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I. Introduction

Texas is both a hub for human trafficking and a leader in the fight against it. The Department of Justice estimates that 1 in 4 human trafficking victims will pass through Texas at some point during their ordeal. Indeed, some of the very factors that make Texas such an extraordinary state also make it a hotbed of human trafficking: a diverse population, numerous airports, interstate highways and international ports, prominent professional sports teams, a popular host site to many national conferences and conventions, and a bustling economy. These attributes, while points of pride, also bring demand for human trafficking to our state and allow traffickers to more easily hide and transport their victims and elude law enforcement.

The federal Trafficking Victims Protection Act of 2000 (TVPA) defines human trafficking as the “recruitment, harboring, transportation, providing or obtaining of a person by means of force, fraud, or coercion for the purpose of a commercial sex act or labor services.”¹ Force often takes the form of physical abduction, rapes, beatings, and torture, including the withholding of food, clothing, and other basic necessities. Fraud manifests through offers of a better life, the opportunity to work to make money to support their families, or the chance to obtain an education, which then prove false as victims are trapped and forced to work without pay. In the case of sex trafficking, it also often takes the form of psychological manipulation and the appearance of a romantic relationship. Victims, many of whom were abused prior in their homes before being trafficked, are led to believe that they are worthless and that no one else besides their trafficker will love them, and that they have no choice but to submit to sexual exploitation. Coercion can involve exploitation of an immigrant’s unfamiliarity with the language and laws of the United States, verbal and psychological abuse, threats of harm to the victim or the victim’s family and friends, threats of deportation, isolation, confiscation of travel and identification documents, and the imposition of debt through inflated fees to the sexually oriented business or trafficking network.² Force, fraud, and coercion are used together to keep a victim subjugated. However, according to the TVPA, force, fraud, or coercion need not be proven to convict a person of trafficking when the victim is a child.³

Human trafficking involves two kinds of victims: domestic or international; and comes in two general forms: labor or sex trafficking. Domestic victims are most commonly subject to sex trafficking, while labor trafficking is more prominent among international victims. However, there is overlap between these categories, with international victims also being subject to sex trafficking, and domestic victims sometimes involved in labor trafficking. Additionally, labor trafficking can become sex trafficking and vice versa. For instance, a young woman may be forced to work as a waitress or dancer at a strip club or cantina, and then be transitioned into sexual exploitation as well.

In Texas, the Office of the Attorney General reports that between 2007 and 2012, it identified almost 700 human trafficking related incidences, involving almost 800 victims. About half the

victims were not U.S. citizens, while the other half were Americans being trafficked domestically. Almost half of the victims were children.

Vishalie's story epitomizes the experience of many international victims of human trafficking. Vishalie was a young woman from India who came to the United States to work as a nanny to support her widowed mother and four younger siblings. She answered a newspaper advertisement in India offering a chance to work in the United States and make enough money to send home. She was offered a job but the terms changed without notice as soon as she arrived in the U.S. Her passport was confiscated, and she was sent to work for another family in New Jersey. She was forced to work long hours as a nanny and domestic servant, but did not receive any pay and was not permitted to leave the home alone.

A typical situation for a domestic victim might sound like Sarah's story. Sarah was a 17-year-old girl who ran away from home in rural Ohio because her mother and stepfather were alcoholics and she was neglected at home.⁴ She was approached by a 30-year-old man while walking to the store alone who asked her why she looked so upset, and offered to take her to get her nails done to cheer her up.⁵ She agreed, and over the next couple of months, he took her out to eat, gave her compliments, and acted like a caring boyfriend.⁶ He asked her to move in with him, but after a month of living together he said he could not afford the rent and asked her to engage in commercial sex with older men to pay the bills.⁷ Sarah was uncomfortable, but was adamantly against returning home and wanted to please him, so she allowed him to begin prostituting her.⁸

A number of prominent busts involving human trafficking illustrate the problem in Texas. The Maria Bonita Cantina in Houston, Texas, which was owned and operated by Gerardo Salazar Tecuapacho, was busted in 2005. Salazar earned the nickname "El Gallo" by branding his female victims with his trademark rooster. Salazar lured young women from Mexico to leave their homes to travel to Houston under false pretenses of love, marriage, and legitimate job opportunities. Upon arrival in Houston, the women were forced into a life of sexual slavery in the cantina. In 2005, one of Salazar's teenage victims called a domestic violence hotline and told rescuers that she had been brutally beaten and sold in the cantina. Upon indictment, Salazar fled to Mexico where he was eventually arrested and remains while the United States seeks extradition.

Also in 2005, Maximino Mondragon was convicted in the bust of one of the nation's largest sex trafficking rings. For over a decade, Mondragon ran a ring of cantinas in northwest Houston where he held women and girls lured to this country with the promise of legitimate employment, but quickly forced into prostitution upon their arrival. The women and girls were held captive by constant surveillance and threats of violence to themselves and their families back in Latin America if they attempted to escape. Mondragon controlled the women and girls' money, their clothes, their movements, and even subjected the women to forced abortions. A total of 120 women were rescued from Mondragon's cantinas by law enforcement. Mondragon was sentenced to 13 years in prison and ordered to pay \$1.7 million in restitution to his victims.⁹

In 2007, Diamonds Cabaret, an all-nude strip club in Dallas, Texas, was allowed to stay open even after police found they had hired a 12-year-old girl as a stripper.¹⁰ The girl had run away from home and was picked up by a trafficker and a Diamonds Cabaret dancer. They offered her a place to stay, but told her she had to earn her keep, and drove her to the strip club. The club

hired her even though she was unable to show valid identification. The girl eventually ran away from her trafficker as he slept, and he ultimately faced federal charges for felony sexual performance of a child. However, Diamonds Cabaret remained open due to a loophole in the Dallas ordinances, which had no provision allowing officials to shut it down for employing a minor.¹¹

In another domestic case involving a minor victim, Club Cheetah in Corpus Christi, Texas, which hired a 14-year-old trafficking victim as a nude dancer, sued the girl and her family after she was rescued from her trafficker.¹² The girl was kidnapped from a San Antonio homeless shelter, sexually assaulted, and then sold for sex at Club Cheetah.¹³ Her trafficker pleaded guilty to four counts of aggravated sexual assault in 2010, but Club Cheetah, rather than face criminal penalties, sued the girl and her family in civil court.¹⁴ The club claimed the girl caused damages including loss of revenue, a Texas Alcoholic Beverage Commission investigation, and loss of standing and reputation in the community, and asked for \$25,000 in damages, court costs, and attorney's fees.¹⁵ The girl's family countersued the club for negligence, seeking damages for her bodily injury and sickness including lost peace of mind, depression, neurosis, nervousness, weight loss, nightmares, irritability, upset stomach, sleep loss, and anxiety.¹⁶ Club Cheetah eventually withdrew their suit in response to the girl's family's countersuit.¹⁷

In a particularly large trafficking bust in Houston, Texas in 2009, an investigation by the Innocence Lost Task Force of the FBI and the Houston Police Department as part of the Innocence Lost National Initiative resulted in the arrest and charging of five men and one woman with a number of crimes, including conspiracy to traffic women and children for the purposes of commercial sex; sex trafficking of children; and sex trafficking by force, fraud, and coercion.¹⁸ The victims were brought to Houston from other states, including Florida, Kansas, Arizona, and Nevada in one of three business fronts owned and operated by the gang, which included a business operating under the name "Taboo Modeling Studio North." Four 16-year-old minors were among the victims rescued from these operations, including one teenager abducted while walking down the street in Kansas. All of the victims were American citizens, and were beaten routinely and not permitted to keep the profits from their exploitation.

In all situations of human trafficking, whether international or domestic, most victims do not know where to turn to for help. Even when law enforcement gets involved and they are removed from their traffickers, services for victims are severely lacking, and too often victims are treated as criminals themselves.

II. Sexually Oriented Businesses

As the second-largest and fastest-growing criminal industry in the world, the singular purpose of trafficking in persons is to generate illicit profits for the traffickers.¹⁹ How do traffickers translate their control of the trafficking victim into profits? There are many different methods, but one of the most prevalent is through sexually oriented businesses. These businesses dovetail perfectly with the trafficker's intent to profit from the exploitation of victims, as they provide a ready-made market. While some sexually oriented businesses, such as strip clubs, are easily identifiable as sexually oriented, others are established as "massage parlors," "modeling studios," or other non-sexual business entities in an effort to disguise their true identities as brothels and venues for labor and sex trafficking.

Traffickers sometimes directly own a sexually oriented business, or simply make financial arrangements with the owners and managers as a way to facilitate the marketing and exploitation of their victims. Essentially, businesses provide the venue for the traffickers to market and sell their products, and traffickers then pay a portion of their profits to the business owners and operators. Also complicit in these illegal business ventures are the clients, or “johns,” who patronize the establishments for the purpose of commercial sex. Like any commercial enterprise, human trafficking is fueled by the law of supply and demand – but for the customers willing to pay for commercial sex, these illegal businesses would not be in existence.

It is important to note that not all sexually oriented businesses are illicit fronts for commercial sex and human trafficking. State and local laws expressly authorize the establishment of sexually oriented businesses, and legitimate sexually oriented businesses that are properly licensed and operating within the parameters of regulation exist throughout the country. The problems associated with human trafficking arise when sexually oriented businesses operate beyond the scope of legal boundaries, serving as venues for prostitution and other illegal activities. The prevalence of these illegal sexually oriented businesses varies from state to state, and even between localities within states. For instance, in Texas’ Greater Houston area, while there are over 300 sexually oriented businesses, fewer than 20 are licensed as such. Not all of these 300 plus businesses are involved in the illegal commercial sex trade; some may not meet the requirements of the county or city ordinance and therefore do not seek licensure, while others are indeed illicit fronts for commercial sex.²⁰ Several of these unlicensed businesses have been identified and shut down after multiple instances of prostitution, sexual assault, and human trafficking have occurred. However, many continue to operate unchecked. Treasures, one of the most well-known and notorious strip clubs in Houston, is not licensed as a sexually oriented business, and has been cited dozens of times for prostitution, drug use, and public lewdness. Despite efforts by the city to shut it down as a public nuisance, the club has avoided closure.

Sexually oriented businesses come in a wide variety of models and are continually mutating to avoid regulations and detection from law enforcement. Some of the most common forms of sexually oriented businesses include: cantinas, strip clubs, massage parlors, modeling studios, tea houses, and hostess lounges. Often, sexually oriented businesses operate within racial or ethnic networks that share similar characteristics in terms of their operating structure and the trafficker and victim profiles. For instance, Asian sexually oriented businesses such as massage parlors, hostess clubs, and tea rooms may be connected by a criminal organization that runs a variety of sexually oriented businesses and rotates women between facilities. Latino sexually oriented businesses take the form of residential brothels, escort services, and cantinas. Both Asian and Latino sex trafficking networks primarily exploit immigrant women and girls, capitalizing on their undocumented status, unfamiliarity with the country, and economic desperation. Notwithstanding the prevalence of racially exclusive trafficking networks, often domestic and international networks comingle. Strip clubs, for example, may provide an avenue for organized crime enterprises to funnel trafficking victims from Eastern Europe, while also serving as a venue for domestic trafficking.

The internet provides an easy means for traffickers to directly prostitute their victims and to advertise their sexually oriented businesses. Human trafficking also thrives on relatively unregulated internet sites such as Backpage.com, Eros.com, Rubmaps.com, and Craigslist.com,

and the Internet is the number one platform where traffickers, pimps and johns buy and sell women and girls for sex.²¹ Ads may appear to be posted by an individual who is operating independently but are often created by, or at the direction of a trafficker.²² Sexually oriented businesses, particularly massage parlors, heavily advertise on the Internet. On any given day in Houston, just one internet site could feature over 300 ads for sex and almost 200 ads for sexually oriented businesses. While impossible to confirm exact numbers, it is safe to say that a large proportion of these ads feature victims of human trafficking, and at least 3 dozen ads per day feature girls who appear to be under 18.

III. The Fight Against Human Trafficking

While Texas does face significant challenges regarding the prevalence of human trafficking within our borders, we are also in many ways leaders in the fight against human trafficking. The Texas Legislature has been resolute and effective in passing laws to combat trafficking, and since 2007, has enacted 28 anti-trafficking bills. Many of these laws strengthen the penalties for traffickers and johns in order to deter and punish those who would exploit victims. Recently, the state legislature has also focused on providing services for victims, to ensure that they have the resources available to them to recover and rebuild their lives.

The training of law enforcement is crucial and has been very successful as a result of a 2009 bill that mandated training in human trafficking for all newly licensed police officers and all officers wishing to advance in rank. The training ensures that law enforcement is better able to detect human trafficking and more adequately prepared to deal with victims. A bill passed just last year in the 83rd Session builds on this success by requiring that the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission create curriculum to train doctors, nurses, emergency medical services personnel, teachers, school counselors and administrators, and child welfare workers to identify and assist victims of human trafficking. It is critically important that these professionals receive education around human trafficking because they are often the first points of contact for victims to receive help. Without the proper training, we run the risk that these victims will fall through the cracks and not be identified and rescued.

As Texas focuses more on the needs of victims of human trafficking, it is apparent that not enough residential shelters exist to provide comprehensive services to these victims, not only in Texas but across the country. Funding is desperately needed to assist in the establishment of such shelters, which can be quite costly considering the wide range of medical, emotional, educational and economic needs victims present. However, as more and more individuals and organizations become aware of the victims' needs and seek to start shelters, it is imperative that standards are in place for facilities that provide services to victims. Texas addressed this need in 2013 by passing a bill that mandates minimum standards to ensure that such shelters address the special needs of trafficking victims and provide adequate services. Such standards are needed across the country.

Texas, like a number of other states including Washington and New Jersey, have attempted to regulate internet sites that provide a venue for human traffickers to exploit their victims, but have been severely limited in their ability to hold internet service providers liable by the federal Communications Decency Act ("CDA"). While the purpose of the CDA is to preserve the dynamic nature of the Internet and to protect internet service providers from liability for the

content posted on their sites by users, it is proving to constitute a significant barrier to states seeking to regulate websites that profit from and promote human trafficking. We need Congressional action to amend the CDA to eliminate the loophole that allows trafficking to flourish on the Internet, immune from state regulation by federal law.

IV. Conclusion

Sadly, many of the reasons that Texas is a great place to live also make it vulnerable to the proliferation of human trafficking. International and domestic trafficking are both widespread in Texas, aided by the presence of many unregulated sexually oriented businesses and the ease the Internet provides for traffickers to exploit their victims. However, the Texas Legislature has been aggressive and diligent in passing legislation aimed at eliminating trafficking from the state. More still needs to be done on a national level to address funding and standards for safe houses for victims, and to curb the use of the Internet as a marketplace for trafficking. Yet we are confident as awareness grows of this horrible and widespread crime, our national leaders will be in the forefront of the fight against it.

¹ 22 U.S.C. § 7101 *et seq.* (2002).

² *Id.*

³ *Id.*

⁴ *Survivor Stories--Sarah*, POLARIS PROJECT, <http://www.polarisproject.org/what-we-do/client-services/survivor-stories/465-sarah-domestic-minor-sex-trafficking> (last visited Dec. 11, 2012).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Lise Olsen, *Houston Sex-Trafficking Ringleader Gets 13 Years in Prison*, Hous. Chron. (Apr. 27, 2009), <http://www.chron.com/news/article/Houston-sex-trafficking-ringleader-gets-13-years-1735028.php> (last visited Nov. 1, 2012).

¹⁰ *Lost Girl*, Newsweek, Apr. 3, 2008, <http://www.thedailybeast.com/newsweek/2008/04/03/lost-girl.html> (last visited Nov. 1, 2012).

¹¹ *Id.*

¹² Janine Reyes, *Adult Club Sues Alleged Victim, Teen and Family Countersue in Court*, KRISTV.COM, Feb. 29, 2012, <http://www.kristv.com/news/adult-club-sues-alleged-victim-teen-and-family-countersue-in-court/> (last visited Nov. 1, 2012).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ U.S. Attorney's Office S. Dist. of Tex., *Remaining Defendants Convicted in District's Largest Sex Trafficking Case* (Oct. 4, 2012) available at <http://www.fbi.gov/houston/press-releases/2012/remaining-defendants-convicted-in-districts-largest-domestic-sex-trafficking-case> (last visited Nov. 1, 2012).

¹⁹ Houston Rescue & Restore Coalition, *What is Human Trafficking?*, <http://www.houstonrr.org/human-trafficking/what-is-human-trafficking/> (last visited Nov. 1, 2012).

²⁰ CHILDREN AT RISK, *Study on Sexually Oriented Businesses in the Greater Houston Area*, August 2012, <http://childrenatrisk.org/wp-content/uploads/2010/11/State-of-Human-Trafficking-in-Texas-FINAL.pdf> (last visited Dec. 17, 2012).

²¹ Polaris Project, *Human Trafficking- Internet Based*, <http://www.polarisproject.org/human-trafficking/sex-trafficking-in-the-us/internet-based> (last visited Nov. 1, 2012).

²² *Id.*