

Human Trafficking

Human Trafficking

SECOND EDITION

Cheryl Taylor Page

DIRECTOR OF EXPERIENTIAL LEARNING AND LAW PROFESSOR
SOUTHERN ILLINOIS UNIVERSITY
SCHOOL OF LAW

Bill Piatt

PROFESSOR OF LAW AND FORMER DEAN
ST. MARY'S UNIVERSITY SCHOOL OF LAW



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2023
Carolina Academic Press
All Rights Reserved

Library of Congress Cataloging-in-Publication Data
Names: Page, Cheryl Taylor, author. | Piatt, Bill, author.
Title: Human trafficking / by Cheryl Taylor Page, Robert William Piatt, Jr.
Description: Second edition. | Durham, North Carolina : Carolina Academic Press, LLC, [2022] | Includes bibliographical references and index.
Identifiers: LCCN 2022023501 (print) | LCCN 2022023502 (ebook) | ISBN 9781531023836 (paperback) | ISBN 9781531023843 (ebook)
Subjects: LCSH: Human trafficking--Law and legislation--United States. | Human trafficking--Prevention--United States. | Prostitution--Law and legislation--United States.
Classification: LCC KF9449 .P34 2022 (print) | LCC KF9449 (ebook) | DDC 364.15/510973--dc23/eng/20220729
LC record available at <https://lcn.loc.gov/2022023501>
LC ebook record available at <https://lcn.loc.gov/2022023502>

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
(919) 489-7486
www.cap-press.com

Printed in the United States of America

Cheryl Taylor Page

*I would like to dedicate this book to my awesome husband,
James B. Page, III, who loves, supports, and encourages me in all my
endeavors, and my two wonderful sons, Nathaniel Hugh George and
Gabriel Blair George, who have loved and believed in me
from the very beginning.*

Bill Piatt

To my mom, Betty

To my wife, Chris

To my children: Seana, Bob, Alicia

To my grandchildren:

Fallyn, Max, Rory, William, Julia, Noah, Caroline, Eva, and Jonah

To my great-great-niece, Kyara

And to my honorary granddaughter, Sophia

Contents

| | |
|---|-----------|
| Acknowledgments | xi |
| Chapter 1 Introduction | 3 |
| A. What Is Human Trafficking? | 4 |
| B. Is Human Trafficking a Problem Unique to Our Era? | 11 |
| C. What Is the American Experience with Human Trafficking? | 12 |
| D. Who Participates in, or Benefits from, Human Trafficking? | 15 |
| 1. Slavery at Sea | 15 |
| 2. Slavery and Gold Mining | 18 |
| a. Peru | 18 |
| b. Africa | 20 |
| 3. Slavery in the Clothing Industry | 21 |
| 4. U.S. Farms and Slavery | 22 |
| 5. Slavery in the International Food Market | 23 |
| E. Are We Helpless to Prevent and Eliminate Trafficking? | 27 |
| F. For Further Thought | 28 |
| Chapter 2 What Domestic Efforts Seek to Eradicate Trafficking? | 29 |
| A. Federal Authority | 29 |
| B. State Legislative Efforts | 41 |
| 1. Texas | 41 |
| 2. Tennessee | 44 |
| C. For Further Thought | 49 |

| | |
|--|------------|
| Chapter 3 The United States Department of State and the Tier Ranking System | 51 |
| A. Tier Placement | 51 |
| 1. Rankings by Country — All Nations | 55 |
| 2. Analysis of Selected Nations | 57 |
| B. Political Considerations? | 69 |
| C. For Future Thought | 69 |
| | |
| Chapter 4 What Is Being Done to Address Immigration Concerns Related to Trafficking? | 71 |
| A. International Approach | 73 |
| B. United States Immigration Approach | 86 |
| 1. Historical Overview | 87 |
| 2. Current Immigration Structure | 89 |
| a. Citizenship | 89 |
| 1) Citizenship at Birth | 90 |
| 2) Citizenship by Naturalization | 91 |
| b. Permanent Resident Alien Status | 91 |
| c. Non-Immigrant Visas | 116 |
| 1) Non-Immigrants Generally | 116 |
| 2) T-Visas | 116 |
| 3) U-Visas | 141 |
| 4) Inadmissibility | 143 |
| 5) Waivers | 144 |
| 3. Immigration Options Ultimately Available to Victims of Trafficking | 145 |
| C. For Further Thought | 146 |
| Selected Bibliography | 147 |
| Books | 147 |
| Articles | 148 |
| | |
| Chapter 5 Should Prostitution Be Legalized? | 149 |
| A. Experiments in Legalization | 149 |
| B. Can the U.S. Government Require That Organizations Receiving Federal Funding Oppose Prostitution? | 153 |
| C. The Nordic Approach | 162 |
| D. Particular Problems Involving Children | 169 |
| E. For Further Thought | 176 |

| | |
|--|------------|
| Chapter 6 The Lingering Effects of African Slavery in the United States | 179 |
| A. The Double Whammy of Being Female and African American | 179 |
| B. For Further Thought | 197 |
| Chapter 7 What Else Can Be Done? | 199 |
| A. Current Efforts Are Not Enough | 199 |
| B. Is There a Relationship between Pornography and Trafficking? | 228 |
| C. First Amendment Limitations on Anti-Pornography Efforts | 250 |
| D. Addressing Sex Trafficking on the Internet | 254 |
| E. Lawsuits against Traffickers | 272 |
| F. Forced Abortion | 272 |
| G. Think before Patronizing Trafficking Industries | 273 |
| H. Combat Sex Tourism | 274 |
| I. Continuing to Educate Ourselves | 280 |
| J. “S.O.S.!” | 283 |
| K. Other Organizations | 284 |
| L. Concluding Observations | 292 |
| M. For Further Thought | 293 |
| Index | 295 |

Acknowledgments

We wish to thank Maria Vega (Legal Administrative Assistant, St. Mary's University School of Law) for her line editing and technical assistance in the preparation of our manuscript.

We wish to thank our research assistants, Karen Crawford and Jacob Hernandez.

The following entities and publications granted permission to reprint portions of previously published material included in this book. We wish to thank them for the permission, and for their cooperation and assistance:

Creighton Law Review

Florida Coastal Law Review

Gonzaga Journal of International Law

Illinois Law Enforcement Training and Standards Board

Executive Institute

Knoxville Bar Association

Western Journal of Criminal Justice

Finally, Professor Page offers: I'd like to thank my husband, James Page. He allows me to bounce ideas off of him and steers me straight when I've wandered off the path! He has always been my North Star. I'd also like to thank my two incredible sons, Nathaniel and Gabriel George. They've believed in me their entire lives and have supported me from day one. I'd also like to thank my Florida A&M Human Trafficking Law class (Spring 2020 and Spring 2021). These students are amazing and

exemplify honor, courage and dignity and I'm looking forward to their contribution to the legal field and the eradication of modern-day slavery. I'd like to recognize my Mentor, Judy Boyle. She is the ROCK upon which I stand for all that involves human exploitation. She has taught me more than she'll ever know and I'm eternally grateful. And finally, I'd like to dedicate this book to my mother, Georgiana G. Taylor and my father, James P. Taylor. They were my first teachers and instilled in me the principle of valuing everyone no matter who they are. My parents lived out the creed, do unto others as you'd have done unto you. Thank you mamma and daddy. Thank you!