD
Director, University of Washington Women's Center
Adjunct Professor, Women's Studies, University of Washington

Introduction

This chapter will begin with an introduction and background of the human trafficking of women and the matchmaking industry, specifically in the United States. Current U.S. trafficking policy and its implementation will also be discussed. Additionally, information on how best to assist women survivors of trafficking via policy expansion and coordination of service organizations, authorities, and government will be included.

An Overview of Trafficking

The Trafficking Network

Simply put, human trafficking, or modern slavery is the international and domestic transport of human beings solely for the purpose of their exploitation. Though trafficking affects both men and women, the vast majority of trafficking victims are women and children, under the age of twenty-five.¹ Most often, the countries of origin of trafficking victims, commonly known as sending countries, are economically troubled areas including Asia, Africa, Eastern Europe, the former Soviet Union, and Latin America. Traffickers of these women and girls exploit them physically for domestic labor or sexual services, while taking advantage of lax laws and corrupt officials surrounding the

¹ Miko; Gender Matters Quarterly

business of human trafficking. A number of human rights organizations work to raise awareness about the issue of human trafficking. Governments are also beginning to acknowledge that trafficking is a human rights violation and are beginning to create laws to protect survivors and raise awareness among potential victims.

As borders become increasingly permeable, and cyberspace continually facilitates human availability, the scale of the international trade in people has skyrocketed. Trafficking in women and girls is now the third largest grossing sector of international organized crime, surpassed only by drugs and arms.² According to United Nations' calculations, the profits of the trafficking industry may have even surpassed the trade in illegal weapons, generating profits of over nine billion dollars annually.³ Worldwide, at least four million people are victims of human trafficking each year, or one person every thirty seconds.⁴ It is estimated that "every ten minutes another human being is trafficked to the United States for slavery—a total of 45-50,000 women and children each year," *not including men.*⁵

A common scenario starts with a naïve and desperate young woman attempting to escape bleak employment prospects at home. She receives offers for good wages, and "legitimate" work abroad as a waitress, dancer, or secretary from traffickers posing as "employment brokers." Instead, she is unknowingly selling herself into virtual slavery. She will end up working as a domestic servant, or in a sweatshop, or in the sex industry.

² UN Congressional Research Service

³ Kamies, *Foreign Policy in Focus* (seven). Freedom network conference literature

⁴ UN: I-SCRS (one) *ibid*

She will be forced to pay off exorbitant travel debts to her traffickers for smuggling her into the country. As most other trafficked women she might find herself confined to her place of employment, forced to work almost continually, and denied wages. For example, for years a complex trafficking ring "lured young women from Asia with the promise of a better life in the United States, only to make them virtual sex slaves in brothels in Seattle and Portland."⁶ "Brokers" would sell temporary or student visas to young women seeking better economic opportunities. Upon arrival in the U.S., the women were forced into prostitution in order to repay their "debt."⁷ In September 2002, after a 2-year investigation, the Federal Bureau of Investigation broke up the ring.

Though many women enter the trade voluntarily, too often they are unaware of the nature of the work they will be performing. In a recent study of child prostitutes in Thailand, "several girls who said they knew they would be working as 'prostitutes' thought that the term meant wearing Western clothes and working in a restaurant."⁸ Another scenario is women's participation in the flourishing matchmaking industry. This common and socially accepted form of trade in women is not considered by many governments to be trafficking, despite the fact that women are regarded as commodities and that the system is widely abused.

One of the main causes of the current upsurge in trafficked women is global economic liberalization. It has exacerbated the economic and social stability of women worldwide.

⁵ freedom network conference literature

⁶ http://seattlepi.nwsource.com/printer2/index.asp?plc=hb&refer=http://seattlepi.nwsource.com/local/87681_1b.19.html

⁷ *ibid*

especially in developing countries. The United Nations Development Fund For Women lists the following information as how women are impacted by globalization.

By definition, trade liberalization seeks to create a level playing field on which economies at different levels of development can compete by reducing tariff and non-tariff barriers. However, longstanding power imbalances between nations and among men and women have translated into uneven patterns of growth and heightened inequality. Women - especially poor women - have unequal access to resources such as land, credit and education. This in turn makes them the least able to benefit from trade liberalization and the most likely to suffer from the adjustment costs of trade reform and economic restructuring.⁸

The inability of women in their home, or sending countries to find economic advancement opportunities with which to support their families is another cause to their complicity in the trafficking industry. The native countries of most of these women are usually those in economic and social transition, suffering from high levels of poverty and unemployment. *Many times this has little to do with educational level as the 36.8 percent of Philippine women who are involved in reproductive labor or in the "tourist industry" have obtained college degrees.* For example, studies show that between 70 and 80 percent of the unemployed workers in the Russian Federation, a major source of trafficking victims, are women.¹⁰ Elene Penttinen, highlighted in her paper "Globalization, Bio-power and Trafficking in Women" that women who can no longer support themselves or their family join the global sex trade "tak[ing] on the opportunity of international prostitution and thus using their bodies as means for exchange, rather than remain in a place where there are few prospects of making a living."¹¹ Penttinen contends that "this can be seen as a form of structural violence taking place, that in a

⁸ Unifem Bangkok, as quoted in Basu, 2001.

⁹ http://www.unifem.org/economic_security/gender_trade.html

Chang, Kimberly and Ling, L.H.M. "Globalization and its Intimate Other."

Gender and Global Restructuring. Marchand, Marianne and Anne Sisson Runyan Eds. Routledge, London and New York: 2000

¹⁰ <http://usinfo.state.gov/topical/global/traffic/report/chapt13.htm>

situation of impoverishment and unemployment women are 'forced to choose' their own sexual exploitation (Doezema 1998)."

The ways in which women and girls fall victim to trafficking vary in relation to many factors, including nationality, educational background, and employment circumstances in their country of origin. While many women are enticed by misleading or blatantly false advertisements, others are "bonded" or sold into indentured servitude by family members for financial gain. Some families are unaware of the nature of the service, clinging to the potential for riches gained through legitimate employment.

Although it is a commonly held belief that all trafficked women are forced into the sex trade, this is not wholly true; in actuality, domestic servitude is an equally as common type of slavery for these women. "Indentured servitude is in part spawned by the high cost of gaining entry into the United States, with trafficked persons from sending countries often paying up to \$50,000 to smugglers. Since few workers from developing nations can afford such fees, immigrants will often agree to work off their smuggling debts over a period of years."¹² In a case that exemplifies this trend, Saieco a 59 year old cook from Thailand, was brought into the US and enslaved for five years by Supawan Veerapol, a wealthy Thai restaurant owner in Los Angeles. She was forced to work from 12 to 20 hours a day, seven days a week, made to sleep on the floor of a closet-size utility

¹² http://www.esun.edu/~jegg00/IPSAC/Quebec_papers/IPSAPenttinen.doc

¹³ Slave trade still alive in U.S. - Exploited women, children trafficked from poorest nations by Tim McCormick And Jim Heron Zamora, San Francisco Examiner, February 14, 2000

room where Veerapol kept her washer and dryer, and denied any medical care. It was not until her employer was tried and convicted on charges of indentured servitude in 1998 that she was finally freed.

Despite increasing global attempts to monitor and curb the trafficking trade, authorities have been largely ineffective in dealing with the problem. According to Human Rights Watch, "although trafficking in women and girls has become a lucrative and expanding cross-border trade, it routinely escapes effective national and international sanctions."¹³ Also, current laws regard trafficking largely as a migration issue and do nothing to help trafficking victims. The legal context of migration cannot give full justice to the nebulous crime of trafficking. Traffickers are not given proper punishment for their crime.

An alarming example is the case of Lakireddy Bali Reddy from Berkeley, California. One of the Bay Area's wealthiest landlords with a fortune estimated at \$70 million, he was able to abuse the law and helpless immigrants.¹⁴ Between 1986 and 2000 Reddy and his family members smuggled poverty stricken girls, men, and women from their hometown of Velavadam, Andhra Pradesh, India.¹⁵ Upon arrival the victims worked virtually as slaves or indentured servants in Reddy's buildings and restaurants. In addition to their domestic work, the teenage girls, as young as thirteen years old, were forced to sexually service Reddy. Reddy was caught in 1999 when authorities discovered

¹³ HRW, Global report on Women's Human Rights, 198

¹⁴ State dept, 70million-rediff

¹⁵ <http://www.asata.org/about/reddy.htm>

2 unconscious Indian girls, brought to the U.S. for labor and sex, in his apartment building suffering from carbon monoxide poisoning.¹⁶ Tragically, 17 year old Chanti Prattipati, one of the 2 girls, died. It was later discovered that she was in the early stages of pregnancy with Reddy's child. In 2001 Lakireddy Bali Reddy was sentenced to 8 years in federal prison, forced to pay \$2million in restitution to the victims, and register in California as a sex offender.¹⁷

Reddy was able to exploit, degrade, and victimize these girls, women, and men through abuse of laws, social and cultural norms, and power structures. He is a member of India's most powerful castes and "virtually owns" his hometown where he has built schools and invested millions of dollars.¹⁸ Reddy's clout in Velavadam enabled him to easily take advantage of the local people who were desperate to escape the poverty and lack of opportunity in their village.¹⁹ He was able to traffick people using his resources and contacts to produce fraudulent visas.²⁰ The people that he trafficked were helpless to do anything about their situation once in the U.S. Most of them did not speak English, and were reluctant to report Reddy because they did not want to reveal their falsified immigration documents.²¹ It is also important to note that when Reddy was prosecuted

¹⁶ Rediff

¹⁷ <http://www.oig.dol.gov/public/media/01/lbreddy.html>

¹⁸ <http://www.prostitutionresearch.com/mills-trafficking.html>

¹⁹ <http://www.prostitutionresearch.com/mills-trafficking.html>

²⁰ <http://www.oig.dol.gov/public/media/01/lbreddy.html>

²¹ <http://www.prostitutionresearch.com/mills-trafficking.html>

by the government, his charges consisted of mostly illegal immigration and fraud as opposed to exploitation.²²

Another example is the experience of Helen Clemente, demonstrating how legally framing trafficking as solely a migration issue re-victimizes the victim. Clemente was brought illegally to Washington State in 1990 from the Philippines by a retired police officer Eldon Doty and his wife Sally to work as their servant. The Doty's were able to bring Helen Clemente to the U.S. by manipulating laws: they arranged a sham marriage between Clemente and Eldon Doty that enabled her to immigrate here. The Dotys had divorced to allow Eldon to marry Clemente, but Eldon and Sally continued to live as man and wife. When Clemente ran away after nearly three years of servitude, the Dotys worked with the INS to deport her in exchange for de facto immunity. Clemente, who was granted permission to remain in the U.S. while her case is pending, has been fighting a difficult, precarious legal battle. She has courageously rebuilt her life, re-marrying, and is raising two daughters. However, she still faces the possibility of deportation. The Doty's have never been prosecuted for their abuse of the law and exploitation of Helen Clemente.

Additionally, there are many instances outside of the U.S. that reveal the negative consequences of framing trafficking as a migration issue. A recent study of Eastern European women working within Israeli prostitution rings demonstrated this trend: the victims were freed from bondage only when their place of business was raided by local

²² <http://www.asata.org/about/reddy.htm>

authorities. The trafficked women were then imprisoned as illegal immigrants and charged with prostitution; bail was then set and paid by their employer, relinquishing them back into the hands of their perpetrators.²³ In too many similar scenarios, the women involved are treated as criminals rather than as victims. Similarly, until the late 1990s, Vietnam did not recognize trafficking as a legislative issue, and a harsh crackdown on prostitution meant that women trafficked into Vietnam's sex trade were considered guilty.²⁴ In such situations trafficked women are often reluctant to seek help or approach the authorities.²⁵

Despite the fact that trafficking in women is a worldwide epidemic, legislation to punish traffickers or to protect victims is rare. This is due, in part, to the fact that government officials and law enforcement officers often facilitate the trafficking process, as the recipients of bribes to ignore the crime or to help falsify documents. Human Rights Watch goes so far as to say that, "without such corruption and complicity on the part of state officials, trafficking could not thrive."²⁶

The Matchmaking Industry

There is another kind of trade in women that is not always recognized as trafficking: the matchmaking industry.²⁷ Catalogues and internet sites list women and girls advertising

²³ *ibid.*, NYT

²⁴ Mekong Sub-Region Needs Assessment (23)

²⁵ Kanics.

²⁶ Human Rights Watch, <http://www.hrw.org/women/trafficking.html>

²⁷ The Match Making Industry is also known as the Mail Order Bride Industry

for foreign husbands. Women are sorted by national origin, and listed with names, photos, and measurements—so men can pick them out by the color and size they desire, as if they were choosing a shirt to buy. For a fee, men can obtain addresses and begin correspondence with the potential brides. Some girls as young as 13 years old have been advertised in such catalogues, and a considerable proportion of them are aged 15 to 18.²⁸ The majority of these women are from Southeast Asia, although an increasing number come from Eastern Europe and the former Soviet Union. Like other trafficked women and girls, they are motivated by the desire to escape bleak economic conditions, and they view marriage to a Western man as a ticket out of their desperate situation at home.

Women participating in the matchmaking industry are advertised as being more traditional, feminine, and submissive than the majority of Western women. In addition, “the multi-million dollar mail-order bride business ...frequently uses marketing techniques that reinforce racial stereotypes.” (Vergara, 1551, *Northwestern University Law Review*; 2000) They are also promoted as being willing to marry men much older than they are—the typical woman from the matchmaking industry is 10-20 years younger than her Western husband.²⁹ The men who make use of matchmaking services are white, financially successful, and politically and ideologically conservative.³⁰ Gary Clark, the author of “Your Bride is In the Mail,” showcases the motivations of these men when he writes, “what [we] want is a woman who will be a more traditional kind of wife...because of the confrontational chip-on-the-shoulder attitudes held by so many of

²⁸ Hughes, *Sisters and Daughters Betrayed*

²⁹ Hughes, Scholes

³⁰ Scholes.

today's feminism-influenced American...women." The desire for a submissive, dependent wife is what prompts these marriages.

Why are women from the matchmaking industry at risk? Since many of them do not speak English well, and do not have a support system in their new country, they find themselves in a vulnerable position where the husband can freely abuse his position of power and dominance. *The women are dependent on their husbands in regard to their immigration status, due to the conditional basis of their resident status and the fact that they must jointly file for the removal of the conditional status.* (Vegara, 1552)

Academies studying the matchmaking industry conclude that there is a disturbing potential for domestic abuse, including rape and battering. The potential for abuse is stronger if the bride does not live up to her husband's expectations, if she refuses to perform sexual services he demands, or if she becomes more independent as she accustoms herself to her new country, no longer conforming to the expected role of docile and submissive wife. *This is compounded by the fact that since the husband has purchased his wife, there is the belief that he owns her.* (Vegara, 1558) Women from the matchmaking industry also have limited access to health services due to language and cultural barriers.

The Philippines is a major source of women participants in the matchmaking industry. One reason is that structural adjustment programs have resulted in a much lower demand of migrant Filipino men's labor. Therefore, in order to maintain the survival of their family, Filipino women are filling the gap, and one route is through joining the

matchmaking industry.¹¹ According to Aida Santos chapter "The Philippines: Migration and Trafficking in Women," "many Filipino brides have admitted that marrying foreign spouses assures them of a more materially comfortable life overseas, not just for themselves but also for their families of origin. They expect that their husbands would understand the Filipino culture of married children helping out their elderly parents and siblings who are in less fortunate circumstances."

However, media representation of the industry and the women involved often obscures the complexity of the issue. The topic of the mail order bride industry gained attention in the Canadian press due to a court case involving a 68 year old man and his 23 year old wife. His attempt to obtain a "virgin homemaker," failed to provide him with the compliant wife that he desired. After showing no interest in sex, his wife left him six months later and sued for support and won 10% of the family assets valued at \$186,000. ("Mail-order love backfires: 68 year old man ordered to pay support." The Edmonton Sun: July 11, 1999.) The article portrayed the man as misguided and the woman as subtly manipulative and dishonest. Recently Hollywood entered the discourse with the production of "Birthday Girl," a film about a lonely, English banker who orders a bride from Russia. The woman is a con artist who works in conjunction with her boyfriend and brother to rob unsuspecting men out of their fortunes. With these images being promoted, the real crimes of abuse, imprisonment, and indentured servitude become lost.

In the U.S., there have been several high-publicity cases of domestic violence and even murder in such marriages. Such a case recently came to light in Seattle. Anastasia King, a young bride through the match making industry from Kyrgyzstan, was a student at the University of Washington. A vibrant twenty-year old who dreamed of earning a degree

¹¹ [1, raymond

in business. Anastasia came to the United States by becoming the wife of a man nearly twice her age, who had already divorced a previous mail-order bride. In autumn 2000 she was murdered. Her body was wrapped in a dog blanket and buried in a shallow grave near the Tulalip Indian Reservation. According to court documents, Anastasia was taking steps to obtain a divorce because of domestic violence. Her husband Indle King, who has since been charged with her murder, apparently started looking for a third wife through the matchmaking industry as early as summer 2000.

After the death of Anastasia King, several women married through the matchmaking industry have come forward to me in my capacity as Director of the University of Washington Women's Center. Although all of them relayed the same story of a life filled with abuse and fear, they were reluctant to seek out help. This was in large part due to the Russian Mafia's involvement in trafficking. If any of them were to leave their husbands the mafia would threaten their family. These women felt trapped and hopeless. Stories like Anastasia's and of these other women remind us of the potential cost of this trade in women, whether it takes the form of illegal debt-bondage trafficking or through the legal matchmaking industry.

Dangers of Trafficking Industry: Risks and Health Consequences

Trafficking and Gender-Based Violence as Public Health Issues

Governments and international organizations have begun to acknowledge the human rights abuses caused by trafficking. However, the health consequences of the problem

not fully recognized. It is necessary to place more of an emphasis on the public health dimension of the trafficking for the following reasons. First, a public health focus helps make the costs of this illegal but profitable trade more visible. Also, there is a pressing need for more intervention and services to deal with the health problems of trafficked women and children. Finally, by reconceptualizing trafficking as a public health issue as well as a human rights violation, another platform for action against the trafficking trade is created.

In the campaign against violence against women worldwide, scholars and activists have increasingly pointed out the health consequences. According to a World Bank Report, "gender-based violence...is a profound health problem across the globe...although gender violence is a significant cause of female morbidity and mortality; it is almost never seen as a public health issue."³² The World Health Organization (WHO) calls violence against women "a priority health issue" and points out that on a worldwide basis, violence against women "is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill-health than traffic accidents and malaria combined."³³ Yet relatively little attention has been paid to trafficking in this context. Although WHO includes "trafficking in women [and] forced prostitution" among the forms of gender-based violence, the focus of most of the work on this issue appears to deal with domestic violence, female genital mutilation, and rape. This approach to gender-based violence must also be applied to the specific health

³² Violence Against Women: The Hidden Health Burden (ix)

³³ WHO Violence Against Women report.

consequences that result from the abuse of women in trafficking, especially in the sex trade

Health Risks of Trafficked Women

Trafficked women and girls, particularly those who work in the sex trade, face damage to their physical and mental health. In addition, the sex trade is a growing sector for the transmission of HIV/AIDS. Trafficked women and girls are probably more at risk for contracting the virus, as well as other sexually transmitted diseases, than other sex workers. Trafficked Nepali women make up about half of the 100,000 brothel workers in Bombay, India. Twenty percent of the brothel population are under 18, and as many as half were estimated to be HIV positive in the mid-1990s. Even when women are aware of how to protect themselves from disease, they have little autonomy over their bodies or work conditions. Beatings, rape, and other forms of physical abuse are endemic in the trafficking trade. According to Human Rights Watch, the physical abuses to which some trafficked women are subjected constitute "torture."⁶⁴

Trafficked women working as domestic laborers are also often subjected to physical abuse, according to a study of Filipino women who worked in a variety of Middle Eastern, European, and African countries as maids.⁶⁵ Working conditions for trafficked women are frequently abysmal. In both domestic labor and sex work, excessive hours are

⁶⁴ HRW Global Report 2002.

⁶⁵ Phillipines-Belgium Project.

often a problem. Confinement and overwork lead to ill health, and access to medical care is usually strictly controlled by traffickers, employers, and brothel owners.

Additionally, as demonstrated through Anastasia King's story, women in the matchmaking industry are vulnerable to becoming victims of domestic violence in their own homes. Since their husbands sponsor their visas, allowing them to reside in the U.S., they are often forced to stay in abusive relationships. Often times the inability to leave their husbands and lack of recourse lead to mental and physical trauma in the women, and increasingly, death.

Current U.S. Policy

In October 2000, President Clinton signed the Victims of Trafficking and Violence Protection Act (TVPA). The legislation imposes severe penalties on traffickers and exempts victims from criminal liability.³⁶ The TVPA also provides benefits for survivors including social assistance, shelter, medical care, and the right to seek residency.³⁷ Previously victims were treated as illegal aliens and criminals. Trafficked women were arrested when they sought help or upon discovery by police. They were held in jails or detention centers, alongside convicted criminals, where they did not receive proper medical treatment, until they were deported by to their home country.³⁸ The legislation also includes the introduction of a new non-immigrant T Visa that can be granted to trafficking victims, allowing them to receive benefits comparable to those of refugees, to

³⁶ Washington Post, October 13, 2002

³⁷ Washington Post

³⁸ CAST, 39

remain in the United States for three years, and to apply for lawful permanent resident status at the end of that time.³⁹ This measure is meant to ensure that trafficked women are not treated as illegal immigrants or as criminals, and that they have a chance to remain legitimately in their new country and recover from their ordeal.

The passage of the legislation was an important step to legitimize the severity of trafficking, and the fact that survivors are not criminals. However, little has been done to implement the law. To date only 5 T Visas have been issued despite thousands of requests. Also, women still do not receive proper services because of lack of coordination among authorities and service providers and lack of funding. Finally, to be able to receive social services trafficked persons must first undergo a "certification" process that evaluates their situation and deems them eligible for benefits and services.⁴⁰ Often times, the process is long, and survivors cannot receive assistance immediately after they are apprehended by authorities, the time of their greatest need for assistance.⁴¹

In regards to the matchmaking industry there is no federal law to protect these women. They cannot receive assistance under the TVPA. Nationally, the industry is not regulated. However, the state of Washington, as will be discussed, has become a national leader by establishing legislation to protect women entering the matchmaking industry. Still, more needs to be done to ensure their safety and well being.

³⁹ Miko, White House Office of the Press Secretary; National Immigration Law Center

⁴⁰ taskforce report

⁴¹ taskforce

Venessa B.M. Vergara has argues for the application of the Thirteenth amendment in cases of abusive mail-order bride marriages. Slavery was more than economic exploitation, "the abomination of slavery also included sexual and reproductive services that clearly fell outside the wage-labor system." (Vergara, 1589) Through an examination of the applicability of the amendment to various cases and found the courts upheld that the "words involuntary servitude have a larger meaning than slavery." (*Bailey*, 219 U.S. at 241 in Vergara, 1573) In the case of the mail order bride industry and trafficking, are closely linked and "have been recognized as institutions which subject women to conditions tantamount to slavery." (Hague quoted in Vergara, 1589) The application of the thirteenth amendment provides another means in which to prosecute offenders and protect future victims of these industries.

Possible solutions for Victim Assistance

Need for Coordination Among Service Providers

In the United States, once a trafficking victim is freed from her traffickers—via escape or intervention of law enforcement—she is afflicted with complicated health, psychological, legal, and economic problems. Currently, service providers across the country including domestic violence shelters, hospitals, clinics, and authorities are not capable of successfully assisting these women. This is in part due to the nature of the crime, trafficked women are "invisible," they are scattered throughout the country, well hidden in neighborhoods, rural areas, and cities. As demonstrated in examples throughout this paper, the type of abuse suffered by victims varies tremendously, as well as their immigration status; some come as new brides, others are smuggled illegally with

fraudulent visas. A greater understanding is needed of these women and how services and authorities can best use their skills to provide support.

Needs of Trafficked Women

Women who have been trafficked suffer from severe psychological trauma. For the most part, traffickers have brainwashed women to distrust law enforcement "as the traffickers have played upon their concerns of [corrupt and inept] law enforcement in their own countries."⁴² For example, a Chicago Sun-Times article about an INS raid in Chicago's China town reported that upon discovery by authorities "the girls would not say anything at all to our officers, ... these women are extremely afraid of law enforcement."

Importantly, victims almost always fear deportation and resist cooperating with law enforcement. This can impede efforts to apprehend their captors. They also fear that their traffickers will find them and physically hurt them or their family members abroad. Additionally, some women become substance abusers because their traffickers introduce them to illegal drugs to easily control them. Therefore their need for mental health services and protection from traffickers is paramount.⁴³

Attorneys' representing trafficking victims feel it is better for them to be housed together after their release rather than split among different shelters. "Trafficking victims have often bonded with one another because of their shared traumatic experiences."⁴⁴ Keeping them together allows them to retain their support network and reduces emotional

⁴² CAST, 32

⁴³ 40, CAST

⁴⁴ 40, CAST

separation anxiety. Also, counseling should be offered in the survivor's native language. Women are trafficked to the U.S. from more than 49 countries around the world and most do not speak English.

Some women who are trafficked voluntarily return to their home country to an uncertain future, while women from the matchmaking industry may be forcibly removed after leaving an abusive husband. Their return interrupts their counseling and treatment and often times they do not receive repatriation assistance.⁴⁵ This leaves them vulnerable to either rejoining the trafficking industry or being shunned by their community because of trafficking's negative reputation. Alternatively, the women who choose to stay in the U.S. need assistance finding housing and learning job skills.

Steps that Need to Be Taken

Service providers, law enforcement, immigration attorneys, and health care professionals must collaborate to best assist trafficking survivors. Police officers are most often the first point of contact with the women; therefore they should receive cultural sensitivity training and be made aware of the types of trauma trafficking victims are suffering. This will make it easier for them to identify trafficking victims and address their specific requirements. Law enforcement should be able to work with translators to inform victims of their rights, and have translated material informing them of the situation to dispel myths feed to them by traffickers. Authorities should also know which service organizations are equipped to help trafficking victims and ensure victims receive

⁴⁵ CAST, 40

assistance from them immediately. Isabel Carter Steward, executive director of the Chicago Foundation for Women aptly sums up the plight of survivors: "Women and girls who are victims of this crime are being denied access to health service and information, economic self-sufficiency and freedom from violence. In short, they are being denied human dignity."

Domestic violence shelters can also identify victims and what their needs are. Therefore, shelters should receive cultural sensitivity training. Shelter staff should be able to refer women to specialized shelters, agencies, and support groups serving women from their respective countries of origin, and that understand their cultural backgrounds and language. Shelter staff should be able to easily access multi-lingual counselors and know which attorneys to contact. Survivors need lawyers who have the knowledge to help them navigate the complex legal battle that will determine their ability to stay in or leave the U.S. or to prosecute their traffickers.

Victims who need to remain in the U.S. for legal reasons (ie, pending trials, awaiting visas) should be provided with assistance to find safe housing and job training combined with their counseling. They also need protection from their traffickers, whether they are their ex-husbands or part of criminal networks. It is extremely important for them to be protected from the individuals who exploited them. Women who return to their home country need assistance in resettling. Service organizations in the U.S. should be in contact with groups who can help women transition back into life in their home countries. "According to a professor from California State University with an expertise in Southeast

Asian and women's studies, some non-profit organizations in Los Angeles are trying to partner up with NGOs abroad so that returnees can be met at the border or airport upon their return and receive repatriation assistance. In her opinion, these networks are easy to create but time consuming."⁴⁶

In order for these steps to be taken it is imperative that the aforementioned groups receive proper funding. Currently, most agencies across the country are suffering due to economic downturns and funding cuts for social services. Regardless, it is imperative that support organizations become aware of the crime of trafficking and of other agencies that assist victims. This connectedness will allow for different agencies to identify trafficking survivors, and for women to receive help as quickly as possible.

Washington State. A model for national success

In 2001, the Washington state legislature overwhelmingly passed legislation to address human trafficking. It became the first state in the country to legislatively address this modern day form of slavery. The legislation was drafted at a November 2001 conference at the University of Washington where law makers, activists, service providers, education attorneys, and survivors gathered to discuss the challenges of and solutions to trafficking. From the draft legislation Senator Jeanne Kohl-Welles produced *The Mail Order Bride Act* that requires "international matchmaking services to show women in other countries the results of criminal background checks and marital histories, in the woman's native language, of any Washington state men interested in them." The men have to pay for the

⁴⁶ CAST, 40

background checks themselves. This legislation was a response to the growing violence against women from the matchmaking industry, specifically the murders of Anastasia King, and a Philipina woman, Susana Blackwell, who was shot to death by her husband. At the time of her murder she was pregnant with her first child.

State Representative Velma Veloria and Senator Jeri Costa introduced and led the passage of the *Trafficking in Persons Act*. This legislation created a task force to study human trafficking in Washington and recommend to the governor and state legislature how to best provide assistance to victims.⁴⁷ The task force met between July and November 2002 and assembled representatives from law enforcement, social services, academia, city, state, and federal government, members of legal community, and survivors of trafficking. The group "measure[d] and evaluate[d] the state's progress in trafficking-related activities; identifi[ed] available services to trafficked persons at the local, state and federal levels; and recommend[ed] methods to provide a coordinated system of support for persons who are victims of trafficking."⁴⁸ Their recommendations included establishing trafficking as a state crime, regulating the matching making industry, providing comprehensive legal services for victims, "including services during the pre-certification stage," increase funding to community agencies, increase public awareness, education and training.⁴⁹ The legislation was a result of grassroots mobilization, public education conferences, and media support and coverage. Elected officials also mobilized their colleagues in government.

⁴⁷ <http://www.heraldnet.com/prima...>

⁴⁸ trafficking taskfore

⁴⁹ taskforce

Conclusion

The global epidemic of trafficking of women and children is a complex, multi-faceted problem that repeatedly victimizes the world's most vulnerable people. The frequency of this crime will increase in the coming years as its profitability rises in the face of corrupt governments, and an unending supply of people desperate to escape poverty and lack of opportunity.

Trafficking is fueled by infinite factors, some as abstract as and amorphous as the increase of women who are financially responsible for their extended families, to widespread abuse of laws, corrupt government officials cashing in on the illegal trade of humans, and the increasing connectedness of global criminal networks due to better technology (email, cell phones).

Possible solutions to ending trafficking must account for its complexity and address the problem on multiple levels. Women who are most likely to be trafficked must be made aware of the crime and the huge risks and consequences. In order to reduce the "supply" of trafficking victims, women should have options of legitimate work in their home country to prevent them to consider joining the illegal trade. Severe consequences should exist for traffickers to dissuade them from facilitating the trade. Furthermore, law enforcement around the world should work to disband crime rings. As mentioned in this paper, lawmakers should provide relevant and coordinated services for victims. Law

makers should develop legislation that does not criminalize victims. Additionally, trafficking must be treated as much more than just a migration issues. Currently, traffickers are not accountable for violating victims' human rights.

The Sex Industry as a Cause of Trafficking

A major force propelling trafficking is the growing "demand" of prostitution. Women are moved across the world, increasingly from the global south to north, supplying cheap or free labor to sustain the booming sex business. The negative reputation of prostitution stereotypes participating women as "immoral," and as willingly selling their body. However, this is far from true. According to Donna Hughes, professor of Women's Studies at the University of Rhode Island, "survivors of prostitution often report that each act of prostitution feels like a rape. In order to endure the multiple invasions of the body women use drugs and alcohol to numb the assaults to their dignity and bodily integrity. Eventually, the woman's physical and emotional health is destroyed."⁵⁰ In the case of trafficked women, most are unaware that they will end up in "strip clubs, brothels, or the street." Prostitution is a form of violence against women. Some countries have legalized the sex industry, leading to an influx of illegally trafficked women, and legitimizing the abuse of women, and the commodification of their bodies.⁵¹ I learned through my long-time work with women in the red light district of Kolkata, India, that trafficked women and local prostitutes did not choose to work in the sex industry. They were driven to prostitution because they were desperately poor, with no other means of providing for

⁵⁰ <http://www.uri.edu/artsci/wms/hughes/mhylegal.htm>

⁵¹ donna hughes

themselves and their children. All of the women I worked with told me that they would give up sex work if they were able to find other sources of income.

One of the most import ways to quell the demand for trafficked women is to crack down on the sex industry, *without criminalizing the victims*. The women, instead need to be treated with consideration, and provided health care and social services. The legalization of prostitution must end. Although it is widely perceived as a way to protect women, it is only legitimizing their abuse. Additionally, a state sponsored market for women results in suppliers turn to the developing world to meet the demand. As throughout history, it is often imported labor that provides the lowest level of work in the global north's workforce. This situation threatens to designate prostitution as the work of poor women from the developing world. Finally, by framing prostitution as a legitimate industry, governments relinquish the responsibility to stamp out the factors that drive women to prostitution such as poverty, inequality, and lack of job opportunities.

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BIOGRAPHICAL INFORMATION**

Dr. Sutapa Basu Sutapa Basu is the Executive Director of the Women's Center and an Assistant Professor of Women's Studies at the University of Washington. Her area of academic specialization is Women and International Development. She has worked extensively with women's groups in India and the U.S, and has spoken nationally and internationally on women in development, microcredit, and violence against women. Her research and activism around the global trafficking of women and children in the sex trade. In India, she has done grassroots work on human trafficking, and is currently leading a case study on trafficked women in the state of Kerala.

Locally, she has worked closely with Washington State Representative Velma Veloria and Senators Cantwell to pass legislation to protect trafficking survivors here in our state. Her work is grounded in her dedication to empower women to speak out more, take leadership roles, demand better working conditions, combat domestic violence, and improve education and family health. She served and continues to serves on various boards and committees, including the UW President's Advisory Committee on Women, UW special Committee on Faculty Women, Indian American Political Advocacy Council; Asian Community Leadership Foundation; Washington State Executive Ethics Board, the King County Civil Rights Commission, KCTS Public Television, and Fred Hutchinson Cancer Center.

She has also received numerous awards for her work. She was the recipient of Soroptomist International Women Helping Women Award, the Florence Merrick Award, Woman of the Year Award, International Examiner Community Voice Award, and the United Nations Human Rights Award.

Dr. Sutapa Basu received her doctorate from Fielding Graduate Institute and was a CSI fellow at Stanford Graduate School of Business for Non-profit Leaders.

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Nigerian police find dozens of young children packed in truck; authorities suspect child-trafficking

DANIEL BALINT-KURTI
Associated Press Writer

LAGOS, Nigeria — Police found dozens of dusty, exhausted children — some as young as 1 — packed into a fishmonger's truck during a routine search in Nigeria's capital, and a suspected child-trafficker claimed their parents consented to hiring them out as servants, authorities said Monday.

The suspect, Fatima Baba, told police she brought the 52 children from Makwa town in northern Nigeria's Niger state to hire them out as domestic servants, Lagos state police spokesman Ademola Adebayo said.

Child-trafficking is an Africa-wide problem, and a police spokesman in the capital, Abuja, said authorities were investigating whether there were plans to sell some children into slavery.

"According to her, she would get a fee for hiring out the children," Adebayo said, adding that police were checking Baba's claim that the children's families had agreed to the arrangement and would be paid when the children returned after a year's work.

Five of the children found Saturday in a container on a truck that normally transports fish to market were between the ages of 1 and 5. The oldest were 14.

Charges against Baba and the driver were pending further investigation, police officials said. Twelve adults who shared the container with the children also were detained, Adebayo said.



Woman and young girls who were among people that were found in a shipping container stand together in Lagos, Nigeria on Monday, March 7, 2005. Police found more than 60 children packed into a shipping container in Lagos, and a police spokesman said Monday it was believed they were to be sold as slaves or servants. (AP Photo/Sunday Alamba)

The youngsters sat Monday on wooden benches in a concrete room at an inner city police station in Lagos, Nigeria's largest city. Several had no clothes; others wrapped themselves in soiled lengths of cloth.

Officials said they were working to reunite the children with relatives.

An estimated 200,000 children are shipped across West and Central Africa's borders each year, some ending up in brutally difficult jobs.

Police arrested four child-traffickers in Nigeria last month for selling babies for \$1,800, police officials said. Two local hospitals helped in the crime, arranging for infants to be adopted before they were even born, Adebayo said.

The chief suspect, female pastor Faith John, was operating out of the Good Shepherd Orphanage in Lagos, where police found at least 10 girls being held against their will and a dozen babies, Nigerian police spokesman Emmanuel Ighodalo said from Abuja.

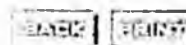
The cremated remains of an unspecified number of babies also were found in the orphanage, Ighodalo said, adding that John told police the remains were of babies who died because of lack of care.

Citing John's confessions, he said the girls — six of whom were pregnant — had all been enticed there with offers of about \$180. Details of the girls' treatment were unclear, police said.

Authorities say they are investigating whether the woman and the three other suspects — including her husband and daughter — also were trafficking in human body parts through the orphanage.

Human body parts are illegally used in rituals in Nigeria by people who believe they provide protection or power.

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Rescued From Sex Slavery

Feb. 23, 2005

At night, the rooms above a building in downtown Bucharest resemble a scene straight from the 18th century slave trades, and it's taking place in front of **48 Hours'** hidden cameras.

There, **Correspondent Peter Van Sant** is negotiating to buy a human being – not for an hour, but forever. In this **48 Hours** report, Van Sant infiltrates the billion-dollar business of human trafficking, a business that is worldwide.

Hundreds of thousands of young, desperate girls are trafficked each year as sex slaves. Some are lured overseas with the promise of a good job, only to be enslaved once they arrive. Others are simply abducted.

To investigate, **48 Hours** traveled to Bucharest, Romania, with hidden cameras to find out if it was really possible to purchase a sex slave.

Posing as traffickers from America, **48 Hours** crews went undercover, hoping to rescue a victim of this insidious industry. To infiltrate this world, crews hired streetwise journalists Paul Radu and Daniel Neamu as guides.

Like many poor Eastern European countries, Romania has become a popular place for international traffickers looking to recruit, or even purchase, girls.

After dark, the **48 Hours** team ventures into the older sectors of Bucharest, to see what money can buy. Within minutes, the crew finds what looks like the kind of pimping and prostitution you can see in any large city. But soon it learns that some of these girls are for sale as slaves.

"You can buy 10 girls in one night, if you want to. You can say I want a 13-, a 16-, a 17-, and a 21-years-old, and you can buy them all like that," says Iana Matei, who runs a shelter for trafficking victims outside Bucharest.

Matei agreed to take in any girl that **48 Hours** could rescue. "Young girls and women, bought and sold, first to work in prostitution. That's slavery. We choose to believe that they are prostitutes and we don't look into it," says Matei.

She says that many of the girls on the street look like prostitutes but are actually slaves, ready for purchase and export to Western Europe or the United States.

"It's on the street. It's impossible not to see," says Matei. "It's not a secret industry. It's right in your face."

A woman named Francesca claims to have girls all over Bucharest. Over a meal, our undercover team explains to Francesca that it wants to buy her girls, and bring them back to the United States. The team asks if the girls have the proper documents to cross the border.

"No problem," says Francesca, who is hungry to close the deal.

But **48 Hours** decides to do business with another trafficker, Nadia, who says she has a young, blonde girl for sale.

Nadia brings out the girl, "Nicoleta", to meet with Van Sant. She and her business partner and husband, Costel, put Nicoleta on display in the filthy apartment where she services clients.

To rescue Nicoleta, it is crucial that Van Sant and the **48 Hours** team convincingly play the role of cold-hearted traffickers.

Nicoleta undresses. "They usually show the girls to see she doesn't have any marks, any skin disease so they can show she's good to be used," says Matei. "It's, like, when you say, sell a cattle in the market."

"To you, it's a human being. To them, it's not," adds Matei. "To them, it's income. It's a way of making money."

Van Sant offers to pay \$1,000 for Nicoleta, but suddenly there is a problem: Nicoleta doesn't have any ID on her. However, Costel assures **48 Hours** that the issue will be resolved the next day.

The plan is to return to the traffickers' apartment the next day, buy Nicoleta for \$1,000, and then bring her to Matei's shelter, and let Nicoleta reclaim her life.

But within minutes, negotiations hit a snag. Now, Nadia wants \$2,000 for the sale. Why has the price doubled overnight? "Obviously, they understood that you are going to take her overseas," says Matei. "So she goes overseas, the price goes up \$1,000."

Nadia says much of the money will support Nicoleta's family. In the end, Van Sant offers \$1,800, and the deal is settled. But even though the traffickers haven't produced Nicoleta's ID, **48 Hours** wants to get her out of there. Nicoleta leaves with only the clothes on her back.

Once in the car, **48 Hours** hands over the rest of the cash. In less time than it takes to buy groceries, **48 Hours** had bought a human being.

"I want you to know that you are absolutely safe with us," Van Sant tells Nicoleta. "You've got nothing to fear."

It's now a very difficult decision for Van Sant, who is trying to decide whether he should tell Nicoleta that the **48 Hours** team are undercover reporters. He's concerned that Nicoleta might jump out of the car, think that he is lying to her, or believe that he is part of the authorities.

But Nicoleta is convinced that Van Sant is her new owner. During the drive, she tells **48 Hours** that this is the first time she's been outside in more than a year. She says her owners brutally beat her, and that she was fed like a dog.

How did she become a slave? Nicoleta says her mother abandoned her at an orphanage: "Then, they threw me out. With no family, I didn't know where to go."

She says she eventually came to Bucharest, where she spent years living in the sewers and shantytowns with other young runaways. The traffickers found her by the side of a road. They promised her food and shelter. But they ended up making her bad world worse.

After nearly two hours of driving, Van Sant tells Nicoleta the truth: "We are journalists from the United States. We have bought you because we want to set you free."

Exhausted and a bit stunned, Nicoleta hugs her translator, and says: "I thank you from the bottom of my heart, that you saved me from that hell."

48 Hours arrives at Matei's shelter after midnight. Nicoleta gets a change of clothes and a hot meal.

How does Nicoleta look? "She is tired, obviously. Not well taken care of," says Matei. "She doesn't have self worth, self respect, self esteem."

Matei says it will be months before Nicoleta trusts her enough to tell her the truth – but she isn't optimistic. "My first opinion is, it will be very difficult to work with her."

48 Hours says goodbye to Nicoleta, promising to check back in a few months.

While Nicoleta is just beginning to deal with what she's endured in Romania, another young woman – more than 6,000 miles away in southern California – has spent years recovering from her dark journey.

48 Hours talked to "Olga," 25, who's also a survivor of a million-dollar sex slave trafficking ring in Russia. Her ordeal began in 1999, in her hometown of Moscow, a growing supplier of sex slaves to the United States.

She was the perfect target for traffickers. Both her father and boyfriend had been murdered by the Russian mob. She was scared and desperate to get out.

A friend introduced her to a man named Alexander Rashkovsky, who was looking for girls to work in America.

Rashkovsky offered Olga a chance at a new life: a job as an assistant and transportation to the United States.

"The only thing that I knew: that America is really secure – a person has rights," says Olga. "And everywhere would be pretty much safer than being in Moscow."

Jolene Smith, executive director of the Free the Slaves Foundation, says Rashkovsky's come-on is a typical tactic for a slave trader. "And then the harsh reality sets in. There are threats. And that's where the person realizes, 'I'm trapped. And there is nothing I can do.'"

After Rashkovsky spent the money on the plane tickets, he made it clear there was no backing out. "If anybody try to run away, he's not going to deal with you," says Olga. "I'm just going to cut your head off."

Olga got on the plane with four other Russian girls. In that instant, they became the personal property of an international slave trader. Olga's plane, however, was headed to Mexico. Rashkovsky was planning to smuggle the women across the notoriously unsupervised border between Mexico and the United States. He brought the women to a hotel in Tijuana.

Olga, a consultant to **48 Hours** on this report, returned to Mexico to retrace her steps. "It's just old memories," she says. "The older I get, the more scarier it is to think about, what could happen to me."

Girls like Olga are sometimes put to work in Mexican strip clubs before heading north. But Mexico is more than just a transit country and training ground for Eastern Europeans. In its own right, Mexico is the No. 1 country providing slaves to the United States, accounting for the majority of federal trafficking cases.

Many girls come from the central Mexico region of Tlaxcala, an infamous haven for modern-day slave traders. Two years ago, "Rosaria" was kidnapped. She was 20.

"They had me working overnights. It was worse than prison," says Rosaria. "No freedom. Doing things I had never done before. It was like hell on earth."

Rosaria recently escaped from a Tijuana brothel before she could be taken from the border. "They told me they will kill me. They even threatened me with hurting my family, if I tried to escape," she says. "They told me that I was going to work in the United States. They had girls working over there already."

Many of those girls never return. **48 Hours** met "Elsa," one of the mothers of the missing. The last time she saw her daughter was on her 20th birthday, in June 2001.

Elsa claims that the people behind her daughter's disappearance are allegedly members of an well-known family of slave traders called the Carretos. She alleges that members of the Carretos abducted her daughter on her way to work, and eventually brought her daughter to the United States.

But first, Elsa says they brought her daughter to Calle Santo Tomas, one of the many brutal training grounds in Mexico where traffickers "break in" new girls like Rosaria.

Rosaria said she was beaten: "They just looked at me and told me to go to work. I was so scared of being killed, I did everything they wanted me to."

"One of the key tools that modern day slaveholders today use is to break the person's will as soon as possible," says Smith. "The sooner the will is broken, in many cases, it's easier to transport that person. It's easier to force that person to work."

On Calle Santo Tomas, you can find dozens of girls, day and night, parading in a slow circle. A crowd of clients stands around them, while a vendor sells snacks. The pimps overseeing matters are suspicious of outsiders, but **48 Hours** got in with hidden cameras.

The girls bring their clients into a warehouse-like structure, and the sex takes place inside filthy curtained cubicles. Elsa says her daughter was helpless: "They threaten the girls. They say, 'If you leave, I will kill your family. I will kill you and cut you to pieces.'"

But for Olga and the other Russian girls, a different version of the "training process" took place on their first night in Tijuana.

Rashkovsky brought some men to the hotel and began putting his new slaves to work. Olga convinces them she is too sick to perform, but she now sees a horrible future ahead of her. "He [Rashkovsky] wouldn't care at all," she says. "We could die, and he would probably step over us and keep walking."

And now, just as Elsa is determined to free her daughter, Olga is determined to escape. "This is my chance," says Olga.

The border crossing between Tijuana and California is the busiest land border in the world. Rashkovsky was behind the wheel, and Olga and another Russian woman were passengers on the road to becoming Rashkovsky's newest sex slaves in America.

But first, they had to pass the last obstacle: getting through the border checkpoint.

Olga, who at the time didn't speak any English, was given a two-word crash course in English by Rashkovsky: "Yes. U.S." It was something she would have to say at the border.

"I knew that it wasn't easy to cross the border, so as soon as I get there, I should try to escape," says Olga.

When the car pulled up to the border guard, Olga made her move. "I just hope they were going to stop our car," she says.

She began speaking in Russian, and says Rashkovsky was furious. But her gamble worked. Everyone was ordered out of the car by the border patrol, and detained. Rashkovsky was questioned on video, and tried to convince his interrogators that he had just met the girls in Tijuana.

But it didn't work. "An older gentleman in the company of two young females who had heavy Russian accents, you know, just didn't pass the litmus test," says Special Agent Mike Unzueta, who worked the Rashkovsky case for the Department of Immigration and Customs Enforcement, known as "ICE."

Rashkovsky was arrested for attempting to smuggle human beings across the border.

"He was basically a monster," says Olga. "Really a monster. That's him."

Investigators later learned the ugly truth: Rashkovsky had raked in more than a million dollars, trafficking young Russians into the Los Angeles area.

"The money that they were making was going right into Rashkovsky's pocket," says Unzueta. "These women basically were going to be treated as slaves."

Olga was taken to a safe house in San Diego and placed in protective custody. She was one of the lucky few to be saved before she was forced into slavery.

Sadly, it was totally different for Elsa's daughter. Members of the Carreto crime family of Tlaxcala, Mexico, allegedly brought Elsa's daughter and other girls all the way to Queens, N.Y.

"In New York, threats, force, violence, rape used to force these Mexican women into prostitution, six, seven days a week," says ICE Director Mike Garcia.

For years, ICE agents have been investigating the pipeline that brings Mexican girls to the quiet Queens neighborhood where members of the Carreto family were allegedly running their operation.

48 Hours sent an undercover researcher into the Latino neighborhood in Queens, where Elsa's daughter was brought. He soon finds a pimp who steers him around the block and down into a basement.

Under the careful eyes of their keepers, the girls are working in two small rooms, separated by a bed sheet.

"When we think of how trafficking victims are surviving within our own countries today, I can only imagine that it's something like this," says Smith, who was shown the undercover tape. "What's interesting to note about this particular case is that it seems to be happening in a middle-class residential area. This further proves the point that we all need to be vigilant. This could be happening next door."

At another popular location, a girl tells the undercover researcher that she is 22 and from Vera Cruz, Mexico. He asks the men running the place if they have anyone younger. They promise him a 16-year-old girl.

48 Hours can't say for sure if these girls are being held against their will, but when Elsa's daughter got her first chance to call Mexico, she contacted her mother and pleaded for help.

"She was afraid because she had been threatened," says Elsa. "And I cried very much when I heard her voice."

Despite the danger of speaking out against members of the Carreto family, Elsa was not intimidated. She went public with her story in *The New York Times* magazine, and filed a complaint with the Mexican federal police.

"I saw the way to find justice. I made the move," she says. "But I still worry a lot about my daughter."

Elsa's determination paid off. Members of the Carreto family were arrested last year. Authorities say they eventually will be going to trial in New York.

Elsa's daughter was rescued and now assisting in the investigation. She hopes to be reunited with her mother.

Slave trader Alexander Rashkovsky ended up in prison in California after Olga testified against him at trial. He died of pneumonia behind bars in 2003.

Olga was allowed to stay in the United States under a special visa the federal government offers to victims of trafficking. Now, she's trying to build a real estate career.

As for Nicoleta, the girl that **48 Hours** bought in Bucharest for \$1,800 and then freed? **48 Hours** returned to Romania three months later to find out how she's doing. She's still in recovery at Iana Matei's shelter for trafficked girls.

"She's doing better than I expected her to do, honestly," says Matei. "She's doing quite well in the shelter."

For the first time in her life, Nicoleta has people around her who care. "They're a really good family," she says.

And they are her only family. It has taken months for Matei to learn the true details of Nicoleta's life, including her true age, 26. She believes that Nicoleta, homeless and mentally challenged, was picked up by traffickers and spent years as a sex slave.

Just the mention of her past life reduces Nicoleta to tears.

48 Hours went back to the apartment where Nicoleta was held captive, to confront her former owners, Nadia and Costel, but they were nowhere to be found. The traffickers seemingly melted into the back alleys of Bucharest, as Nicoleta picks up the pieces of her shattered life.

"I was quite impressed, honestly," says Matei. "I am pleased to say there is hope for Nicoleta."

Today, it's the simple pleasures of freedom that make Nicoleta happy – like having her own room, working in the shelter's tailoring shop, and being able to walk outside. Now, perhaps for the first time, she can look forward to the future.

"I want to learn to read and get a job," says Nicoleta. "And maybe one day have a family."

Elsa's daughter, who was rescued in New York, is expected to be a key witness against members of the Carreto family. Their trial for sex trafficking is expected to begin this spring.

There are an estimated 4,600 women currently held in the United States as sex slaves.

HB

149

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 149(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____
Title: Sale of Methamphetamine and Precursors
Sponsor: Ramras, Wilson, Lyr.n
Requester: House Judiciary

Dept. Affected: Commerce
RDU: Occupational Licensing (117)
Component: Occupational Licensing
Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

CSHB 149(JUD) establishes requirements for the manufacture, wholesaler, and distributor of certain chemicals relating to methamphetamine; and to keep complete records of all transactions involving those products and to make those records available for inspection by law enforcement officers. New funding is not required to implement the provisions of this bill.

Prepared by: Jennifer Struckler, Administrative Manager Phone: (907) 465-2144
Division: Occupational Licensing Date/Time: 3/15/05 5:03 PM
Approved by: Edgar Blatchford, Commissioner Date: 3/15/2005
Agency: Commerce, Community, and Economic Development

Amendment 3

with drawn

Croft

Conceptual Amendment to CSHB 149 24-LS0596/U

In Section 11, following subsection (e), insert language to the following effect:

If a law enforcement agency voluntarily designates itself as a central repository for the information collected in (a) or (b) in this section, with the intention of disseminating the information to other law enforcement agencies, each wholesaler, manufacturer, and distributor shall regularly report that information to the law enforcement agency.

adopted

24-LS0596\N.1
Luckhaupt
4/7/05

AMENDMENT

J
R

Hawker

OFFERED IN THE HOUSE

TO: CSHB 149(FIN)

- 1 Page 9, lines 20 - 22:
- 2 Delete all material.
- 3 Insert "have access to the log. The log and the information entered into the log is
- 4 confidential. The retailer may not allow access to the log or release information contained
- 5 within the log except to the Department of Public Safety or other law enforcement officers."

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

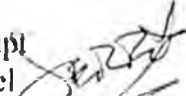
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2005

SUBJECT: Records kept by retailers - CSHB 149(FIN) (24-LS0596\N)

TO: Representative Kevin Meyer
Attn: Suzanne Cunningham

FROM: Gerald P. Luekhaupt
Legislative Counsel 

Enclosed is the CS(JUD) you requested. I have one comment about Amendment 1.¹ The bill requires retailers to maintain a cold medicine and iodine log. The amendment makes this log confidential and specifies that it is not a public record under the state public records statutes.²

1. I question the application of the public records statutes to these logs.³ The logs will be kept by private businesses, not public agencies. The public records statutes only apply to public records⁴ maintained or received by public agencies.⁵ Just because the state

¹ Amendment 1 added new language to proposed AS 17.30.090(b).

² AS 40.25.100 - AS 40.25.220.

³ Retailers are required to maintain the logs under proposed AS 17.30.090(b).

⁴ "Public records" are defined in AS 40.25.220(3) as:

books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency; "public records" does not include proprietary software programs;

⁵ "Public agencies" are defined in AS 40.25.220(2) as:

a political subdivision, department, institution, board, commission, division, authority, public corporation, council, committee, or other

Representative Kevin Meyer

April 6, 2005

Page 2

requires private enterprise to maintain a particular record or retain certain information does not make that information or record a public record. I do not see how the public records statutes apply to records or information maintained by private businesses. Indeed, pharmacists are already required to keep similar logs for codeine cough syrup (available without a prescription) and for various poisons (available without a prescription) and the state does not exempt those logs from the public records statutes. Law enforcement officers are allowed access to these logs, and the information compiled from them has never to the extent of my research been considered a public record.

Law enforcement officers will have access to the logs required by this bill and I presume will harvest or cull information from the logs for further investigation. I guess some would argue that this harvested or culled information might be a public record. I do not see why the information harvested or culled from the logs by law enforcement officers would not be subject to the exemptions provided by AS 40.25.120(a)(3) or (6).

Maybe the concern is not really whether these logs are public records, but a concern that the retailers might disclose the information contained in these logs to others. If this is the concern then the bill should **require the retailers to maintain the confidentiality** of the log from disclosure to anyone other than law enforcement officers. For example, pharmacists are required to maintain the confidentiality of patient records that are maintained by the pharmacist.⁶ If a pharmacist sells the cold medicines or iodine regulated by this bill they will be required to keep the information maintained in the logs confidential under this statute. Non-pharmacists will also be able to sell these products but are not regulated⁷ by AS 08.80.315, thus, the need for a provision to require the retailers to keep this information confidential.

2. The CS(FIN) also requires wholesalers, manufacturers, and distributors of certain cold medicines and iodine to maintain certain records regarding transactions and to make those records available to law enforcement officers.⁷ If we are concerned that the information harvested or culled (and discussed infra in 1) is a public record, then it would seem that this information should similarly be exempted.

3. The CS(FIN) allows municipalities to require wholesalers, manufacturers, and distributors of the cold medicines and iodine to compile the information related to their transactions in the municipality and to transmit that information to the municipality police department at intervals set by the municipality.⁸ This information is different from that discussed infra in 1 and 2 and appears to me to be subject to the public records

instrumentality of the state or a municipality; 'public agency' includes the University of Alaska and the Alaska Railroad Corporation;

⁶ See AS 08.80.315.

⁷ See proposed AS 17.30.090(a).

⁸ See proposed AS 17.030.090(c).

Representative Kevin Meyer

April 6, 2005

Page 3

statutes are the records will no longer be merely compiled by a private entity so a public agency may look at them, but the records will be compiled and transmitted in whole to the public agency. Instead of law enforcement merely having access to records compiled by a private business and culling information necessary for law enforcement purposes from those records, the municipal police department, a public agency, will be the recipient of complete records that, it may be argued, are public records. I am not convinced that the complete records will be subject to the law enforcement exception to the public records statutes.

GPL:jad
05-197.jad

Enclosure

Adopted

AMENDMENT |

TO: CSHB 149 (FIN)

Page 9, lines 19 and 20:

After "dispensed." Delete all material and insert the following:

"Upon request, the Department of Public Safety and other law enforcement officers shall have access to the log. The log may be used for law enforcement purposes, but is otherwise confidential and not subject to public disclosure under AS 40.25.100 – 40.25.220."

HOUSE COMMITTEE REPC T

(11)

Date Referred to Committee: March 14, 2005

FURTHER REFERRALS:

Date of Committee Action: 4/5/05

The FINANCE Committee considered:

HB 149

HOUSE BILL NO. 149

SALE OF METHAMPHETAMINE AND PRECURSORS

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

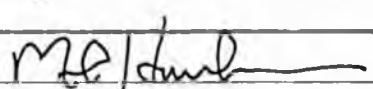
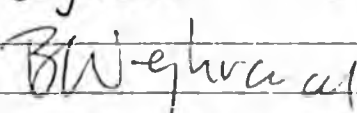


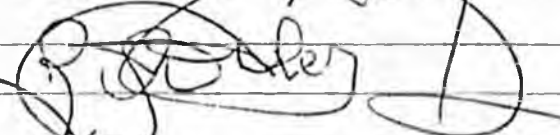
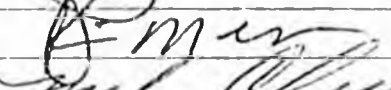

Recommends it be replaced with HCS or CS for HB 149 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 CA

<u>NEW</u> FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DCED				✓

<u>PREVIOUS</u> FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
AK Court	#1			✓
LAW	#2			✓
DOA	#3		✓	
DOC	#4		✓	

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Hawken	✓			
	Weyhrae	x			
	STOLTE	✓			
	Kelly	✓			
	FESTER	x			
Chair: 	Meyer	✓			
Chair: 	Obermuller	✓			

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number. _____
Bill Version: CSHB 149(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Sale of Methamphetamine RDU Occupational Licensing (117)
and Precursors Component Occupational Licensing
Sponsor Ramras, Wilson, Lynn
Requester House Judiciary Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 149(JUD) establishes requirements for the manufacture, wholesaler, and distributor of certain chemicals relating to methamphetamine; and to keep complete records of all transactions involving those products and to make those records available for inspection by law enforcement officers. New funding is not required to implement the provisions of this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division Occupational Licensing Date/Time 3/15/05 5:03 PM
Approved by: Edgar Blatchford, Commissioner Date 3/15/2005
Agency Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 149(JUD)
(H) Publish Date: 3/14/05

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Sale of Methamphetamine BRU Alaska Court System
Component Trial Courts
Sponsor Representative Ramras
Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
The court system does not anticipate any fiscal impact from the passage of HB 149.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 3/3/05 2:23 PM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/3/2005
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 149(JUD)
(H) Publish Date: 3/14/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act relating to further regulation of the sale, possession, and delivery of certain chemicals...." RDU: CRIMINAL
Sponsor: Representative Ramras Component: Criminal Justice Litigation
Requester: House Judiciary Component No: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 11.71.020(a) by including the manufacture, delivery, or possession of methamphetamine or certain chemicals that make up methamphetamine as a misconduct involving a controlled substance in the second degree. The bill further defines the possession of six or more grams of certain chemicals used in the manufacture of methamphetamine as evidence that the person intended to use the listed chemical to manufacture or assist in the manufacture of methamphetamine. The bill excludes licensed wholesale and retail distributors of drugs; a manufacturer of chemicals or drug products; licensed pharmacists; and licensed health care providers.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 3/6/05 12:32 PM
Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date: 3/6/005
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 149(JUD)
(H) Publish Date: 3/14/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to controlled substances... RDU Legal and Advocacy Services
Sponsor Reps. Raniras, Wilson, Lynn... Component Public Defender Agency
Requester House Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends the crime of misconduct involving a controlled substance in the second degree, a Class A felony, to include possessing or delivering an immediate precursor of methamphetamine or providing a listed chemical, including pseudoephedrine in certain amounts, to another person for the purpose of manufacturing methamphetamine. It also makes it a crime to possess, purchase or deliver restricted amounts of pseudoephedrine, iodine, or crystal iodine. The Agency's operations will be fiscally impacted should this bill be enacted. The Agency has seen a recent increase in appointments concerning methamphetamine cases. In addition, making it a new offense, and a felony in some instances to possess, purchase or deliver restricted amounts of products containing pseudoephedrine, iodine, or crystal iodine will increase the caseload of the Agency, but the extent of the impact is not possible to predict with any accuracy, therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone 907)334-4416
Division Public Defender Agency Date/Time 3/8/05 12:07 PM
Approved by: Michael Tibbles, Deputy Commissioner Date 3/8/2005
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 149(JUD)
(H) Publish Date: 3/14/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act relating to... sale, possession, and RDU Institutional Facilities
delivery of certain chemicals ...in the manufacture of meth Component Institution Director's Office
Sponsor Representatives Ramras, Wilson, Lynn
Requester Judiciary, Finance Component No. 524

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures	*	*	*	*	*	*
Grants & Claims	*	*	*	*	*	*
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	*	*	*	*	*	*
1003 GF Match	*	*	*	*	*	*
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts	*	*	*	*	*	*
1037 GF/Mental Health	*	*	*	*	*	*
Other (Specify Type—Do not abbreviate)	*	*	*	*	*	*
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time	*	*	*	*	*	*
Temporary	*	*	*	*	*	*

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.71.020(a) by including the manufacture, delivery, or possession of methamphetamine or certain chemicals that make up methamphetamine as a misconduct involving a controlled substance in the second degree. The bill defines the possession of six or more grams of certain chemicals used in the manufacture as evidence that the person intended to use the listed chemical to manufacture or assist in the manufacture of methamphetamine. The bill excludes licensed wholesale and retail distributors of drugs; a manufacturer of chemicals or drug products; licensed pharmacists; and licensed health care providers. The bill may increase the number of inmates in custody and may increase sentences for offenders convicted of unlawful activity covered by this legislation, but due to a lack of data and an inability to predict the number of potential prosecutions, the fiscal impact to the Department of Corrections is indeterminate.

Prepared by: Sharleen Griffin, Acting Director
Division: Administrative Services
Approved by: Portia C.K. Parker, Deputy Commissioner
Agency: Department of Corrections

Phone: 465-4641
Date/Time: 3/7/05 4:35 PM
Date: 3/7/2005

R/0 4/5/05

24-LS0596\U
Luckhaupt
3/31/05

Amended

CS FOR HOUSE BILL NO. 149()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES RAMRAS, Wilson, Lynn, McGuire, Gatto

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to controlled substances; relating to the crimes of manslaughter,
2 endangering the welfare of a child, and misconduct involving a controlled substance;
3 relating to the manufacture of methamphetamine and to the sale, possession, and
4 delivery of certain substances and precursors used in the manufacture of
5 methamphetamine; relating to listing certain anabolic steroids as controlled substances;
6 and providing for an effective date."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 11.41.120(a) is amended to read:

9 (a) A person commits the crime of manslaughter if the person

10 (1) intentionally, knowingly, or recklessly causes the death of another
11 person under circumstances not amounting to murder in the first or second degree;

12 [OR]

13 (2) intentionally aids another person to commit suicide; or

1 (3) knowingly manufactures or delivers a controlled substance in
 2 violation of AS 11.71, and a person dies as a direct result of ingestion of the
 3 controlled substance; the death is a result that does not require a culpable mental
 4 state.

5 * Sec. 2. AS 11.51.100(c) is amended to read:

6 (c) In this section,

7 (1) "building," in addition to its usual meaning, includes any
 8 propelled vehicle or structure adapted for overnight accommodation of persons
 9 or for carrying on business; when a building consists of separate units, including
 10 apartment units, offices, or rented rooms, each unit is considered a part of the
 11 same building;

12 (2) "physically mistreated" means

13 (A) [(1)] having committed an act punishable under
 14 AS 11.41.100 - 11.41.250; or

15 (B) [(2)] having applied force to a child that, under the
 16 circumstances in which it was applied, or considering the age or physical
 17 condition of the child, constitutes a gross deviation from the standard of
 18 conduct that a reasonable person would observe in the situation because of the
 19 substantial and unjustifiable risk of

20 (i) [(A)] death;

21 (ii) [(B)] serious or protracted disfigurement;

22 (iii) [(C)] protracted impairment of health;

23 (iv) [(D)] loss or impairment of the function of a body
 24 member or organ;

25 (v) [(E)] substantial skin bruising, burning, or other skin
 26 injury;

27 (vi) [(F)] internal bleeding or subdural hematoma;

28 (vii) [(G)] bone fracture; or

29 (viii) [(H)] prolonged or extreme pain, swelling, or
 30 injury to soft tissue.

31 * Sec. 3. AS 11.51.100 is amended by adding new subsections to read:

1 (g) Notwithstanding AS 11.51.130, a person commits the crime of
2 endangering the welfare of a child in the first degree if the person knowingly
3 manufactures or attempts to manufacture methamphetamine in violation of AS 11.71
4 in a building, with reckless disregard that the building is used as a permanent or
5 temporary home or place of lodging for one or more children under 18 years of age.

6 (h) Endangering the welfare of a child in the first degree under (g) of this
7 section is a class C felony.

8 * Sec. 4. AS 11.51.130(a) is amended to read:

9 (a) A person commits the crime of contributing to the delinquency of a minor
10 if, being 19 years of age or older or being under 19 years of age and having the
11 disabilities of minority removed for general purposes under AS 09.55.590, the person
12 aids, induces, causes, or encourages a child

13 (1) under 18 years of age to do any act prohibited by state law unless
14 the child's disabilities of minority have been removed for general purposes under
15 AS 09.55.590;

16 (2) under 18 years of age or allows a child under 18 years of age,
17 under circumstances not proscribed under AS 11.51.100(g) to enter or remain in
18 the immediate physical presence of the unlawful manufacture, use, display, or delivery
19 of a controlled substance knowing that the manufacture, use, display, or delivery is
20 occurring, unless the child's disabilities of minority have been removed for general
21 purposes under AS 09.55.590;

22 (3) under 16 years of age to be repeatedly absent from school, without
23 just cause; or

24 (4) under 18 years of age to be absent from the custody of a parent,
25 guardian, or custodian without the permission of the parent, guardian, or custodian or
26 without the knowledge of the parent, guardian, or custodian, unless the child's
27 disabilities of minority have been removed for general purposes under AS 09.55.590
28 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is an affirmative
29 defense to a prosecution under this paragraph that, at the time of the alleged offense,
30 the defendant

31 (A) reasonably believed that the child was in danger of physical

1 injury or in need of temporary shelter; and

2 (B) within 12 hours after taking the actions comprising the
3 alleged offense, notified a peace officer, a law enforcement agency, or the
4 Department of Health and Social Services of the name of the child and the
5 child's location.

6 * Sec. 5. AS 11.71.020(a) is amended to read:

7 (a) Except as authorized in AS 17.30, a person commits the crime of
8 misconduct involving a contro'led substance in the second degree if the person

9 (1) manufactures or delivers any amount of a schedule IA controlled
10 substance or possesses any amount of a schedule IA controlled substance with intent
11 to manufacture or deliver;

12 (2) manufactures any material, compound, mixture, or preparation that
13 contains

14 (A) methamphetamine, or its salts, isomers, or salts of isomers;

15 or

16 (B) an immediate precursor of methamphetamine, or its salts,
17 isomers, or salts of isomers;

18 (3) possesses an immediate precursor of methamphetamine, or the
19 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
20 with the intent to manufacture any material, compound, mixture, or preparation that
21 contains methamphetamine, or its salts, isomers, or salts of isomers; [OR]

22 (4) possesses a listed chemical with intent to manufacture any material,
23 compound, mixture, or preparation that contains

24 (A) methamphetamine, or its salts, isomers, or salts of isomers;

25 or

26 (B) an immediate precursor of methamphetamine, or its salts,
27 isomers, or salts of isomer;

28 (5) possesses methamphetamine in an organic solution with intent
29 to extract from it methamphetanine or its salts, isomers, or salts of isomers; or

30 (6) under circumstances not proscribed under AS 11.71.010(a)(2),
31 delivers